Employee-Management Committee

Additional Items Requested:

1. **The operating budget of the board or commission.**

Employee-Management Committee (1)					
Budget Acct.	Category	Expense Description	FY16 (2)		FY17
			Budgeted	Expenses	Budgeted
1363	12	Employee-Management Committee - Travel	$ 2,586	$ 652	$ 2,586
Total			$ 2,586	$ 652	$ 2,586

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

(2) Expenses as of 3/10/2016

2. **A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.**

Employee-Management Committee (1)								
Budget Acct.	Category	Expense Description	FY13		FY14		FY15	
			Budgeted	Expenses	Budgeted	Expenses	Budgeted	Expenses
1363	12	Employee-Management Committee - Travel	$ 4,084	$ 1,360	$ 3,325	$ 2,586	$ 3,325	$ 2,297
1363	04	Transcription (2)	$ -	$ 180	$ -	$ 1,003	$ -	$ 481
Total			$ 4,084	$ 1,540	$ 3,325	$ 3,589	$ 3,325	$ 2,778

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

(2) In FY13 and FY14, the cost was for hearing minutes. In FY15, the cost was due to transcription of hearing for judical review. Hearing recordings are no longer sent out for transcription of minutes due to the cost.

3. **The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.**

   None that staff are aware of.

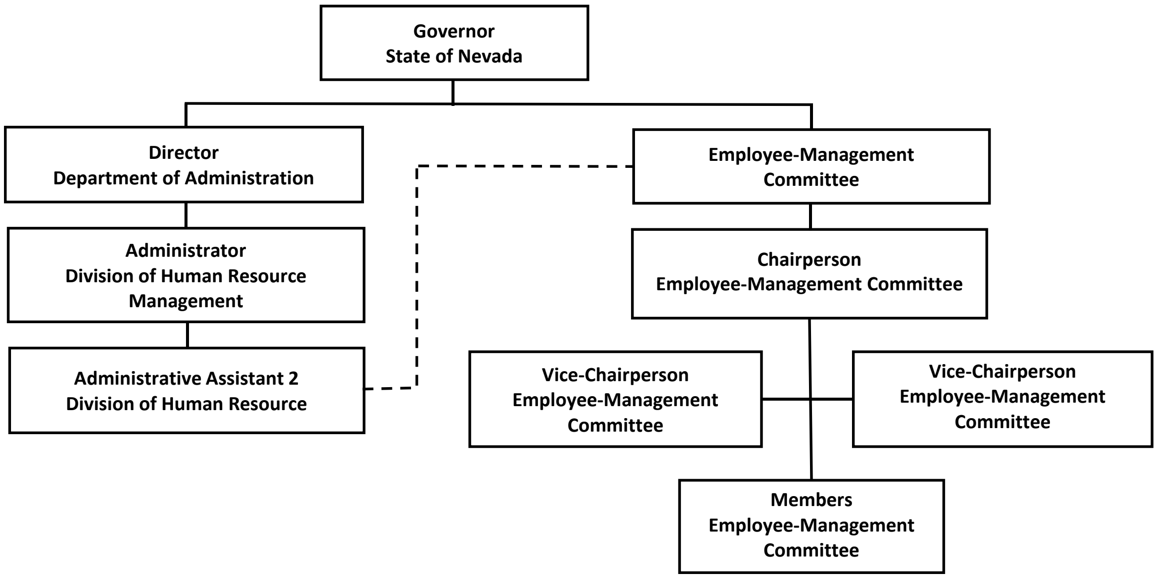
4. **Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.**

   None have been requested or filed.

5. **Copies of the minutes of the immediately preceding six meetings of the board or commission.**

   See attached.

6. **A copy of the organizational chart showing the governing structure of the board or commission and its staff.**



7. **A copy of the most recent strategic plan of the board or commission.**

None

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

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:

Management Representatives	**Present**
Mr. Mark Evans–Chair	
Ms. Mandy Payette–Co-Vice-Chair	X
Ms. Bonnie Long	
Ms. Claudia Stieber	X
Ms. Allison Wall	
Ms. Michelle Weyland	
Employee Representatives	
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 AAIII 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 AAIII and AAIV positions opened up she was allowed to apply for the AAIII 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 AAIII 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.

Brian Sandoval
Governor

Mark Evans
Chair

Stephanie Canter
Co-Vice-Chair

Mandy Payette
Co-Vice-Chair

Greg Ott
Deputy Attorney General

Robert A. Whitney
Deputy Attorney General

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

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.

