



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE**

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**Meeting Minutes of the Employee-Management Committee
January 9, 2014**

Held at the Blasdel Building, 209 E. Musser Street, Room 105, Carson City, Nevada 89701, and the Grant Sawyer State Building, 555 E. Washington Avenue, Room 1100, Las Vegas, NV 89101, and will be connected by videoconference. The public is invited to attend at either location.

Committee Members:

Management Representatives	Present
Mr. Mark Evans–Chair	X
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	X
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	

Staff Present:

Mr. Robert A. Whitney, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Jocelyn Zepeda, Hearing Clerk

I. CALL TO ORDER

Chair Mark Evans: Called the meeting to order at 9:10 a.m. He reviewed some issues concerning the audio and video-recording equipment and procedures and asked participants to speak clearly. He also addressed some housekeeping issues.

II. ADOPTION OF AGENDA

Action Item

MOTION: Move to approve the adoption of the Agenda
BY: Tracy DuPree
SECOND: Turessa Russell
VOTE: The vote was unanimous in favor of the motion

III. COMMITTEE INTRODUCTIONS, MEETING OVERVIEW AND UPDATES

Members introduced themselves and their affiliations and Chair Evans welcomed everyone to the meeting. He apologized that they were unable to have a Chair in the south but this was caused by scheduling issues. Chair Evans took the opportunity to make some comments regarding the grievance process, noting it is a conflict resolution process. He noted that conflicts were best solved at the lowest level and allowed the parties to come up with a mutually agreeable solution and subsequently build a good working relationship. He stated that the process offered opportunities for the employee and the agency to meet and these included: the employee having 21 working days before filing the grievance to work it out with the agency and all the steps along the way; mediation; after the submission of the grievance to the EMC (Employee-Management Committee) either party could ask for a resolution conference giving the parties the opportunity to resolve the grievance.

He said that at the meeting they were all there to hear the employee and to listen to the agency's perspective. He reminded the parties that after the committee gave its decision they would still need to maintain an effective working relationship and to that end asked the parties to keep the exchanges respectful. He also reminded all parties, including those providing legal representation that the committee members were not lawyers but state employees appointed by the governor to provide the best possible decision based on their experience and knowledge and stated once again that he would appreciate mutual respect from all to move the process forward smoothly.

IV. PUBLIC COMMENT

Read into record by **Chair Evans:** No vote or action may be taken upon a matter raised during public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments will be limited to five minutes per person and persons making comment will be asked to begin by stating their name for the record.

Chair Evans: Asked if there was any public comment in the north and south. There was none.

V. ADJUSTMENT OF GRIEVANCES OF MARY NEWTON, TAXICAB AUTHORITY AND LINDA HOLTAN, TAXICAB AUTHORITY Action Item

Chair Evans: Stated that as the Chair he had some discretion as to how the meeting would be run. He stated that he would like to hear both grievances together as they were related. He said they would allow both employees to tell their side of the story. He reminded both sides that committee members had read the packets. He also mentioned that committee members were not lawyers so it would be preferable to state exactly what they have to tell the committee so members could make a decision. He stated that in previous hearings the legal representatives had spent a lot of time on the issue of credibility for their witnesses. He said committee members had read the packets and it was clear that the employees filing the grievances were excellent employees with good records and long service. He encouraged their representatives in the interest of time that it was not necessary to use excessive time establishing their credibility. He referred to the agencies and noted that a lot of time was used asking witnesses to go into great detail about resumes. He reminded them that coming in an administrator or manager would have credibility. He stated that he would also prefer not to hear employees being questioned or asked to interpret or give their opinion on regulations or statutes. He explained that he was mentioning these issues as they anticipated more and more hearings and wanted to expedite the process.

Chair Evans: Indicated that though the grievances would be heard together they would vote on each of them separately. He added that Mary Newton had additional issues in an additional grievance. He indicated that the process would be that the employees would make a brief opening statement, advising the committee of the nature of the grievance, what they intended to prove in the discussion of the case and the resolution requested. He said that they would then turn it over to the agency which would make an opening statement and then they would return to the employees to present their information and any witnesses that they wanted to call. He said at any time in the process the committee members might ask questions. He reminded the employees that the committee wanted the process to be comfortable for the employees but at the same time it was important to get the information. He asked that the employees and their representatives and the agency representative go on camera across from the committee.

Chair Evans: Asked participants to identify themselves. He asked if there were any objections to having the packets entered as part of the record. He noted that there were no objections. He asked if there were any motions to consider. He indicated that they would start with Mary Newton and asked for the names of her witnesses. Ann McDermott, Chief Deputy Attorney General acting as counsel for the Taxicab Authority in Las Vegas objected to the participation of Ann Elworth Winner, the representative for Mary Newton on the grounds of confidentiality and the fact she was a former employee. **Chair Evans:** Asked the EMC counsel, Robert Whitney, Deputy Attorney General how they should proceed. **Robert Whitney:** Stated that Ann Elworth Winner had an obligation not to use confidential information and could be asked not to disclose. **Chair Evans:** Advised Ann Elworth Winner to proceed to represent Mary Newton. **Ann McDermott:** (inaudible 00:18:35). **Chair Evans:** Stated that she was asking her to stick to any information provided to her by the employee relevant to the grievance. **Ann McDermott:** (inaudible 00:19:09). **Chair Evans:** Asked her if there was anything in the evidence packet that would lead her to believe that she had done that. **Ann McDermott:** (inaudible 00:19:43). **Chair Evans:** Stated that if she brought up something like that then she should object and they would consider it then. **Robert Whitney:**

Agreed. **Chair Evans:** Indicated that they had heard the objection to Ms. Winner. **Ann Elworth Winner:** (inaudible 00:20:46). **Chair Evans:** Stated that the state's and Ms. Winner's concerns had both been noted. **Chair Evans:** Asked for Mary Newton's witnesses. **Ann Elworth Winner:** Indicated she would testify on her own behalf and there were no witnesses. **Chair Evans:** Asked for Linda Holtan's witnesses. **Richard McCann,** the representative for Linda Holtan advised it would only be Linda Holtan. **Chair Evans:** Asked the state for their witnesses. **Ann McDermott:** Advised Charles Harvey, with the potential for others for rebuttal.

