



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
May 7, 2015

Held at the Bryan Building, 901 S. Stewart St., Tahoe Conference Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, 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	
Ms. Donya Deleon	X
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	

Staff Present:

Mr. Greg Ott, 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 Payette requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.

BY: Committee Member Donya Deleon

SECOND: Committee Member Turessa Russell

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

4. Adjustment of Grievance of Derek Castro #3517, Office of the Military – Action Item

Derek Castro (“Grievant” or “Mr. Castro”) was present and represented himself, and the Office of the Military (“Employer”) was represented by Deputy Attorney General Bryan Stockton.

The exhibits submitted to the EMC prior to the hearing were marked and entered into the record without objection. Employer moved to exclude from Grievant’s packet the statement requesting consideration of 8 years of uniform-related reimbursement, claiming that the request was beyond the scope of the original grievance. The Committee found the reimbursement request was beyond the scope of the original grievance and granted the motion to eliminate consideration of reimbursement. Mr. Castro, Cheryl Tyler, Administrative Services Officer (“ASO”) II, Robert Kolvet, Provost Marshal (“Provost Marshal Kolvet”), and William Simpson, Chief of Army Security (“Chief Simpson”) were duly sworn and appeared at the hearing.

Grievant Derek Castro is employed by the Office of the Military as a Military Security Officer 1. Grievant believes that he has not, and is not, receiving proper and sufficient training to perform his job functions and questions the Employer’s decision to cease providing a uniform allowance and instead to purchase uniforms for its employees. Grievant relies on Army Regulation (“AR”) 190-56 and Chapter 648 of NRS for support for his position that training has been inadequate.

Employer claims that: Grievant has had weapons training and training on the rules of use of force, and that it is not required to provide initial trainings to Grievant every year; Employer has reviewed and is in the process of making revisions to its training regimen; and NRS 281.121(1) does not require employers to provide a uniform allowance to employees if it does not require them to purchase their own uniforms. Employer contends it does not require Grievant to purchase his own uniform and is thus not required to pay a uniform allowance.

ASO Tyler testified that the Employer's policy regarding uniform reimbursements was a result of an audit from the United States Property and Fiscal Office which determined that uniform reimbursements to employees were not reimbursable, while funds expended to purchase uniforms for employees would be. Employer is federally funded so it changed the policy to ensure that the uniform expenses would be covered by the federal reimbursement.

Mr. Castro testified regarding his original training and the subsequent trainings that he has received, as well as the areas of training that he has not received, that he believes are required pursuant to AR 190-56.

Provost Marshal Kolvet testified that he approves whatever training is required and that current training meets the requirements of AR 190-56, but revisions are in progress to exceed it. He also testified that while some portions of AR 190-56 apply to Employer, the entirety of AR 190-56 does not and that can be confusing to employees.

Chief Simpson testified that this year military security officers will be training with Capitol Police on joint trainings using Employer's facilities and the training officers of Capitol Police, and that other joint trainings were being coordinated. Chief Simpson further testified that he follows AR 190-56 to the best of his ability with the limited resources available.

The Committee reviewed the evidence, considered the statements of the witnesses, and the arguments of counsel and the parties, and deliberated on the record. Committee Member Turessa Russell noted that Employer was attempting to make changes regarding its training availability and record keeping, and this grievance may have been helpful in bringing internal issues to light. Co-Vice-Chair Mandy Payette requested that once Employer updates its policies and procedures for training and documentation, that the Committee be provided with a copy of the policy the employees receive. Committee Member Michelle Weyland noted that the uniform budget was just authority to spend money, not an actual amount of funds set aside for this purpose, so the fact that Mr. Castro's allotment for a uniform was not spent does not entitle him to any compensation.

Co-Vice-Chair Payette requested a motion.

MOTION: To deny the grievance because the Grievant was not harmed and failed to show that Employer had violated any controlling legal authority in its training or uniform policies or their execution.

BY: Committee Member Michelle Weyland

SECOND: Committee Member Donya Deleon

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

5. Public Comment

Larry Watkins (“Mr. Watkins”), Military Security Officer, Office of the Military, stated he was glad the issue was brought forward. Mr. Watkins further stated that he also filed a grievance which he dropped as he was being laid off. Mr. Watkins indicated in substance that the issue of liability was crucial for employees and the State. Mr. Watkins further indicated that it is an important issue that training should have been there and wasn’t, and that management has not addressed the issue properly and should not ignore the issue.

6. Adjournment

MOTION: Moved to adjourn.
BY: Committee Member Michelle Weyland
SECOND: Co-Vice-Chair Donya Deleon
VOTE: The vote was unanimous in favor of the motion.