



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
May 8, 2014

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

Committee Members:

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

Staff Present:

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

- 1. Chair Mark Evans:** 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

Chair Evans requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Claudia Stieber
SECOND: Committee Member Bonnie Long
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for January 9, 2014 – Action Item

Chair Evans asked if there were any additions or corrections to the minutes. Committee Member Turessa Russell said that in the last paragraph on page 12, the word “executor” should be “executive.”

MOTION: Moved to approve, with the correction on page 12, the adoption of the minutes of the January 9, 2014, meeting.
BY: Committee Member Turessa Russell
SECOND: Committee Member David Flickinger
VOTE: The vote was unanimous in favor of the motion.

5. Approval of Minutes for February 6, 2014 – Action Item

Chair Evans asked if there were any additions or corrections to the minutes.

MOTION: Moved to approve the adoption of the minutes of the February 6, 2014, meeting.
BY: Committee Member Sherri Thompson
SECOND: Chair Mark Evans
VOTE: The vote was unanimous in favor of the motion.

6. Approval of Minutes for February 20, 2014 – Action Item

Chair Evans said that in the third paragraph on page 3, the unidentified Committee Member should be Donya Deleon. He also asked for clarification of who moved to adopt the agenda. Carrie Lee said she would verify. Chair Evans asked for a motion to approve the minutes with the proposed changes.

MOTION: Moved to approve the adoption of the minutes of the February 20, 2014, meeting with the proposed changes.
BY: Committee Member David Flickinger
SECOND: Committee Member Claudia Stieber
VOTE: The vote was unanimous in favor of the motion.

Chair Evans asked about the differing styles of the minutes from the January 9, February 6 and February 20, 2014, meetings. He stated that the verbatim minutes were a lot to digest. EMC Coordinator Carrie Lee explained that she was experimenting with different styles to ensure that the minutes contained a proper amount of pertinent information.

7. Discussion and possible action related to motion to dismiss of Grievances of Adam Luis (#2938 & 2938) and James Gaida (#2934, 2936 & 2940), submitted by the Department of Corrections, 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 Corrections (“NDOC”) which was represented by Deputy Attorney General Dominika Morun. Adam Luis and James Gaida were present in proper person and were duly sworn.

Chair Evans explained the procedure for motions to dismiss. He then said that all the grievances before the Committee were related and the Agency requested to combine them.

Ms. Morun argued that the Committee lacked jurisdiction to hear the grievances based on both subject matter and timeliness. Specifically, NDOC argued that the Committee did not have jurisdiction because providing Mr. Luis’ and Mr. Gaida’s requested relief would involve altering Administrative Regulation (“AR”) 301, awarding Mr. Luis’ and Mr. Gaida’s requested relief would expand AR 301 beyond its plain meaning, and Mr. Luis’ and Mr. Gaida’s grievances were untimely because Mr. Luis and Mr. Gaida allegedly became aware that NDOC planned to exempt positions and exclude correctional officer positions during the shift bid on or about August 15, 2013, making the deadline for submission of any grievance on or about September 15, 2013. Ms. Morun also objected to an audio CD presented by Mr. Luis and Mr. Gaida in support of their Response and Additional Evidence Regarding the Motion to Dismiss. Specifically, Ms. Morun argued that the CD had not been properly authenticated and that it was believed to have been recorded without the consent of the people on the CD, possibly in violation of the law.

Regarding NDOC’s first two arguments, Mr. Luis and Mr. Gaida responded that the Committee had jurisdiction under NRS 284.073 to receive, consider and make recommendations on matters relating to personnel administration, policy, and procedures. Regarding NDOC’s argument related to timeliness, Mr. Luis and Mr. Gaida argued that the lists for which positions are exempt and which positions are excluded are not finalized until the actual shift bid. Therefore, according to Mr. Luis and Mr. Gaida, they could not grieve the shift bid until after it occurred, which in this case was from November 25, 2013, to November 27, 2013.

The Committee reviewed the documents submitted, considered the arguments presented, and deliberated on the record. The Committee found that the grievance was filed in a timely manner based on the date of the shift bid. NAC

284.678(1) (providing that an employee must submit a grievance “within 20 working days after the date of the origin of the grievance or the date the employee learns of the problem...”). Additionally, the Committee reserved the other issues raised by NDOC in the motion to dismiss related to subject matter jurisdiction. The Chair determined to wait to decide whether the audio CD was admissible until the full hearing on the grievances.

Chair Mark Evans asked for a motion.

MOTION: Moved to deny the motion to dismiss.
BY: Committee Member Turessa Russell
SECOND: Committee Member David Flickinger
VOTE: The vote was unanimous in favor of the motion.

8. Public Comment

There were no comments from the audience or Committee Members.

9. Adjournment

MOTION: Moved to adjourn.
BY: Committee Member David Flickinger
SECOND: Committee Member Claudia Stieber
VOTE: The vote was unanimous in favor of the motion.