



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
March 20, 2014

Held at the Grant Sawyer Building, 555 E. Washington Avenue, Room 1100, Las Vegas, Nevada, and at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Mr. Mark Evans–Chair	X
Ms. Mandy Payette–Co-Vice-Chair	
Ms. Bonnie Long	X
Ms. Claudia Stieber	
Ms. Allison Wall	X
Ms. Michelle Weyland	
Employee Representatives	
Ms. Stephanie Canter–Co-Vice-Chair	X
Ms. Donya Deleon	X
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Jocelyn Zepeda, Hearing Clerk

- 1. Chair Mark Evans:** Called the meeting to order at approximately 9:00 a.m.
- 2. Adoption of the Agenda – Action Item**
Chair Mark Evans requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Co-Vice-Chair Stephanie Canter
SECOND: Committee Member Allison Wall
VOTE: The vote was unanimous in favor of the motion.

3. Public Comment

There were no comments from the audience or from the Committee members.

4. Discussion and possible action related to motion to dismiss of Grievance of Sam Jefferies, submitted by the Department of Corrections, supporting documentation, and related oral argument – Action Item

A Motion to Dismiss was submitted to the Employee-Management Committee (“EMC”) by the agency employer Nevada Department of Corrections (“NDOC”) which was represented by Chief Deputy Attorney General Ann McDermott.

Sam Jefferies was present in proper person and was duly sworn.

During the hearing, NDOC argued in substance that Mr. Jefferies’ grievance had already been resolved because NDOC representatives met with Mr. Jefferies and addressed his concerns with workplace searches and inspections. The NDOC also argued that part of Mr. Jefferies’ grievance was in substance looking to actions that could be taken in the future, and that as such concerned hypothetical or speculative matters and therefore did not fall within the EMC’s jurisdiction. Furthermore, the NDOC argued that Mr. Jefferies’ grievance essentially involved differences of opinion as to statements made in the workplace, that the EMC does not resolve factual disputes or allegations of misconduct and that the NDOC has policies for such matters, which commenced with filing a NOTIS report. Additionally, the NDOC argued that a Title VII hearing and not a grievance hearing before the EMC was the appropriate forum for an investigation of alleged harassment by NDOC personnel.

Chair Mark Evans asked Mr. Jefferies for a response to NDOC arguments.

Mr. Jefferies in substance argued that his grievance, while answered by the NDOC, had not been addressed. In particular, Mr. Jefferies cited to allegations of harassment and to allegations of certain NDOC personnel contributing to the spreading of gossip and rumors. Mr. Jefferies also argued in substance that the issue with inspecting his work area was not resolved. Mr. Jefferies also added that he had filed NOTIS reports before (in 2012) but that he was still waiting for the results of that filing, and in that any event a person may never know if his or her complaint was resolved with NOTIS.

Chair Mark Evans opened up the motion to dismiss for discussion and deliberation. The EMC reviewed the evidence, and considered the statements and arguments of counsel and Mr. Jefferies. There was discussion around the proposed resolution as a factor to determine jurisdiction of the EMC. Chair Evans explained that an employee may understand what the EMC can or cannot grant, or may not understand how to prepare an adequate proposed resolution.

He also stated that it is important to look beyond the proposed resolution to determine if the EMC has jurisdiction. Co-Vice-Chair Stephanie Canter stated that the EMC has historically had the authority to change the resolution within its boundaries.

MOTION: Moved to deny the motion to dismiss.
BY: Committee Member Donya Deleon
SECOND: Committee Member Turessa Russell
VOTE: The vote was unanimous in favor of the motion.

5. Public Comment

There were no comments from the audience or Committee members.

6. Adjournment – Action Item

MOTION: Moved to adjourn.
BY: Committee Member Turessa Russell
SECOND: Co-Vice-Chair Stephanie Canter
VOTE: The vote was unanimous in favor of the motion.