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
October 22, 2015

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	**Present**
Chair–Vacant	
Ms. Mandy Payette–Co-Vice-Chair	
Ms. Pauline Beigel	
Mr. Guy Puglisi	X
Ms. Claudia Stieber	
Ms. Allison Wall	
Ms. Michelle Weyland	X
Employee Representatives	
Ms. Stephanie Canter–Co-Vice-Chair	X
Ms. Donya Deleon	
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	

Staff Present:

Mr. Robert Whitney, 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 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 Canter requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Michelle Weyland
SECOND: Committee Member Turessa Russell
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for April 23, 2015 – Action Item

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

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

5. Approval of Minutes for May 7, 2015 – Action Item

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

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

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

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

MOTION: Moved to change Agenda Item 8 – Adjournment to read, "Committee Member Turessa Russell" instead of "Co-Vice-Chair Turessa Russell" and approve the minutes.
BY: Committee Member Turessa Russell
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

7. Approval of Minutes for September 17, 2015 – Action Item

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

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

8. Discussion and possible action related to Motion to Dismiss of Grievance #3693 of Anthony Ritz, 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 ("Committee") by the agency employer Department of Corrections ("NDOC") which was represented by Human Resource Manager David Wright ("Mr. Wright"). Grievant Anthony Ritz ("Mr. Ritz") represented himself.

NDOC argued in substance that Mr. Ritz's grievance was untimely and should have been filed back in 2006. NDOC also argued that there was Committee precedent if an employee reasonably should have known about the act which constituted his or her grievance and if the employee did not file the grievance within the 20-day time period allowed for filing grievances, then the grievance would be dismissed. NDOC argued in substance that it should have been apparent to Mr. Ritz based on his payroll check that there was an issue that needed to be corrected. Additionally, NDOC argued that there was no proof that NDOC had violated any statute or regulation in the matter. Finally, Mr. Wright argued that NDOC offered a resolution to Mr. Ritz's grievance, but Mr. Ritz had declined the proposed resolution.

Mr. Ritz argued in substance that he never handled his checkbook, that his checks were deposited directly into his account, that he never looked at his paystubs, and that he did not become aware of the fact that he did not receive his full service credit until April 6, 2015. Mr. Ritz also added that he submitted his grievance on April 10, 2015. Mr. Ritz further argued in substance that his attendance cards showed that he used compensatory ("comp") time off during the period of time in question, and that there was a mistake made by NDOC Payroll. Furthermore, Mr. Ritz stated in substance that he was told by NDOC that he had the comp time available to use at the time in question. Mr. Ritz further stated in substance that he did not accept NDOC's proposed resolution because he felt that he would be charged double the time for the same amount of pay, and that he simply wanted his service credits.

The Committee, after having read and considered all of the documents filed in this matter and after having heard oral arguments, deliberated on the issues presented. Co-Vice-Chair Canter stated in substance that state statute was violated because Mr. Ritz's timesheets did not show leave without pay as being taken by Mr. Ritz, yet leave without pay was ultimately charged. With respect to whether Mr. Ritz's grievance was timely filed, Co-Vice-Chair Canter stated in substance that if Mr. Ritz's leave was never deducted for the comp time he thought he took back in December 2005, and if it had accrued and had been incorrect since 2005, then the 20-day time period for filing a grievance would start over every pay period. Committee Member Michelle Weyland stated in substance that Mr. Ritz should have noticed the difference in pay between his paycheck with the leave without pay taken into account and his other paychecks.

Co-Vice-Chair Canter requested a motion.

MOTION: Moved to deny the Motion to Dismiss

BY: Committee Member Turessa Russell
SECOND: Committee Member Guy Puglisi
VOTE: The motion passed with a three-to-one vote with Committee Member Weyland voting in the negative.

9. Adjustment of Grievance of Anthony Ritz, #3693, Department of Corrections – Action Item

The agency employer NDOC was represented by Mr. Wright. Mr. Ritz was present in proper person. There were no objections to the submitted exhibits. Mr. Ritz and Department of Administration Central Payroll Manager Keyna Jones ("Ms. Jones") were sworn in and testified at the hearing.

Mr. Ritz is a Correctional Casework Specialist II with NDOC. Mr. Ritz testified that on April 6, 2015, he reviewed his Public Employees' Retirement System of Nevada ("PERS") account and learned that during the December 19, 2005, to January 15, 2006, time period he did not receive full service credit toward his retirement. As a result, Mr. Ritz stated that he contacted Hope Chowanski with NDOC Payroll on the same date as his review. Furthermore, Mr. Ritz stated in substance that he filed his grievance within 20 days of becoming aware of his not receiving full service credit.