Chair Evans: Swore in all the witnesses. He indicated that they would start with Mary Newton and a brief opening statement. **Ann McDermott:** Indicated that Mary Newton was waiving the opening statement. **Chair Evans:** Called for the opening statement from Linda Holtan. **Richard McCann:** Indicated that the opening statement was in the packet. **Chair Evans:** Asked the agency to give their opening statement. **Ann McDermott:** (inaudible 00:25:18). **Chair Evans:** Indicated that they would now turn to Ms. Newton. **Ann Elworth Winner:** Asked for her name. **Mary Newton:** Responded that her name was Mary Newton and her current position was (inaudible 00:26:34). She advised that she had been with the Taxicab Authority for 19 years. **Ann Elworth Winner:** (inaudible 00:26:49). Asked how long had she been in her current position. **Mary Newton:** Responded 19 years and 5 months. **Ann Elworth Winner:** Asked during those years what schedule did she work, certain days and hours. **Mary Newton:** Responded Monday to Thursday, 5 a.m. to 3 p.m. **Ann Elworth Winner:** Asked her what about the other. **Mary Newton:** Responded it varied (inaudible 00:27:32). **Chair Evans:** Referred to the grievance that she said she had won and asked if the EMC had determined that or was it a resolution that the agency made. **Mary Newton:** Responded that it was a resolution (inaudible 00:28:33) the director. **Ann Elworth Winner:** Asked if she had won or considered it a positive result. **Mary Newton:** Responded yes, it had been resolved.

Ann Elworth Winner: Asked about her responsibilities at the agency. **Mary Newton:** Responded that she (inaudible 00:28:59) audits, stats, subpoenas. **Ann Elworth Winner:** Asked what percentage of her time was spent in direct contact with the public. **Mary Newton:** Responded approximately 1 percent. **Ann Elworth Winner:** Asked how long she had been performing the duties. **Mary Newton:** Stated that she had been doing court for about 10 years and she did training. **Ann Elworth Winner:** Asked about any other duties, how long had she performed those duties? **Mary Newton:** Stated 12 years. **Ann Elworth Winner:** Asked if there had ever been a time during that period when she had not been able to hear an outcome in a timely manner. **Mary Newton:** Stated no. **Ann Elworth Winner:** Asked if there was a time when she had not been able to perform any job duties in a timely manner. **Mary Newton:** Stated no. **Ann Elworth Winner:** (inaudible 00:30:45) exhibits. Asked what her rating was. **Mary Newton:** Stated it showed that she exceeded.

Ann Elworth Winner: Asked what her shift was at that time. **Mary Newton:** (inaudible 00:31:06) Monday to Thursday. **Ann Elworth Winner:** Stated she had brought her 2013 evaluation (inaudible 00:31:19). **Mary Newton:** Stated it exceeded the standard. **Ann Elworth Winner:** Asked who had rated her. **Mary Newton:** Responded the evaluation was done by Joanne Caravella. **Ann Elworth Winner:** Asked who had signed the evaluation. **Mary Newton:** Responded it was Charles Harvey. **Ann Elworth Winner:** Asked about the shift and days. **Mary Newton:** Responded Monday to Thursday. **Ann Elworth Winner:** Referred to the exhibits (inaudible 00:31:59) the first being a memorandum received from the

supervisor (inaudible 00:32:09). She asked was that correct? **Mary Newton:** Stated yes. **Ann Elworth Winner:** (inaudible 00:32:12). She asked if there had been any discussion (inaudible 00:32:26). She asked if she had been able to ask questions about what it meant and secondly, what were the questions? **Mary Newton:** (inaudible 00:32:39). **Ann Elworth Winner:** Asked about the response. **Mary Newton:** (inaudible). **Ann Elworth Winner:** (inaudible 00:32:46) How many times. **Mary Newton:** (inaudible 00:33:06) five. **Ann Elworth Winner:** and **Mary Newton:** (inaudible 00:33:16). **Ann Elworth Winner:** Asked about the result of the meeting. **Mary Newton:** Stated that it was a scheduling conflict (inaudible 00:37:15). She stated that there was no resolution.

Ann Elworth Winner: Referred to the next step and asked if she was able to meet with him. **Mary Newton:** Stated yes. **Ann Elworth Winner:** Asked about the response. **Mary Newton:** Stated that the response was (inaudible 00:37:49). **Ann Elworth Winner:** Asked her about the process and if she had been able to sit down with (inaudible 00:38:14). **Mary Newton:** Stated no. **Ann Elworth Winner:** Asked if she had made any efforts to (inaudible 00:38:19). **Mary Newton:** Responded yes (inaudible 00:38:22). **Chair Evans:** Asked if she had asked for a resolution conference with the director and that did not happen. He asked if that was what he was hearing. **Mary Newton:** Stated that was correct.

