



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE**

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**Minutes of the Employee-Management Committee
February 20, 2014**

Held at the Blasdel Building, 209 E. Musser Street, Room 105, Carson City, Nevada 89701, and the Department of Transportation, 123 East Washington Ave., Dist. 1 – Building A Conference Room, 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	
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	X
Mr. Tracy DuPree	
Mr. David Flickinger	X
Ms. Turessa Russell	X
Ms. Sherri Thompson	

Staff Present:

Ms. Carrie Parker, EMC Counsel, 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 10:30 a.m. He reviewed some issues concerning the audio equipment and procedures and asked participants to speak loudly and clearly. He also addressed some housekeeping issues.

II. ADOPTION OF AGENDA

Action Item

MOTION: Move to approve the adoption of the Agenda
BY: Unidentified Member
SECOND: David Flickinger
VOTE: The vote was unanimous in favor of the motion

III. 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.

IV. COMMITTEE INTRODUCTIONS, MEETING OVERVIEW AND UPDATES

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 this 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.

V. ADJUSTMENT OF GRIEVANCE OF VERONIKA SALAZAR, TAXICAB AUTHORITY

Action Item

Chair Evans: Asked for the employee and agency representatives to introduce themselves and stated he would then discuss the case. He asked the employee to begin. **Veronika Salazar:** Introduced herself and stated that she would be representing herself. **Charles Harvey:** Introduced himself as the Administrator of the Taxicab Authority. **Ann McDermott:** Stated she was Chief Deputy Attorney General and acting on behalf of the Taxicab Authority.

Chair Evans: Stated that the case was originally scheduled to be heard with two other cases for Linda Holtan and Mary Newton. He noted that Ms. Salazar had asked for a continuance which was granted. He stated that the Employee-Management Committee was in a new place in the process for cases such as these. He said that regulation NAC 284.695 stated that the Employee-Management Committee could respond to a request without a hearing if the case was based upon the committee's previous decisions or did not fall within its jurisdiction. He explained in the past that what would have happened with cases like these was the Chair would review it and make that decision. He noted in the past this case would not have been heard based on the Chair's decision. The Chair would have said this was previously heard and we are therefore not going to hear it again.

He stated that was done at one point and there were arguments that that case was different than the case that was heard. Consequently it went to District Court and they sent it back to the committee and it was heard. He said because of the way the regulation is written the committee's attorney had advised them that the Chair should not be making that decision, the committee should. He said this was the first time since that decision that they had a situation where a case had come before them. He said before he asked the committee what they would like to do he wanted to ask Ms. Salazar if she thought to her knowledge there were differences between her arguments and the arguments of Linda Holtan and Mary Newton. **Veronika Salazar:** Responded that the reason she felt her case was different was that she worked in a different department and in a different position and consequently had different job responsibilities.

Chair Evans: Stated that he would like to ask the committee for direction. He mentioned that he and the committee members had reviewed the materials from both sides. He stated that he thought they had three ways that they could approach it but he was also open to other ideas. He said the committee could decide that they believed this was based on the previous decision and the facts were similar enough that it would be considered that they had previously heard the grievance. He noted that they would make a motion and vote as it was for the committee to decide. He said, secondly, because they did not have regulations that said how they had to do the hearing they could proceed with an abbreviated hearing and ask both sides to present their arguments, have witnesses and if the committee members wanted to ask questions they could be called. Thirdly, it could be run like a regular hearing. He asked the committee members what their preferences would be. **Donya Deleon:** Asked what the difference was between the abbreviated and a regular hearing. **Chair Evans:** Responded that with the abbreviated hearing they would not do the opening statements or the presentation of the case but would have the two sides do a brief summary of their cases.

