



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
May 19, 2016

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

Committee Members:

| Management Representatives | Present |
|------------------------------------|----------------|
| Ms. Mandy Payette—Chair | |
| Mr. Guy Puglisi | X |
| Ms. Claudia Stieber | |
| Ms. Allison Wall—Co-Vice-Chair | |
| Ms. Michelle Weyland | |
| Ms. Pauline Beigel | X |
| 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 | |

Staff Present:

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

- 1. Co-Vice-Chair Stephanie Canter:** 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 Canter requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Guy Puglisi
SECOND: Committee Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for March 24, 2016 – Action Item

Co-Vice-Chair Canter requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.
BY: Committee Member DuPree
SECOND: Committee Member Puglisi
VOTE: The vote was unanimous in favor of the motion.

5. Approval of Minutes for April 7, 2016 – Action Item

Co-Vice-Chair Canter indicated there were several corrections to consider. On page 4 in the first paragraph “Council” should be spelled “Counsel.” Also on page 4 in the fifth paragraph, “years” should be “year.” In the first paragraph on page 6, “Commission” should be corrected to “Committee” in two places. Finally, in the last paragraph on page 7 “other” should be “others.”

MOTION: Moved to approve the minutes with the recommended changes.
BY: Committee Member DuPree
SECOND: Committee Member Puglisi
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Motion to Dismiss of Grievance #4050 of Krystallin Hernandez, submitted by the Department of Public Safety, supporting documentation, and related oral argument, if any – Action Item

A Motion to Dismiss was submitted to the Employee-Management Committee (“Committee”) by the agency employer Department of Public Safety (“DPS”) which was represented by Deputy Attorney General Brandon Price. Grievant Krystallin Hernandez (“Ms. Hernandez”) was present in proper person.

DPS argued in substance that Grievance #4050 should be dismissed as there were no factual allegations DPS violated any statute, regulation or policy; there was no “injustice” for the Committee to adjust. Additionally, DPS argued that the Committee did not have the authority to provide the remedies which Ms. Hernandez requested in her grievance.

Specifically, DPS pointed out in substance that NRS 284.384 and NAC 284.658 define “grievance” as “an act, omission or occurrence which a permanent employee feels constitutes an injustice . . .,” and that Ms. Hernandez suffered no

injustice. Additionally DPS argued in substance that NRS 284.295 stated promotions must be based on merit and fitness, and that an employee's efficiency, character, conduct and length of service should be considered in making the promotional selection. DPS stated in substance DPS Policy 1003 which provided the agency analyze the factors set out in NRS 284.295 when it selected candidates for promotion.

DPS stated in substance that the appropriate way for Ms. Hernandez to request a change in the promotional selection process was through the rule-making process with the Personnel Commission, and therefore the Committee was not the proper forum for requesting such a change.

Ms. Hernandez argued in substance that contrary to DPS' assertions she was claiming an injustice had occurred, and during the promotional process DPS did not consider the four factors set forth in NRS 284.295, which were efficiency, character, conduct and length of service, and that DPS only considered the promotional candidate's interview and never spoke with candidates' supervisors or looked at candidates' personnel files.

Ms. Hernandez further argued in substance the main thing she wanted was a policy change at DPS, and that the Committee did in fact have authority, pursuant to NRS 284.384, to require DPS to change its policy. Ms. Hernandez stated in substance DPS Policy (1003) should be changed so it aligned with NRS 284.295, because Policy 1003 indicated a candidate's efficiency, character, conduct, suitability and length of service *may* all constitute factors for promotion, while NRS 284.295 indicated that a promotional candidate's efficiency, character, conduct and length of service *must* be considered factors in a promotion.

The Committee deliberated on the arguments made by both parties. Committee Member Puglisi stated in substance that he did not believe that the Committee had the authority to change NRS 284.295 to require DPS to take the actions which Ms. Hernandez alleged would bring DPS into compliance with NRS 284.295. Committee Member Puglisi also stated in substance that he believed that the personnel files of the top candidates were evaluated, and if the Committee required an agency to review the personnel files of everyone who applied for a position it would place an unreasonable burden on agencies. Committee Member Pauline Beigel noted in substance that the Committee could not impose a new promotional selection process on DPS, and that candidates were already informed about the promotional selection process by virtue of the fact that the selection process was in NRS.

It was also stated in substance by Co-Vice-Chair Canter that the Committee should not look solely at the proposed resolution in Ms. Hernandez' grievance and should look at the facts of the grievance. However, Committee Member Beigel stated that she saw no proof that indicated a statute, regulation or policy had been violated by DPS, and that the proper venue for Ms. Hernandez' grievance was before the Personnel Commission; Committee Member DuPree was in agreement. Co-Vice-Chair Canter stated in substance she was concerned

about the way DPS Policy (1003) was written with the word “may” instead of “must.”

MOTION: Moved to grant the Motion to Dismiss.
BY: Committee Member Tracy DuPree
SECOND: Committee Member Beigel
VOTE: The vote was unanimous in favor of the motion.

7. Public Comment

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

8. Adjournment

Co-Vice-Chair Canter requested a motion to adjourn.

MOTION: Moved to adjourn.
BY: Committee Member DuPree
SECOND: Committee Member Beigel
VOTE: The vote was unanimous in favor of the motion.