Ann Elworth Winner: (inaudible 00:38:53) issue regarding timing over the holiday period. She asked how many grievances had she filed during the (inaudible 00:39:27). **Mary Newton:** Responded three. **Ann Elworth Winner:** (inaudible 00:39:35). **Mary Newton:** Stated two. **Ann Elworth Winner:** (inaudible 00:39:42). **Mary Newton:** Responded 1995 (inaudible 00:39:47). **Ann Elworth Winner:** and **Mary Newton:** (inaudible 00:39:55). **Ann Elworth Winner:** Asked about the conditions. **Mary Newton:** Responded a six-month trial period beginning May 1996. **Ann Elworth Winner:** (inaudible 00:40:21). **Mary Newton:** Confirmed that was correct. **Ann Elworth Winner:** Asked if she had had any issues prior to July 2003 with the schedules and (inaudible 00:40:35). **Mary Newton:** Stated no. **Ann Elworth Winner:** Asked if there was any time during (inaudible 00:40:42). **Mary Newton:** Stated no. **Ann Elworth Winner:** Referred to the fact that she had received several "exceeds" standards on evaluations (inaudible 00:40:57). **Mary Newton:** Confirmed that was correct. **Ann Elworth Winner:** (inaudible 00:40:58). **Ann McDermott:** (inaudible 00:41:10). **Ann Elworth Winner:** (inaudible 00:41:17). **Chair Evans:** Stated that was fine.

Ann Elworth Winner: (inaudible 00:41:28). **Mary Newton:** Stated that she took over the duties of payroll (inaudible 00:41:53), trained her. **Ann Elworth Winner:** Asked her if her court duties had changed and if so, what had she taken on. **Mary Newton:** Stated that she had taken on all of the citations (inaudible 00:42:36) denials (inaudible 00:43:01). **Ann Elworth Winner and Mary Newton:** (inaudible 00:43:10). **Mary Newton:** The third was filed in September. **Ann McDermott:** (inaudible 00:43:32). **Chair Evans:** Stated that it seemed as if they had a September 9th grievance so he stated he was under the impression that they were hearing that in conjunction with this matter. **Ann Elworth Winner:** Stated that that grievance had been resolved. **Chair Evans:** Said okay, perhaps that was all they needed to know. **Ann Elworth Winner:** (inaudible 00:43:56). **Mary Newton:** Stated that she did. **Ann Elworth Winner:** (inaudible 00:44:03). **Mary Newton:** Said September 9th 2006. **Ann Elworth Winner:** (inaudible 00:44:16). **Mary Newton:** Responded that was correct.

Ann Elworth Winner: and **Mary Newton:** (inaudible 00:44:21). **Ann Elworth Winner:** Asked if each one was done daily. **Mary Newton:** Responded that was correct. **Ann**

Elworth Winner: Asked her to explain what she meant by the idea of daily. **Mary Newton:** Responded that she ran reports daily (inaudible 00:45:11). **Ann Elworth Winner:** Asked if she had any difficulty preparing reports working only four days a week. **Mary Newton:** Stated no, because she kept up on the work. **Ann Elworth Winner:** Asked that they turn to the next page, Front Office. **Ann Elworth Winner: and Mary Newton:** (inaudible 00:46:14). **Ann Elworth Winner:** Asked how long she had done that. **Mary Newton:** Responded about 15 years. **Ann Elworth Winner:** (inaudible 00:46:47).

Ann Elworth Winner: Asked her to turn to Average Daily Applications and asked her what it represented. **Mary Newton:** Responded it was the daily count. **Ann Elworth Winner:** Asked if it was an administrative function and was told yes. She referred to the period December 2012 to October 2013 and asked if there had been a change in workload or (inaudible 00:48:17). **Mary Newton:** Responded nothing. **Ann Elworth Winner:** Referred to December 2012 (inaudible 00:48:27). **Mary Newton:** Responded four. **Ann Elworth Winner:** Said of the four people how many people worked a four-day-ten-hour (inaudible 00:49:04). **Mary Newton:** Responded maybe four or five. **Ann Elworth Winner:** So four out of five. **Mary Newton:** Stated four out of five. The supervisor did not (inaudible 00:49:08). **Ann Elworth Winner:** (inaudible 00:49:17). **Ann Elworth Winner:** Said let's look at June 2013 how many contacts (inaudible 00:49:42). **Mary Newton:** Stated 2,361, so a decrease. **Ann Elworth Winner: and Mary Newton:** (inaudible 00:50:14). **Ann Elworth Winner:** Asked her for the month of October if there were seven people. **Mary Newton:** Responded yes. **Ann Elworth Winner:** Asked how many contacts. **Mary Newton:** Responded 2,158. **Ann Elworth Winner:** Asked for October. **Mary Newton:** Responded 2,544, so a decrease. **Ann Elworth Winner:** (inaudible 00:52:05). **Ann Elworth Winner:** Asked was it five days. **Mary Newton:** Responded yes. **Ann Elworth Winner:** Said on any given day there was a minimum of three additional. **Mary Newton:** Responded that was correct. **Ann Elworth Winner:** (inaudible 00:52:26). **Ann Elworth Winner:** Asked her how often she assisted. **Mary Newton:** Responded when needed but not often lately.

