



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
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**Meeting Minutes of the Employee-Management Committee**  
**September 3, 2015**

Held at the Richard Bryan Building, 901 S. Stewart Street, Tahoe Conference 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>
Mr. Mark Evans–Chair	
Ms. Mandy Payette–Co-Vice-Chair	X
Ms. Bonnie Long	
Ms. Claudia Stieber	X
Ms. Allison Wall	
Ms. Michelle Weyland	

  

<b>Employee Representatives</b>	
Ms. Stephanie Canter–Co-Vice-Chair	
Ms. Donya Deleon	
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X

**Staff Present:**

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General  
Ms. Carrie Lee, EMC Coordinator  
Ms. Kara Morris, 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 Claudia Stieber  
**SECOND:** Committee Member Turessa Russell  
**VOTE:** The vote was unanimous in favor of the motion.

**4. Approval of Minutes for April 21, 2015 – Action Item**

Co-Vice-Chair Payette requested a motion to adopt the minutes.

**MOTION:** Moved to approve the adoption of the minutes.  
**BY:** Committee Member Claudia Stieber  
**SECOND:** Committee Member Sherri Thompson  
**VOTE:** The vote was unanimous in favor of the motion.

**5. Approval of Minutes for July 23, 2015 – Action Item**

Co-Vice-Chair Payette requested a motion to adopt the minutes.

**MOTION:** Moved to approve the adoption of the minutes.  
**BY:** Committee Member Sherri Thompson  
**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 #3682 of Nanita Moore, submitted by the Department of Health and Human Services, supporting documentation, and related oral argument, if any – Action Item**

A Motion to Dismiss was submitted to the Employee-Management Committee (“Committee”) by the agency employer Department of Health and Human Services (“DHHS”), Division of Welfare and Supportive Services (“Division”) which was represented by Chief Deputy Attorney General Linda Anderson. Nanita Moore (“Ms. Moore”) was present in proper person.

DHHS began the hearing by informing the Committee that the Division was happy to have Ms. Moore returning to it, as Ms. Moore was reverting back from the Division of Aging and Disability Services; therefore, that part of the motion discussing Ms. Moore receiving a promotion was removed from the Committee’s consideration. DHHS then argued that, nevertheless, the Committee did not have jurisdiction to hear the grievance. DHHS noted in substance that Ms. Moore had filed the grievance because Ms. Moore felt strongly that she should have been promoted into at least one of two positions,

an Administrative Assistant (“AA”) III position or an AAIV position, both of which had become available at the Division earlier in 2015. DHHS then argued in substance that Ms. Moore was asking the Committee to make a determination concerning hiring choices or to remove someone from a position they had been in for several months in order for Ms. Moore to take the position, and that the Committee could not address this type of argument.

Ms. Moore stated in substance that she had worked in her unit for six years, and that for a period of approximately twelve months that unit had no supervisor. Ms. Moore also indicated in substance that during that time period the unit did not have an AAI or an AAIV, and that she performed the day-to-day activities of the unit, although Ms. Moore did not process timesheets.

Additionally, Ms. Moore stated that when the AAI and AAIV positions opened up she was allowed to apply for the AAI position, but not the AAIV position, even though the Nevada Employee Action and Timekeeping System (“NEATS”) indicated that she was eligible for the AAIV position. Ms. Moore also stated in substance that of the duties listed under the Job Elements section of the Employee Work Performance Standards Form for the AAIV position, the only criteria she did not fulfill was the criteria dealing with Manual Transmittal Letters (“MTL”). Ms. Moore also added in substance that she had asked several times to be trained on MTLs, but that the training had not been granted. Ms. Moore also alleged in substance that when Tom Brundige became Chief he said that the AAIV would already need to know how to draft MTLs, and that there would be no training period for the AAIV to learn how to draft MTLs. Ms. Moore said in substance that this made sense to her until Ms. Moore heard that the new AAIV had to be trained on everything, and not just MTLs. Ms. Moore, therefore, said in substance that she felt as though the agency did not provide her an equal opportunity to compete for the AAIV position.

After Ms. Moore’s argument Renee Depaoli (“Ms. Depaoli”), Personnel Officer III with the Division, clarified that there were actually multiple recruitments for the AAIV position, and that Ms. Moore had applied for this position. Ms. Depaoli noted in substance that after Ms. Moore applied for the AAIV position there had been a large restructuring of the unit, that the AAIV position was ultimately placed under DHHS’ administrator, and that a new chief was then hired to be in charge of the unit. Ms. Depaoli stated in substance that after the new chief came in he looked at the unit from “a different angle,” made some changes and determined that he wanted to focus on the technical aspects of the AAIV position, and that there was a selective criteria that was needed to fill the position. Therefore, Ms. Depaoli stated in substance that a new recruitment was initiated at that point in time, and that it was then true that Ms. Moore no longer qualified for the AAIV position. With respect to the AAI position, Ms. Depaoli stated in substance that Ms. Moore had applied for that position, was considered for it, but that the [hiring] panel ultimately selected someone else.

The Committee, after having read and considered all of the documents filed in this matter and having heard oral arguments, deliberated on the issues presented. Committee Member Sherri Thompson voiced the concern that the Committee did not have the jurisdiction to tell an agency what the requirements for its

positions were or were not, and that it was up to an agency to establish its requirements for its positions. Committee Member Claudia Stieber noted that the Committee might be overstepping its bounds if it were to hear the grievance. Co-Vice-Chair Mandy Payette stated that chiefs or administrators had the authority to change the job specifications for positions as they saw fit, even after the recruitment for a position had opened.

Co-Vice-Chair Payette requested a motion.

**MOTION:** Moved to grant the motion to dismiss due to the fact that the Committee did not have the authority to hear grievance based on an agency's ability to set requirements for specific recruitments within the agency.

**BY:** Committee Member Claudia Stieber

**SECOND:** Committee Member Turessa Russell

**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 Sherri Thompson

**SECOND:** Committee Member Turessa Russell

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