



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | <http://hr.nv.gov> | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
April 21, 2016

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

Committee Members:

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

Staff Present:

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

1. **Co-Vice-Chair Allison Wall:** 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 Wall requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.

BY: Committee Member Tracy DuPree

SECOND: Committee Member Claudia Stieber

VOTE: The vote was unanimous in favor of the motion.

4. Adjustment of Grievance of Clint Felton, #3807, Department of Transportation – Action Item

Co-Vice-Chair Wall opened the hearing on the adjustment of Grievance #3807 of Nevada Department of Transportation (“NDOT”) Highway Maintenance Worker III Clint Felton (“Mr. Felton”). Kevin Ranft (“Mr. Ranft”), Nevada AFSCME Local 4041, represented Mr. Felton. NDOT was represented by Personnel Officer II Rob Easton. Both parties submitted exhibits; there were no objections to the exhibits. NDOT also appeared with a written statement from the complainant who contacted NDOT to report Mr. Felton’s alleged speeding. Mr. Ranft objected to the complainant’s statement on the grounds that it had not been provided prior to the hearing and its use at the hearing would deprive Mr. Ranft of a chance to question the complainant’s testimony. Those objections were sustained and the statement was not read, considered or entered into evidence. Mr. Felton, NDOT Highway Maintenance Supervisor I Don Tom (“Mr. Tom”), NDOT Highway Maintenance Supervisor II Ed Ely (“Mr. Ely”), NDOT Highway Manager Brad Burge (“Mr. Burge”), NDOT District Engineer Thor Dyson (“Mr. Dyson”) and NDOT District Engineer Mike Fuess (“Mr. Fuess”) were sworn in prior to testifying; Mr. Fuess did not testify.

Mr. Felton received a Written Reprimand from NDOT for a violation of NAC 284.650(2), Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency, and NAC 284.650(19), Violation of any safety rule adopted or enforced by the employee’s appointing authority, after NDOT received a complaint about an NDOT employee speeding while operating a state vehicle. Mr. Ranft argued in substance that NDOT presented insufficient information to show Mr. Felton was speeding, and that the Written Reprimand contained incorrect information as it stated that the complaint came from an off-duty sheriff’s deputy. Mr. Ranft stated in substance the complaint in actuality came from a civilian employee of the sheriff’s department. Mr. Ranft argued in substance the Written Reprimand should be removed from Mr. Felton’s personnel files.

NDOT argued in substance the Written Reprimand was warranted because its own investigation revealed Mr. Felton was speeding and was reported by an off-duty employee of the sheriff department.

Mr. Felton testified in substance that it was not possible for him to be speeding as he was following a slow freight van for half of the drive in question and that he passed two law enforcement vehicles travelling in the opposite direction, neither of whom cited him for speeding. Mr. Felton also emphasized his 25-year

clean safety record and admitted that his only previous incident was minor damage to a mirror on a state vehicle and a garage door.

Mr. Felton's supervisor, Mr. Tom, testified he believed the Written Reprimand was justified based on his investigation and conversation with Mr. Felton. Mr. Tom further testified there was no after-incident inquiry into the function or calibration of the speedometer of the vehicle. Similarly Mr. Ely also testified that the Written Reprimand was warranted because of the investigation that had been performed. Mr. Burge testified that the complaint was credible because of the high degree of specificity that it included and volunteered to revise the Written Reprimand to correctly reflect that an off-duty civilian employee was the complainant. Mr. Dyson testified he reviewed and signed the Written Reprimand, the Written Reprimand was warranted and the complaint from a sheriff's officer was given the same level of investigation and diligence as a complaint from a civilian. Upon questioning, none of NDOT's witnesses observed Mr. Felton speeding.

The Committee reviewed the evidence; considered the statements of the witnesses and the arguments of counsel and the parties; and deliberated on the record. There being no legal dispute as to whether excessive speed would support the Written Reprimand, the Committee's deliberation focused on whether NDOT's contention that Mr. Felton was speeding was supported by sufficient evidence. Committee Member Stieber and Co-Vice-Chair Stephanie Canter noted that NDOT did indicate on the Written Reprimand that a sheriff's deputy made the report and the mistaken identity of the complainant may have given the complaint additional credibility in the eyes of the investigators. Further, the Committee was persuaded by the fact that no physical witnesses to the speeding were present to give testimony other than Mr. Felton.

MOTION: Moved to uphold and grant the grievance as the allegation of speeding was not supported to substantiate the Written Reprimand, and to remove the Written Reprimand from Mr. Felton's personnel files.

BY: Committee Member Tracy DuPree

SECOND: Co-Vice-Chair Stephanie Canter

VOTE: The vote was unanimous in favor of the motion.

5. Public Comment

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

6. Adjournment

MOTION: Moved to adjourn.

BY: Committee Member DuPree

SECOND: Co-Vice-Chair Canter

VOTE: The vote was unanimous in favor of the motion.