Ann Elworth Winner: Asked what time she reported to work as it said she came in at 5 a.m. **Mary Newton:** Responded correct. **Ann Elworth Winner:** (inaudible 00:53:32). **Mary Newton:** Responded 7 a.m. **Ann Elworth Winner:** (inaudible 00:53:36). **Mary Newton:** (inaudible 00:53:51) open up the front office, turn on computers and sign in. She said that this was something they had always done and she continued to do. **Ann Elworth Winner: and Mary Newton:** (inaudible 00:54:04). **Ann Elworth Winner:** Asked if she would start at 7 a.m. if there or earlier. **Mary Newton:** Responded yes. **Ann Elworth Winner:** (inaudible 00:54:25).

Ann Elworth Winner: Asked what was the date of the executive order? **Mary Newton:** Responded March 15, 2010. **Ann Elworth Winner:** Said so this would be three years prior to (inaudible 00:55:28). **Mary Newton:** Said yes. **Ann Elworth Winner: and Mary Newton:** (inaudible 00:55:35). **Mary Newton:** Stated because they advocated for 4-10. **Ann Elworth Winner:** Asked about the advantages of the 4-10 for her personally. **Mary Newton:** Responded and discussed care issues for her elderly in-laws (inaudible 00:56:04).

Ann Elworth Winner: Asked if she liked the job. **Mary Newton:** Responded yes, very much. **Ann Elworth Winner:** (inaudible 00:56:53). **Mary Newton:** Responded no because she had done it for 18 years and (inaudible 00:57:05). **Ann Elworth Winner:** Asked if her attitude had changed over that period. **Mary Newton:** Responded that her morale had been

affected and she had had to hire someone to care for her in-laws. She said that this had had a negative financial impact. She stated that she functioned best on 4-10s.

Ann Elworth Winner: Asked her to tell the committee about Monday morning when she arrived at 5 a.m. **Mary Newton:** Responded that she did the citations and court docket and (inaudible 00:58:32). **Ann Elworth Winner:** Asked if she was able to do the reports at 7 a.m. **Mary Newton:** Said no because they always turned on the other computers. **Ann Elworth Winner:** Asked her about her attitude and how many Fridays she had worked since. **Mary Newton:** Said she worked a fixed schedule. **Ann Elworth Winner:** Asked why she was off on the Fridays. **Mary Newton:** Said because she had used time before the end of the year. **Ann Elworth Winner:** and **Mary Newton:** (inaudible 01:00:00). **Ann Elworth Winner:** Said so it had not basically changed her work days and she had been off on Fridays. **Mary Newton:** Agreed. **Ann Elworth Winner:** Said she had been working fewer hours. **Mary Newton:** Responded yes. **Ann Elworth Winner:** (inaudible 01:00:49). **Chair Evans:** Asked if there were any questions from the committee:

Michelle Weyland: Referred to her comments regarding the allocation of time and asked if she had said she had spent about 1 percent dealing with the public and asked how much time did she spend dealing with other agencies. **Mary Newton:** Responded none. **Michelle Weyland:** Asked about her time dealing with the court or the bailiff. **Mary Newton:** Stated that they were in the agency. **Michelle Weyland:** Asked about the percentage of time dealing with the mentioned issues. **Mary Newton:** Said 40 percent. **Mandy Payette:** Referred to her comment that she used to run reports for the 5 a.m. shift and then since the shift had been changed to 7 a.m. had been unable to run the reports. She asked who was now running the reports. **Mary Newton:** Responded no one but added she arrived early at work. **Chair Evans:** Asked if she was running the reports off the clock. **Mary Newton:** Stated that was correct. **Chair Evans:** Suggested that the agency take note of that fact.

Ann McDermott: Stated that she had previously stated that she reported to work at 5 a.m. (inaudible 01:03:54). She asked her about her title. **Mary Newton:** Responded Accounting Assistant 4. AA4. She said her supervisor was JC. **Ann McDermott:** Asked if she was unsupervised from 5 a.m. to 8:30 a.m. **Mary Newton:** Responded that was correct. **Ann McDermott:** and **Mary Newton:** (inaudible 01:04:43). **Ann Elworth Winner:** Asked if she could object. **Chair Evans:** Said he was fine but to go ahead and answer the question. **Ann McDermott:** and **Mary Newton:** (inaudible 01:05:10). **Mary Newton:** Said she could not remember and at that time she was training. **Ann McDermott:** (inaudible 01:06:11). **Ann McDermott:** Asked when her issue first arose and when she became aware of a shift change and (inaudible). **Mary Newton:** Stated yes. **Ann McDermott:** (inaudible 01:06:43). **Ann McDermott:** Asked her if she had attended a meeting with Mr. Harding. **Mary Newton:** Replied no, not that she could recall. **Ann McDermott:** (inaudible 01:06:57 to 01:08:41). **Ann Elworth Winner:** Objected. **Chair Evans:** Asked both lawyers to let Mary Newton answer the question. **Ann Elworth Winner:** Explained why she was objecting.

Chair Evans: Asked that they not discuss the third grievance. He said he had a question for Mary Newton. He referred to the memo that was discussed on July 25, 2013 that stated that her hours would change on Tuesday, September 3, 2013. He asked if she received that memo. **Mary Newton:** Replied yes. **Chair Evans:** Asked if she had received that memo approximately on that date. **Mary Newton:** Replied yes. **Chair Evans:** Stated that she was notified on July 25, 2013 that on September 3, 2013 the schedule would change. **Mary**

Newton: Replied yes. **Chair Evans:** Asked if she had signed a variable workday agreement before that when she was working the 4-10. **Mary Newton:** (inaudible 01:10:24) 1995. **Chair Evans:** Thanked her.

