



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701  
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**Meeting Minutes of the Employee-Management Committee**  
**June 8, 2023**  
**(Subject to Committee Approval)**

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Board Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

**Committee Members:**

<b>Management Representatives</b>	<b>Present</b>
Ms. Sandie Geyer	X
Ms. Ava Case	X

<b>Employee Representatives</b>	
Mr. Tracy DuPree – Chair	X
Ms. Turessa Russell	
Mr. Doug Fromm	X

**Staff Present:**

Ms. Lisa Evans, EMC Counsel, Deputy Attorney General (DAG)  
Ms. Roxanne Hardy, DHRM, EMC Coordinator  
Ms. Ivory Wright, DHRM, EMC Hearing Clerk

**1. Call to Order**

Chair DuPree called the meeting to order at approximately 9:30 am.

**2. Public Comment**

There was no public comment in the North or in the South.

**3. Committee introductions and meeting overview and/or update - For discussion only.**

Chair DuPree opened the meeting with Committee introductions.

**4. Adoption of the Agenda..... Action Item**

Chair DuPree requested a motion to adopt the agenda.

Member Case motioned to adopt the agenda.

Member Fromm seconded.

Chair DuPree asked if there was any Committee discussion, there was none.

**MOTION:** Moved to approve the agenda.

**BY:** Member Case

**SECOND:** Member Fromm

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

**5. Approval of Minutes for April 6, 2023..... Action Item**

Member Case motioned to approve the minutes for April 6, 2023.

Chair DuPree seconded and asked if there was any Committee discussion, there was none.

**MOTION:** Moved to approve the agenda.

**BY:** Member Case

**SECOND:** Chair DuPree

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

**6. Discussion and possible action related to Grievance #9503 Guillermo Hernandez, Department of Corrections ..... Action Item**

Chair DuPree opened the Committee for discussion.

Chair DuPree stated he was not comfortable with the EMC telling a state agency to violate Federal law and the rules around rest periods and lunch breaks were all Federal law.

Chair DuPree stated he understood the grievant would like the Committee to force the Department of Corrections (NDOC) to get an exemption from the Labor Commission and has implied that other officers have the ability to forego the lunch break.

Member Case stated she did not review the law itself.

Member Case stated she did know if the facility was in a lockdown section and could not accommodate a break area and that if an employee was on a 30-minute continuous break and got called away, they would come back and finish the break.

Member Case stated she would like to know if they have a break room or break are in whatever area they are in.

Chair DuPree stated he did think there was a break area, and the employee was asking to forego the 30-minute break period so they could end their shift earlier.

Chair DuPree stated he would like corrections officers to be well rested and fresh for any issue that might occur.

Member Case stated her understanding of the HR side of the matter was that you are required a 30-minute break if you work 8 hours and asked for clarification from DAG Evans.

DAG Evans stated she agreed with the discussion that the EMC does not have jurisdiction over the interpretation of Federal law and noted the EMC also does not have jurisdiction over an Equal Employment Opportunity (EEO) complaint as described in the grievance where the grievant used particular language in one section where he stated, "hostile work environment".

DAG Evans stated she did think the EMC had jurisdiction over the question of disparate treatment and how the agency is applying the Federal law.

DAG Evans stated a qualifying statement in the correspondence from the EMC could note the Committee does not have jurisdiction over EEO matters or interpretation of Federal law but did have jurisdiction over the consistent application of the law.

Member Geyer stated she agreed with DAG Evans and to recognize this individual is a corrections officer but is positionally a case worker and there are different types of work performed in the correctional institutions with regards to those positions.

Chair DuPree asked if the Committee was ready to make a motion.

Member Case motioned to move grievance #9503 to hearing with only issues regarding the question of whether NDOC's meal break policy has been disparately applied to similarly situated employees being heard; based on NAC 284.658(2), the EMC determined the Committee lacks jurisdiction to decide the possible violations of Equal Employment Opportunity (EEO), Federal Labor Standards Act (FLSA) or other federal laws.

Member Geyer seconded.

Chair DuPree asked if there was any discussion, there was none.

**MOTION:** Motioned to move grievance #9503 to hearing.  
**BY:** Member Case  
**SECOND:** Member Geyer  
**VOTE:** The vote was unanimous in favor of the motion.

**7. Discussion and possible action related to Grievance #9508 Gillian Lambey, Department of Corrections ..... Action Item**

Chair DuPree stated this was a remarkably similar grievance to #9503 and while he felt the Committee would come to the same determination as #9503, he did not want to assume and opened the Committee for discussion.

Member Case agreed the two grievances were written almost the same.

Member Geyer motioned to move grievance #9508 to hearing based on the motion to move grievance #9503 to hearing with the same qualifiers as to what would be heard before the EMC.

Member Case seconded.

Chair DuPree asked if there was any discussion, there was none.

**MOTION:** Motioned to move grievance #9508 to hearing.  
**BY:** Member Geyer  
**SECOND:** Member Case  
**VOTE:** The vote was unanimous in favor of the motion.

**8. Public Comment**

There was no public comment in the North or in the South.

**9. Adjournment**

Chair DuPree adjourned the meeting at approximately 9:44 a.m.