MOTION: Move to proceed with an abbreviated hearing
BY: Donya Deleon
SECOND: Turessa Russell
VOTE: The vote was unanimous in favor of the motion

Chair Evans: Swore in the witness and advised Veronika Salazar that she should tell the committee about her case and why they should approve the grievance. **Veronika Salazar:** Stated that she had been working on the 4-10 Schedule for nine years at the Taxicab Authority along with the officers so the full agency was working the 4-10 Schedule. She stated that her workload had not changed since they changed her to the 5-8 Schedule. She said she also felt the 4-10 Schedule was taken away because certain employees were misusing their 4-10

Schedules. She said the two employees that were misusing the 4-10 Schedule were no longer employed by the Taxicab Authority. She stated that the 4-10 Schedule was taken away because of those two employees but it had also been taken away from all the employees. She felt that it should now be given back to the other employees who had not been misusing it. She added that the 4-10 Schedule also provided better time coverage so they were able to give better customer service.

She noted that there was never a meeting with the administrator about the 4-10 Schedule being taken away although he had made a statement to that effect. She said there was a staff meeting but the issue of the 4-10 Schedule being taken away was not part of it. She said a co-worker Brenda Kelso had brought the issue up in relation to a comment about an equipment shortage. Ms. Kelso had said that if they all worked 5-8 that there would not be enough workstations to accommodate all the employees but with the 4-10 Schedule if an employee was absent that day then another employee could take that workstation. Veronika Salazar explained that since they did not have enough workstations then they would have to wait for another person to finish so that their work could be completed. **Chair Evans:** Asked if they had been given written notice about the change to the shift. **Veronika Salazar:** Responded yes. **Chair Evans:** Asked how much in advance were they given that notice. **Veronika Salazar:** Responded a month in advance. **Chair Evans:** Asked if she was planning on calling any witnesses. **Veronika Salazar:** Responded she had no witnesses. **Chair Evans:** Asked if there was anything else that she wanted to add. **Veronika Salazar:** Responded no, she was finished. **Chair Evans:** Asked how she saw her duties as different from the other two grievants. **Veronika Salazar:** Responded that she dealt mostly with customer service and processed their information, so all the data entry, running backgrounds, filing, copying, answering phones whereas Mary Newton was concerned with the courts so did not interact with the customers. She added that Linda Holtan also did not give customer service. She explained that in her department she was the front desk person and saw all the customers. **Chair Evans:** Asked her if in her mind the 4-10 Schedule made more sense for her as opposed to the other two grievants. **Veronika Salazar:** Responded yes, because she could be there for more hours to assist customers.

Chair Evans: Asked the committee members if they had any questions. **Donya Deleon:** Asked what the customer hours were. **Veronika Salazar:** Responded that they were open from 7 a.m. to 5 p.m. She said that from 7 a.m. she would start seeing customers, processing applications and other services. **Chair Evans:** Asked the agency to go ahead and give their argument. He asked if they would be calling witnesses. **Ann McDermott:** Stated that they had presented to the committee the testimony of Mr. Charles Harvey at the last grievance hearing and he had indicated that he had held a staff meeting on this issue. She said that he had issued a memorandum to staff that he was going to make the change and had articulated the reasons for doing so. She said the same reasons applied as Veronika Salazar was in the administrative group, the same group of individuals that were before the committee previously. She said that given the legal finding in the previous hearing that he had the discretion to make that change for the needs of the agency and given the statutory authority that he could make determinations that best fit the operations then those legal conclusions would hold true again given her position, duties and classification.