Ann McDermott: and Mary Newton: (inaudible 01:10:39). **Chair Evans:** Asked them not to get into that area. **Ann McDermott: and Mary Newton:** (inaudible 01:11:09 - 01:14:45). **Ann McDermott:** Asked who she had entered into an agreement with. **Mary Newton:** Responded it was Robert Anselmo and James. **Ann McDermott:** Asked about their titles. **Mary Newton: and Ann McDermott:** (inaudible 01:14:57 to 01:15:54). **Chair Evans:** Asked them to advise which tab they were reviewing. **Ann McDermott: and Mary Newton:** (inaudible 01:16:02 to 01:18:37).

Robert Whitney: Advised the number had been cut off. **Ann McDermott:** (inaudible 01:18:46 – 01:22:56). **Ann McDermott:** Asked what shift had she worked when she started there. **Mary Newton:** Responded 8 to 5, Monday to Friday. She added their administrative offices were open Monday to Friday with hours being 7 a.m. to 5 p.m. **Ann McDermott:** (inaudible 01:23:16). **Ann McDermott:** Asked if part of her duties was to help open up if need be and respond to walk-ins. **Mary Newton:** Responded yes. **Ann McDermott:** Referred to the walk-ins and asked if they were taxi cab drivers and applicants. **Mary Newton:** Responded yes and others. **Ann McDermott: and Mary Newton:** (inaudible 01:24:23). **Ann McDermott:** Referred to the reports and asked if she was not there on a particular day did someone else run the reports. **Mary Newton:** Responded no, when she would come back she would run them. **Ann McDermott:** Asked about the reports as they were supposed to be done daily. **Mary Newton: and Ann McDermott:** (inaudible 01:25:49 to 01:28:52).

Chair Evans: Asked if there was any cross examination. **Ann Elworth Winner: and Mary Newton:** (inaudible 01:28:59 to 01:29:16). **Chair Evans:** Asked if she had any more witnesses. He indicated that they would move on to Ms. Holtan.

Richard McCann: (inaudible 01:29:55). **Chair Evans:** Stated that they would need to make sure that Linda Holtan had a chance to say what she needed to say. **Linda Holtan:** (inaudible 01:30:20). **Richard McCann:** Asked about her first position. **Linda Holtan: and Richard McCann:** (inaudible 01:30:44 to 01:31:50). **Richard McCann:** Asked what percentage of time did she deal with the public. **Linda Holtan:** Responded 1 or 2 percent. She described her duties as (inaudible 01:32:14). **Richard McCann:** Asked her to give the committee some understanding of what she did. **Turessa Russell:** Asked her to explain what a medallion was. **Linda Holtan:** Explained that it was displayed in the cab and was required by law on all cabs (inaudible 01:32:56). **Richard McCann:** (inaudible 01:33:22 – 01:34:41). **Richard McCann:** Asked if she did background checks and if so, how often. **Linda Holtan:** Replied yes and it depended as there were many types. **Richard McCann: and Linda Holtan:** (inaudible 01:35:33 – 01:37:04). **Richard McCann:** Asked if she occasionally assisted in the front office. **Linda Holtan:** Responded yes, occasionally (inaudible 01:37:06). **Richard McCann:** Asked if she had been employed by the Taxicab Authority in May 1996. **Linda Holtan:** Replied yes. **Richard McCann: and Linda Holtan:** (inaudible 01:37:30 - 01:41:15). **Richard McCann:** Asked her how she had arranged her life. **Linda Holtan:** Replied that she had two sons with special needs. She said when she had Mondays off she had been able to use that time to take them to doctor's appointments and vocational rehabilitation programs. She said they were autistic and when you changed their schedules they did not react well. She noted that they were better with some consistency.

Richard McCann: Referred to Exhibit 4. **Linda Holtan:** Said it was an executive order by the governor establishing innovative work schedules. **Richard McCann:** Referred to the text relating to work schedules where it said "innovative work schedules, they improve efficiency, decrease costs for employees and state and improve employee morale". He asked if she saw that. **Linda Holtan:** Responded yes. **Richard McCann:** Said she had been for approximately 120 days on a completely different schedule. He asked in that time if it had improved her efficiency, morale or costs. **Linda Holtan:** Responded no. **Richard McCann:** Referred to the second paragraph (inaudible 01:43:55) provided for the innovative work schedule (inaudible 01:44:06). **Richard McCann:** Said that they needed to meet the standard under NRS 281 which would mean that basically that the doors would have to be open 40 hours a week. **Linda Holtan:** Said that was correct. **Richard McCann:** Asked if the doors had been kept open for 18 years on the (inaudible 01:44:22) schedule 40 hours a week at the Taxicab Authority. **Linda Holtan:** Responded yes. **Richard McCann:** Asked if they were open (inaudible 01:44:26). **Linda Holtan:** Responded no.

Richard McCann: and Linda Holtan: Referred to the grievance Exhibit 1 which is a notice of (inaudible 01:44:47). **Richard McCann:** Referred to her performance evaluation, Exhibit 7 and asked if she would agree that she was a good employee. **Linda Holtan:** Stated she was. **Richard McCann:** Said that she had been noted accordingly (inaudible 01:45:40). **Richard McCann:** Asked how many people were working in the front office. **Linda Holtan:** Responded seven but there had been some mention that they might hire one more. She added that they had had seven since September. **Richard McCann:** Asked was it after they started the 5-8s. **Linda Holtan:** Responded about a week after. **Richard McCann:** (inaudible 01:47:15).

