



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
March 24, 2016

Held at the Nevada Department of Transportation, 1951 Idaho St., Training Room, Elko; the Blasdel Building, 209 E. Musser St., Room 105, Carson City; and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Payette–Chair	X
Mr. Guy Puglisi	X
Ms. Claudia Stieber	
Ms. Allison Wall–Co-Vice-Chair	
Ms. Michelle Weyland	X
Ms. Pauline Beigel	
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	X

Staff Present:

Mr. Greg Ott, EMC Counsel, Deputy Attorney General
Ms. Carrie Lee, EMC Coordinator
Ms. Jocelyn Zepeda, Hearing Clerk

- 1. 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

Chair Payette requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Tracy DuPree
SECOND: Co-Vice-Chair Stephanie Canter
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for January 28, 2016 – Action Item

Chair Payette requested a motion to adopt 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.

5. Approval of Minutes for February 11, 2016 – Action Item

Chair Payette requested a motion to adopt 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.

6. Discussion and possible action related to Motion to Dismiss of Grievance #3906 of John Sivia, submitted by the Department of Public Safety, 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 Public Safety (“DPS”) which was represented by Senior Deputy Attorney General Tyler Watson. Richard McCann (“Mr. McCann”), Executive Director of the Nevada Association of Public Safety Officers, represented John Sivia (“Mr. Sivia”).

DPS argued that the Committee lacked jurisdiction to hear grievance #3906 because the Legislature has prohibited DPS from instituting retroactive merit pay increases under NAC 284.194 for the period of July 1, 2009, through June 30, 2014, including issuing any back pay that would necessarily result from a retroactive increase and because a 2010 executive order stated that “no request to accelerate a salary of a new or promoted employee will be approved by the Department of Personnel until further notice.” DPS claimed that it was simply abiding by the directives of the State and the requested remedy was not available. DPS further argued that past EMC decisions, including *Grievance of Jennifer Nash, #57-11*, that have addressed this issue have all resulted in dismissal.

DPS argued in substance that Mr. Sivia was requesting that he be given the same amount of step increases which Nevada Department of Transportation

employees with equivalent training, experience and time on the job received after legislative changes made in 2013 allowed for such step increases. DPS argued in substance that pay disparity between different departments is not to be considered, and adjustments for new hires are considered if feasible.

Mr. McCann stated that there was no legal merit to the grievance and asked that the EMC continue to make the Governor's office aware of the continued requests from employees for this sort of relief.

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 DuPree stated that the EMC had no authority to provide the relief Mr. Sivia was seeking and moved to grant the Motion to Dismiss. Co-Vice-Chair Canter noted that Mr. McCann stated the facts for the record, and Mr. Sivia did not indicate any violation of statute. Committee Members Sherri Thompson and Michelle Weyland were in agreement.

MOTION: Moved to grant the motion to dismiss.
BY: Committee Member Tracy DuPree
SECOND: Co-Vice-Chair Stephanie Canter
VOTE: The vote was unanimous in favor of the motion.

7. Public Comment

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

8. Adjournment

Chair Payette stated if there were no objections, the meeting would be adjourned. Hearing none, the meeting was adjourned at 9:20 a.m.