



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 22, 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 | |
| Ms. Claudia Stieber | X |
| Ms. Allison Wall | |
| Ms. Michelle Weyland | 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 | X |

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 Tracy DuPree
SECOND: Committee Member Sherri Thompson
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for March 6, 2014 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes of the March 6, 2014, meeting

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

5. Approval of Minutes for March 20, 2014 – Action Item

Co-Vice-Chair Canter requested a motion to approve the minutes of the March 20, 2014, meeting

MOTION: Moved to approve the minutes.
BY: Chair Mark Evans
SECOND: Committee Member Claudia Stieber
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to motion to dismiss of Grievance of Richard Reyes, submitted by the Department of Motor Vehicles, supporting documentation, and related oral argument, if any – Action Item

A Motion to Dismiss was submitted to the Employee-Management Committee (“EMC”) by the agency employer Nevada Department of Motor Vehicles (“DMV”) which was represented by Deputy Attorney General Cynthia Hoover. Richard Reyes was not present.

Co-Vice-Chair Canter explained the procedure for motions to dismiss. During the hearing, DMV argued in substance that Mr. Reyes’ grievance was in response to the agency’s denial of his request for outside employment. The DMV had a policy that does not permit its employees to work in outside employment if the primary business of the outside employer is gaming. According to the DMV, it implemented this policy in order to keep its database of driver information confidential because it was too tempting for DMV employees working second jobs for gaming establishments to disclose

confidential driver information to the gaming establishment. Additionally, the DMV indicated in substance that its employees could work for establishments that engaged in limited gaming, but that its employees could not work in the actual gaming areas. Here, the DMV asserted, Mr. Reyes would be working at least some of the time as a security guard in the casino area of the Las Vegas Hilton. The DMV also argued that the EMC did not have the authority to change its policies and procedures.

The Committee reviewed the documents submitted, considered the arguments presented, and deliberated on the record. Chair Mark Evans stated that although the EMC members can sometimes review a grievance in preparation for the hearing and realize that the employee may not be successful in having his or her grievance upheld, it is important that the EMC stay in the parameters of NAC 284.695. This regulation allows the EMC to, within 45 working days, answer the request without a hearing if the case is based upon a previous decision or hold a hearing to determine the proper disposition of the request. He further explained that it is important that the EMC look to NAC 284.658 to determine jurisdiction which explains that the EMC does not have jurisdiction over any grievance for which a hearing is provided by federal law or several specific Nevada Revised Statutes. As such, the EMC determined that it has jurisdiction over Mr. Reyes' grievance.

MOTION: Moved to deny the motion to dismiss.
BY: Chair Mark Evans
SECOND: Committee Member Claudia Stieber
VOTE: The vote was unanimous in favor of the motion.

7. Public Comment

There were no comments from the audience or Committee members.

8. Adjournment – Action Item

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