Chair Evans: Asked if there were any questions from the committee. **Ann McDermott:** Asked at what position she began. **Linda Holtan:** Responded as an administrative assistant and her current title was AA3. **Ann McDermott:** Asked if she was in a supervisory role. **Linda Holtan:** Said no. **Ann McDermott:** Asked if she had a supervisor. **Linda Holtan:** Responded yes, it was Joanne Caravella. **Ann McDermott:** Asked what shift she was working prior to the change. **Linda Holtan:** Responded 5:30 a.m. to 4 p.m. on Tuesday, Wednesday, Thursday and Friday. **Ann McDermott: and Linda Holtan:** (inaudible 01:49:21) **Ann McDermott:** (inaudible) assist the front office 5 percent, other duties 10 percent. She asked if that was correct. **Linda Holtan:** Responded yes. **Ann McDermott:** Referred to her other duties. **Linda Holtan:** (inaudible 01:50:31). **Ann McDermott:** Asked if she trained. **Linda Holtan:** Said yes. **Ann McDermott:** Asked if they were on an 8-5 schedule. **Linda Holtan:** Said yes. **Ann McDermott:** Stated that she backed up the front office and provide training (inaudible 01:51:18). She asked about the predictability regarding walk-ins. **Linda Holtan:** Said there was no predictability and she explained. **Ann McDermott:** Referred to an agreement that was submitted in the packet. **Linda Holtan:** Said yes and she had signed it. **Ann McDermott: and Linda Holtan:** (inaudible 01:52:33). **Ann McDermott:** Asked if her schedule was on an as-needed basis. **Linda Holtan:** Responded no, that had been when she was the assistant to Barbara Letterman (sp) and the time was 7-4. **Ann McDermott:** Referred to the executive order which she reviewed (inaudible 01:53:29). **Ann McDermott:** Asked if she agreed that the administrator had the authority to set the schedule for staff including herself? **Linda Holtan:** Said yes. **Ann McDermott: and Linda Holtan:** Referred to (inaudible 01:54:34). **Ann McDermott:** Asked if she recalled being at a staff meeting with Mr. Harvey in which he discussed shift changes. **Linda Holtan:** (inaudible

01:55:12) said she did not remember when it was but (inaudible (01:55:34 – 01:56:28). **Ann McDermott:** Asked her if she had indicated that she would revisit the issue at some point in the future. **Linda Holtan:** Said that was what she had told Brenda. **Ann McDermott:** Asked if that was her current understanding. **Linda Holtan:** Responded she did not have one. She was not sure. **Ann McDermott:** Asked if she would be surprised if it was his opinion that he (inaudible 01:56:53). **Linda Holtan:** Said yes.

Ann McDermott: Said that she had worked at the agency when it had received an award. **Linda Holtan:** Replied yes and thought it was titled Agency of the Year for 2012. **Ann McDermott:** Stated that if she was not sure of the year that was fine but it was in the last few years and under Mr. Harvey's leadership. **Linda Holtan:** Responded yes.

Richard McCann: Referred to the award and asked if it was important and she was proud of it. **Linda Holtan:** Said yes. **Richard McCann:** (inaudible 01:58:52) have the latitude to adjust the schedule? **Linda Holtan:** Said yes. **Richard McCann:** (inaudible 01:59:06). **Linda Holtan:** Responded that she would think so as it would only be fair. She said they had signed the contract years ago with Mr. Anselmo (inaudible 01:59:29). **Richard McCann:** Asked if she agreed with the governor's order that it was supposed to be improving efficiency, decreasing costs to the employee and state and improving employee morale. **Linda Holtan:** Responded yes.

Richard McCann: Asked if she took a vacation or was on sick leave would they cover her. **Linda Holtan:** Said there were people who could. **Richard McCann:** (inaudible 02:00:04). **Linda Holtan:** Said that she tried. **Richard McCann:** Said most of which was the 4-10s. **Linda Holtan:** Said yes. **Richard McCann: and Linda Holtan:** (inaudible 02:00:14). **Chair Evans:** Referred to the period when she was on 4-10s and asked if she had signed any other agreement other than the form from 1996. He asked if she remembered signing a document called a variable workday agreement. **Linda Holtan:** Responded that she was not sure. **Chair Evans:** Said Ann McDermott could ask a follow-up question. **Ann McDermott:** (inaudible 02:01:24) and asked who that affected. **Linda Holtan:** Responded the entire administrative staff.

Chair Evans: Stated that the Committee would take a five-minute break.

Chair Evans: Said they would now turn to the agency. **Ann McDermott:** Asked that Jennifer DeRose be sworn in. **Jennifer DeRose:** Stated her name and her position as being the Deputy Administrator. **Ann McDermott:** Asked how long she had been in that position. **Jennifer DeRose:** Stated approximately seven years and noted that prior to that she had been with the Department of Administration. **Ann McDermott:** Asked if she was assigned to the Taxicab Authority. **Jennifer DeRose:** Replied yes. **Ann McDermott:** (inaudible 00:02:06). **Jennifer DeRose:** Responded yes. **Ann McDermott:** Asked on more than one occasion. **Jennifer DeRose:** Responded two occasions. **Ann McDermott:** Asked if she had discussed specifically the shift change. She asked if she could recall what was discussed. **Jennifer DeRose:** Said mostly she wanted a sit-down meeting and (inaudible 00:02:21 – 00:03:43).

