



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
September 17, 2015

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada; the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada; and the Nevada Department of Transportation, 1401 E. Aultman St., Conference Room, Ely, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Mr. Mark Evans–Chair	
Ms. Mandy Payette–Co-Vice-Chair	
Ms. Bonnie Long	
Ms. Claudia Stieber	
Ms. Allison Wall	X
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	

Staff Present:

Mr. Greg Ott, 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 12:30 p.m.

2. Public Comment

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

3. Approval of Minutes for August 6, 2015 – Action Item

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

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

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

5. Discussion and possible action related to the Motion to Dismiss of Grievance #3470 of Michellane Mouton, 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” or “Committee”) by the agency employer Department of Corrections (“NDOC”) which was represented by Deputy Attorney General Charles Mackey. Michellane Mouton (“Dr. Mouton”) was not present.

NDOC argued in substance that Grievance #3470 should be dismissed based on the doctrine of Res Judicata. NDOC stated that Dr. Mouton had previously filed Grievance #3248 which addressed the same issues contained in Grievance #3470, and that the Committee had denied that grievance.

The Committee, after having read and considered all of the documents filed in this matter and having heard oral argument, deliberated on the issue presented. Committee Member Tracy DuPree stated that since the EMC already heard and ruled on the previously-filed grievance the Committee should just move on. Co-Vice-Chair Canter and Committee Member Allison Wall agreed. Committee Member Michelle Weyland stated that the EMC did not have jurisdiction to grant Dr. Mouton’s step increase.

Co-Vice-Chair Canter requested a motion.

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

6. Adjustment of Grievance of Joshua Miller, #3510, Department of Corrections – Action Item

The agency employer NDOC was represented by Senior Deputy Attorney General Janet Traut. Joshua Miller (“Mr. Miller”) was present in proper person. There were no objections to the submitted exhibits. Mr. Miller, High Desert State Prison Warden Dwight Neven (“Warden Neven”), and Associate Warden Jennifer Nash (“Associate Warden Nash”) were sworn in and testified at the hearing.

Mr. Miller is a Correctional Case Work Specialist II. Mr. Miller received a written reprimand for insubordination on December 12, 2014, based on an email that was sent by Mr. Miller to eight people, including several of his supervisors. Mr. Miller’s email was in response to a decision made by Associate Warden Nash regarding the placement of an inmate within the facility. Mr. Miller admits that the email in question was sent by him, but believes that he was not insubordinate in his email as he did not feel that he was arguing the decision made by his supervisor, and questions NDOC’s decision to issue a written reprimand.

NDOC argued in substance that Mr. Miller’s email violated Administrative Regulation (“AR”) 339.07, Section 12, Insubordination, section B: “Argue about the wisdom or propriety of a lawful order or decision.” NDOC also argued that Mr. Miller was questioning whether or not a supervisor made a proper decision and thus fits within the specific confines of AR 339.07.

Warden Neven testified that he believed the content of the email was argumentative and believed the email was a direct attack on Associate Warden Nash. Upon questioning, Warden Neven also stated he did not believe that he had ever seen an email like this at High Desert State Prison.

Associate Warden Nash testified that she believed the email was questioning whether or not she had made a proper decision and that had the email only been directed to her and not eight other people including her supervisors, it would not have resulted in a written reprimand for insubordination. Upon questioning, Associate Warden Nash also testified that she did not believe that she had ever seen an email like this at High Desert State Prison.

Mr. Miller testified that he did not believe that he was arguing the decision, but admitted that the email was ‘snarky’. However, he testified that he did not believe this warranted a written reprimand.

The Committee deliberated on the grievance. Co-Vice-Chair Canter stated that it did not appear that Grievant had any remorse for sending the email. She further stated that Warden Neven and Associate Warden Nash both indicated that the written reprimand was due not to moving the inmate, but the tone of the email and involving others. Co-Vice-Chair Canter continued that she did not believe it was appropriate to remove the reprimand from Mr. Miller’s file, but that maybe NDOC could review the matter in the future to determine if it should be removed due to good behavior.

Committee Member Wall agreed, and stated the grievance should be denied as NDOC was within their authority to issue the written reprimand for insubordination since the email was inappropriate and argumentative. Committee Member Wall also stated that progressive discipline was a tool to work with employees, the written reprimand was part of the learning process, and it was important to keep it in Mr. Miller's file.

Committee Member Weyland noted that sending the email was inappropriate. Committee Member DuPree stated that he was not in total agreement with the other Members as he believed a letter of instruction would have been sufficient rather than a written reprimand.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to deny the grievance based on the fact that NDOC was within its authority to issue a Class 2 written reprimand for Insubordination pursuant to Subsection 12, letter B.
BY: Committee Member Allison Wall
SECOND: Committee Member Michelle Weyland
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

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