



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE**

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**Minutes of the Employee-Management Committee
March 6, 2014**

Held at the Bryan Building, 901 S. Stewart Street, Tahoe Conference Room, 2nd Floor, Carson City, Nevada, and at the Nevada Division of EPA, 2030 E. Flamingo Road, #230, Red Rock Conference Room, Las Vegas, Nevada, via videoconference.

Committee Members:

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

Staff Present:

Ms. Carrie L. Parker, EMC Counsel, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Jocelyn Zepeda, Hearing Clerk

1. **Co-Vice-Chair Mandy Payette:** Called the meeting to order at approximately 9:00 a.m.

2. **Public Comment**

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

3. **Adoption of the Agenda - Action Item**

Co-Vice-Chair Mandy Payette requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Turessa Russell
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

4. **Approval of Minutes for December 12, 2013 – Action Item**

MOTION: Moved to approve the adoption of the minutes of December 12, 2013.
BY: Co-Vice-Chair Mandy Payette
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

5. **Approval of Minutes for January 7, 2014 – Action Item**

MOTION: Moved to approve the adoption of the minutes of January 7, 2014.
BY: Committee Member Turessa Russell
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

6. **Adjustment of Grievance of Clint Felton – Action Item**

Clint Felton was present in proper person. Kimberley King, Personnel Officer III, was present on behalf of the agency employer Nevada Department of Transportation (“NDOT” or “Employer”), which was represented by Deputy Attorney General David R. Keene, II.

The exhibits submitted to the Employee-Management Committee (“EMC”) prior to the hearing were marked (see Grievant’s Exhibits 1-6 and Employer’s Exhibits A-F). NDOT objected to Exhibit 1 as not being relevant, and the objection was sustained. All other exhibits were admitted without objection. Brad Burge, Maintenance Manager, NDOT; Dan Clauser, Supervisor I, NDOT; Thor Dyson, District Engineer, NDOT; Mr. Felton; Beverly Ghan, Personnel Analyst, Division of Human Resource Management; Paul Harmon, Highway Maintenance Supervisor II, NDOT; Ms. King; Sandra Machado, Equal Employment Opportunity Officer, NDOT; and Don Tom, Highway Maintenance Supervisor I, NDOT, were duly sworn and appeared at the hearing.

During the hearing, Mr. Felton stated that he was improperly denied a promotion to the Maintenance Worker IV position.

NDOT responded that it had selected the most qualified individual for the position at that time, and all recruitment regulations and procedures were followed.

Called as a witness by the EMC, Ms. Ghan testified about the uses of ranked lists and unranked lists and the differences between a re-employment list and a re-hire list. Mr. Clauser, John Picetti, and Mr. Tom served on the interview panel, with Mr. Burge and Mr. Harmon observing as advisors. Mr. Clauser testified that all three interview panelists selected the candidate chosen. Mr. Burge and Mr. Harmon testified that they did not provide any input to the panel regarding who to select, and they did not believe there had been any pre-selection of the candidate. Mr. Burge, Mr. Clauser, Mr. Harmon, and Mr. Tom testified that they believed the proper process for the interviews and selection was followed. While Mr. Felton alleged and presented evidence from his diary that Mr. Tom had told him after the interview process that Mr. Tom had no choice in the interview process and was told he must select the candidate who was chosen, Mr. Tom testified that no such conversation occurred and there was no pre-selection of the candidate chosen.

Mr. Dyson testified that he had talked with Mr. Felton after Mr. Felton had been interviewed for the Maintenance Worker IV position about why Mr. Felton had not been chosen. Mr. Dyson further testified that he believed the rules and procedures were followed for the interview process and the best person was chosen for the position.

Ms. Machado testified that she reviewed the application of the candidate chosen and the justification for offering him the position. Initially, she had required clarifying information, and then she determined that the election complied with the relevant Equal Employment Opportunity qualifications.

When asked by the EMC whether NDOT reviews a former employee's personnel jacket when that former employee applies for a new position, Ms. King testified that normally there is a reference check and sometimes the personnel jacket is pulled and the former supervisor is contacted. Ms. King also testified that the interview process is focused on selecting the best candidate for the position. A recording of the proceedings is available upon request.

Co-Vice-Chair Mandy Payette heard closing arguments and then opened up the grievance to the Committee for discussion and deliberation. The EMC reviewed the evidence, and considered the statements of the witnesses and argument of counsel, representatives, and parties.

Co-Vice-Chair Stephanie Canter understood Mr. Felton's frustration, but the information in his packet was unsubstantiated. Committee Member Turessa Russell agreed with Co-Vice-Chair Canter and stated that NDOT was not limited to reviewing employment history with the State of Nevada. Agreeing, Committee Member Michelle Weyland said they were there to determine if the interview process was followed and it seemed as if NDOT complied. Co-Vice-Chair Mandy Payette also agreed, told Mr. Felton that he was a dedicated employee and encouraged him to apply for promotions. She then asked for a motion.

MOTION: Moved to deny the grievance because Grievant failed to establish that NDOT abused its discretion or violated any statute or regulation in making its selection for the Maintenance Worker IV position.
BY: Co-Vice-Chair Stephanie Canter
SECOND: Committee Member Turessa Russell
VOTE: The vote was unanimous in favor of the motion.

Co-Vice-Chair Mandy Payette mentioned how she appreciated the work that went into compiling minutes of the EMC meetings, and requested that they be more streamlined in the future.

7. Public Comment

There were no comments from the audience or Committee members.

8. Adjournment

There being no further business, the meeting was adjourned.