Ann McDermott: Asked if she had had that conversation (inaudible 00:03:49). **Jennifer DeRose: and Ann McDermott:** (inaudible 00:03:56 – 00:05:18). **Chair Evans:** Asked what the reporting relationship was between the two employees and Jennifer DeRose. He asked if she supervised them. **Jennifer DeRose:** Replied yes. **Tracy DuPree:** Referred to the 4-10

schedules and asked if that issue was to be revisited at some time when everything was settled. He asked if there was a specific timeframe for that. **Jennifer DeRose:** Responded she did not know and they had new staff coming on (inaudible 00:05:53). **Chair Evans:** Stated there was a question from the employee representative. **Richard McCann: and Jennifer DeRose:** (inaudible 00:06:12 – 00:08:31). **Donya Deleon:** Stated that one of the grievants needed to be on an early shift and one needed to be on a late shift. She asked if she could elaborate on that. **Jennifer DeRose:** (inaudible 00:08:45 – 00:09:09). **Tracy DuPree:** Asked if there were any employees at the Taxicab Authority who were currently on the 4-10 schedule. **Jennifer DeRose:** Responded not in an administration setting. **Donya Deleon:** Referred to the people on the 4-10 and asked if they dealt with the public. **Jennifer DeRose:** Responded the peace officers and they worked 24/7. **Ann McDermott:** (inaudible 00:10:08) considered office staff or field staff. **Jennifer DeRose:** (inaudible 00:10:15).

Ann Elworth Winner: and Jennifer DeRose: (inaudible 00:10:40 – 00:12:24). **Chair Evans:** Asked what she was trying to find out. **Ann Elworth Winner:** (inaudible 00:12:28). **Chair Evans:** Noted any information that she might have on the timing of the policy and why. **Ann Elworth Winner: and Jennifer DeRose:** (inaudible 00:12:48). **Ann McDermott:** (inaudible 00:13:21). **Charles Harvey:** Stated his name as Charles David Harvey and he stated he was the Division Administrator. He said he had been in the position since May 2011. He said prior to that he was the (inaudible 00:13:40) and prior to that deputy director at the (inaudible). **Ann McDermott:** Acknowledged that they had been asked not to go into details regarding resumes but gave reasons why she would do so here. **Chair Evans:** Noted that was fair. **Ann McDermott:** Asked Charles Harvey to tell the committee very briefly details about his professional experience. **Charles Harvey:** Stated he had 25 years of experience managing and supervising employees, with a background in (inaudible 00:14:24). **Ann McDermott:** Asked if that was one of the reasons why he was hired to (inaudible 00:14:42). **Charles Harvey:** Replied he believed so. **Ann McDermott: and Charles Harvey:** (inaudible 00:14:48 – 00:23:29). **Ann McDermott:** Asked if he knew the grievants. **Charles Harvey:** Responded yes and they were good employees. **Ann McDermott: and Charles Harvey:** (inaudible 00:23:37 – 00:25:49). **Ann McDermott:** Asked if the shift changes were permanent. **Charles Harvey:** Responded no. **Ann McDermott:** Asked if it was something that he would revisit. **Charles Harvey:** Stated yes, as needed.

Donya Deleon: Referred to his comment that he was streamlining processes and trying to get better efficiencies and asked what was not working. She said he had not explained his expectations of the employees. She asked, in response to a request for clarification, what were the non-efficiencies that he was trying to correct. **Charles Harvey:** Responded in the short term some of the issues were customer wait times, access to resolving problems and training issues. **Robert McCann:** Asked if there were no problems with Linda Holtan's coverage or any issues that would necessitate (inaudible 00:28:18). **Charles Harvey:** Responded no. **Richard McCann:** Asked if there were any problems with the quality of her work that would necessitate a (inaudible 00:28:25). **Charles Harvey:** Responded no. **Richard McCann: and Charles Harvey:** (inaudible 00:28:28 – 00:28:52). **Richard McCann: and Charles Harvey: and Ann McDermott:** (inaudible 00:28:57 – 00:32:25). **Chair Evans:** Asked that he restate what was said. **Charles Harvey: and Richard McCann:** (inaudible 00:32:34 – 00:33:29). **Ann McDermott:** Objected (inaudible 00:33:29). **Richard McCann:** (inaudible 00:33:35). **Chair Evans:** Stated that what was being asked of the administrator was fair. **Richard McCann:** (inaudible 00:33:50). **Charles Harvey:** Stated he did not know the answer to that question. **Richard McCann:** Asked did he believe in past practice (inaudible 00:34:19). **Ann**

McDermott: Objected (inaudible 00:34:24). **Richard McCann:** Stated that he had two ladies present and two disagreements and (inaudible 00:34:36). **Ann McDermott:** Stated that was speculation. **Chair Evans:** Stated he did not need to answer that question. **Richard McCann: and Charles Harvey:** Asked did they sign (inaudible 00:34:58 – 00:35:26). **Chair Evans:** Asked if there were any other questions.