She added that as long as the committee was going to consider the record generated at the EMC meeting she noted that that record was available to the members for consideration. She said Mr. Harvey had presented his statements and she advised that he did not have anything

different to add to that. She said they were asking that the grievance be dismissed given that Mr. Harvey had presented his testimony and (inaudible 00:20:40 – 00:20:47) and the EMC had found that he did as a matter of law have the authority to make that decision to change the schedules. **Chair Evans:** Stated that Ann McDermott did not feel the need to call Mr. Harvey as a witness. He asked Veronika Salazar if there were any questions she had for Mr. Harvey. **Veronika Salazar:** Responded yes, because the staff meeting was not about the grievance and he did not meet with anybody. She said he had a staff meeting regarding changes to the facility, that they were moving, talking about things in that sense. She said the 4-10 Schedule was not brought up by either of the other two grievants and they had not spoken about it at that meeting. She said she was also told by JoAnn Caravella that only the administrative staff was told to be put on 5-8. She said they had asked why the whole agency had not been put on 5-8 if the industry had grown so much and they needed more staff. She said they stated that the investigators would stay on their 4-10 Schedule because there were more of them. She said this was false. She repeated it was not spoken about at the staff meeting. She said as they had a grievance in place they had not met with Mr. Harvey to try to resolve the issue of the 4-10 Schedule.

Chair Evans: Noted that was more of a statement. **Veronika Salazar:** Responded that she was not at the earlier hearing and was not aware of exactly what Mr. Harvey had said. **Chair Evans:** Asked if she had any questions. **Veronika Salazar:** Responded that she wanted to know if the 4-10 Schedule was being taken away only from the administrative side and was supposed to be for the betterment of the agency. She said the agency had more employees so why was it only being taken from one side as this seemed very biased. **Chair Evans:** Swore in Mr. Charles Harvey. He asked Veronika Salazar to ask Mr. Harvey any questions she had. **Veronika Salazar:** Asked why it was only taken away from certain employees and not taken away as a whole group if he had meant it to be for the betterment of the agency. **Charles Harvey:** Responded that since joining the agency in May 2011 he had looked at processes and procedures throughout the agency. He explained each of the units operated differently with different priorities. He noted as he had said in the previous hearing that he had met with the supervisors of each of those units and jointly they had discussed the staffing for each of those sections to ensure that they were able to meet their goals based on the number of staff and the hours they were working. He said within that process it was determined that the administrative side needed to work hours that were more around the business hours for the customers which are 7 a.m. to 5 p.m. He said the decision was made as it was felt it was in the best interest of the agency to continue to have enforcement investigators, the public safety dispatchers and the vehicle inspectors work their schedules that they were already on which was the 4-10 Schedule. **Chair Evans:** Asked committee members if they had any questions. He asked Ann McDermott if she had anything else to add. **Ann McDermott:** Responded no. **Chair Evans:** Asked both sides if they had any concluding statements. **Veronika Salazar:** Responded no.

Chair Evans: Opened up grievance for deliberations. **Claudia Stieber:** Said based on the decisions made at the two prior hearings and what had been heard today she was prepared to make a motion. **Turessa Russell:** Stated that there should maybe be a repeat of the last hearing for the grievant's benefit. She said she could not find the legal argument to grant the grievant. She said she could not see the difference between the previous cases and the current case but she did see that the way the 5-8s were being implemented, i.e. only for the administrative staff and not the field staff, could have a detrimental effect on the morale, the effectiveness and the way they would perform their duties in the future. She said the

administration had them there all five days and wondered about the betterment of the agency if it came with detrimental attitude or how they actually would do their job. **Mark Evans:** Stated in the previous hearing and in Veronika Salazar's case he thought the employees were making a good case as to why they should be on the 4-10 Schedule. He thought their reasoning was good and arguments well thought out. He said what it came down to for the committee the last time was the fact that Mr. Harvey had the authority to change schedules and putting staff on a 5-8 Schedule was not a strange schedule so he said that they did not see as a committee that they had the authority to change his management decision. He said that he also agreed with Claudia Stieber.

MOTION: Move to deny the grievance based upon the grievant's failure to prove that the appointing authority overstepped his discretion or abuse of authority or failed to follow the agency's policies and procedures or NAC or NRS
BY: Claudia Stieber
SECOND: Bonnie Long
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: Turessa Russell
SECOND: Donya Deleon
VOTE: The vote was unanimous in favor of the motion