Ann Elworth Winner: Asked how many hours did (inaudible 00:35:36). **Charles Harvey:** Stated that he assumed 40 hours. **Ann Elworth Winner:** (inaudible 00:35:50) started with the agency in 2011. **Charles Harvey:** Responded yes. **Ann Elworth Winner: and Charles Harvey and Ann McDermott:** (inaudible 00:35:59 – 00:36:33). **Chair Evans:** Stated if there were vacancies then that would show the need for the coverage. He said he would be interested in knowing what the staffing level was in that office during that time. **Ann Elworth Winner: and Charles Harvey:** (inaudible 00:36:48 – 00:38:03). **Chair Evans:** Asked how many positions were currently in the front office. **Charles Harvey:** Responded seven or eight. **Chair Evans:** Asked if they had had a lot of turnover. **Charles Harvey:** Stated over the course of the last three years four or five employees had left. **Chair Evans:** Asked if they had, at one time, had a staff of eight then they might have been down to possibly four. **Charles Harvey:** Stated that was correct.

Ann Elworth Winner: Asked for an example of how having Mary Newton there Monday to Friday would improve efficiency. **Charles Harvey:** Responded her role as the court coordinator (inaudible 00:39:40). **Ann Elworth Winner:** Noted that she wasn't able to (inaudible 00:40:05). **Charles Harvey:** Stated that he was not saying that. **Ann Elworth Winner: and Ann McDermott:** (inaudible 00:40:10 – 00:40:22). **Chair Evans:** Stated he had heard an answer. He said they should move on. **Ann Elworth Winner: and Charles Harvey: and Ann McDermott:** (inaudible 00:40:29 – 00:41:56). **Chair Evans:** Stated that the point had been made. **Ann Elworth Winner:** (inaudible 00:42:07). **Chair Evans:** Asked if the agency had any objection to that. **Ann Elworth Winner: and Charles Harvey:** (inaudible 00:42:34 – 00:43:18). **Chair Evans:** Asked if there were any other questions from the committee or redirects.

Ann McDermott: and Charles Harvey: (inaudible 00:43:29 – 00:45:12). **Chair Evans:** Asked for closing statements. **Richard McCann:** (inaudible 00:45:35 – 00:51:59). **Ann McDermott:** (inaudible 00:52:07 – 00:56:09). **Chair Evans:** Noted the testimony stage was over and the committee would now make the decision on what had been heard.

Donya Deleon: Asked whether the executive order or the statute would prevail. **Chair Evans:** Responded statute, regulation, policies. **Donya Deleon:** Asked about the executive order. **Chair Evans:** Said just that. **Michelle Weyland:** Said it cited the NRS. **Tracy DuPree:** Referred to the testimony of Mary Newton in which she stated she came in early to run reports. He said thanks to the new non-innovative work schedule she was working a half an hour off the clock and (inaudible 00:58:10). **Mandy Payette:** Said the Chair had addressed that. **Chair Evans:** Said he hoped the agency had noted that. He said that was information that came out relevant to the grievance but wasn't the issue of the grievance. **Mandy Payette:** Stated it had been shown that both Mary Newton and Linda Holtan were exemplary employees and that had not been the issue. She said change was not easy and when a new administrator came in there usually would be change. She said that she did not feel that the director abused his authority or failed to follow agency policies or procedures when instituting an 8 hours-a-day, 5-days-a week workweek. She said it had been established in testimony

that the director had the discretion and authority to staff appropriately and manage the work schedules. She said for that reason she did not feel that the grievances met a level to approve the grievance. She said it was her opinion that they should move to deny the grievances. **Tracy DuPree:** Said he worked in an agency that just lost 4-10s recently. He said he felt their pain but felt it was up to the administrator to staff an agency as they saw fit.

Turessa Russell: Said she had no argument to grant the grievance but at the same time she did not understand how the change would have improved performance. **Donya Deleon:** Stated that she agreed with Turessa Russell in that she would like to grant the grievance because there was no reason to do it but because the law stated what it did she would go with that. **Chair Evans:** Said he felt the employees had done an excellent job justifying why they should be on the 4-10s with sound reasons. He said however when an administrator is hired they are hiring that administrator to be in charge and make decisions, to have the vision as to how the agency could be changed. He said if the administrator's reason for changing schedules was because he wanted them there at those specific hours then that was perfectly legitimate. He said he hoped the agency would revisit the employees' requests for the 4-10s and give the requests some consideration at an appropriate time. He stated at the end of the day it was the administrator's decision.

MOTION: Move to deny the grievance for Mary Newton as the grievant had failed to establish that the administrator had abused his authority or failed to follow the agency's policies and procedures when instituting an eight-hours-a-day, five-days-a-week workweek. It has been established through testimony that the administrator has the discretion and authority to staff appropriately and manage work schedules.

BY: Mandy Payette

SECOND: Michelle Weyland

VOTE: The vote was unanimous in favor of the motion

MOTION: Move to deny the grievance for Linda Holtan as the grievant had failed to establish that the administrator had abused his authority or failed to follow the agency's policies and procedures when instituting an eight-hours-a-day, five-days-a-week workweek. It has been established through testimony that the administrator has the discretion and authority to staff appropriately and manage work schedules.

BY: Mandy Payette

SECOND: Tracy DuPree

VOTE: The vote was unanimous in favor of the motion

VI. PUBLIC COMMENT

Read into record by **Chair Evans:** No vote or action may be taken upon a matter raised during public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments will be limited to five minutes per person and persons making comment will be asked to begin by stating their name for the record.

Chair Evans: Asked if there was any public comment and there was none.

VII. ADJOURNMENT

MOTION: Move to adjourn the meeting
BY: Tracy DuPree
SECOND: Michelle Weyland
VOTE: The vote was unanimous in favor of the motion