Additionally, Mr. Ritz also testified in substance that he felt that not one of the associate wardens at NDOC from the start of the grievance process tried to address his grievance, and that no one from NDOC had contacted NDOC Payroll or even researched his timesheets or attendance cards, and that he had to contact NDOC Payroll himself. Furthermore, Mr. Ritz noted that Brian Boughter (former Personnel Officer with NDOC) stated in substance that it appeared that he had the comp time available back in December 2005 to use and that there should not have been any reason that Mr. Ritz was not allowed to use that time.

Mr. Ritz stated in substance that Ms. Jones in an e-mail said he did not have the correct amount of time to enable him to use his comp time. Mr. Ritz added that he was told by Ms. Jones that he would have needed 60 hours for that time period, and that he only had 38.52 hours, but that still came to 21.48 hours leave without pay for the time that was unaccounted for and which would have been the leave without pay in question. If he received 28 hours leave without pay, Mr. Ritz argued, where was the other 6 hours? Therefore, Mr. Ritz in substance argued that there was a "mess up" somewhere between NDOC Payroll and PERS, and that his time had been calculated incorrectly. Mr. Ritz added in substance that back in 2005 if an employee was not at work, NDOC was required to sign a timesheet for that employee, and that if NDOC could show him his timesheet with leave without pay he would end his grievance.

NDOC stated that it was not arguing the fact that Mr. Ritz had annual leave which could have been used back in December 2005. However, back in 2005, NDOC stated that supervisors were required to sign timesheets when submitted. The timecard that was provided in Mr. Ritz's packet was not the actual timecard that would have been keyed in by the institution's timekeeper. NDOC also noted that it saw the timesheet that Mr. Ritz provided in his exhibit packet, and that he had put down comp time for his requested time off, but that this was not a final timesheet. NDOC added that back in 2005 it was not using NEATS (the "Nevada Employee Action and Timekeeping System"), which allows employees to view their electronic timesheets, and that according to the Nevada State Library and Archives, state departments are not required after three fiscal years to keep physical payroll records. Therefore, NDOC argued, there was no way it could go back and research what documents were originally submitted concerning time off in this case.

Additionally, NDOC argued that if one looked at the first page of Agency Exhibit C, at the dates of the 24th, 30th and 31st of December, it appeared comp time was used on the 24th, but on the 30th and 31st leave without pay was used. According to NDOC, this exhibit would have been what was submitted from it to Central Payroll at the time in question. On page two of the exhibit, NDOC stated that at that time, December 2005, a timesheet was entered, that it was "minused out," and that a third timesheet was input with basically the same exact hours on it with the exception of the 24th having four hours of leave without pay.

NDOC stated that they went back and researched what happened and what the hours were which were actually submitted. NDOC stated that what it submitted to Central Payroll was exactly what Mr. Ritz was paid for, and that is what was submitted to PERS because PERS had notified Mr. Ritz when he spoke with them that he had 28 hours of leave without pay, which was in fact correct.

NDOC argued that there were no reporting or clerical errors from NDOC to Central Payroll, or from Central Payroll to PERS, and that all the information matched. NDOC stated that for whatever reason, Mr. Ritz's timesheet as submitted was not what ultimately Mr. Ritz ended up being compensated for, and they did not have the reason why. However, NDOC noted that it did research the grievance and that it did go back and try and look at the timesheets as Mr. Ritz had requested. NDOC added that it did not have to make the offer it made to Mr. Ritz of allowing him to use current annual leave to offset the leave without pay so there would not be a difference in PERS. However, NDOC noted that Mr. Ritz declined its offer, feeling that it was a double payment on his part. NDOC added that annual leave would have had to have been used in 2005 because Mr. Ritz, according to Ms. Jones' e-mail, stated that Mr. Ritz did not have the comp time to cover his absence. NDOC added that it did not see any other available remedy other than allowing Mr. Ritz to use his annual leave right now, and since that offer was refused, NDOC requested that Mr. Ritz's grievance be dismissed.

Ms. Jones testified in substance that she went back and pulled the history of all documents keyed in from December 5, 2005, to January 1, 2006 (pages 13 and 14 of the Supplemental Exhibit) that pertained to Mr. Ritz's grievance. Ms. Jones was also asked about her e-mail answer to Mr. Ritz that was included in the Supplemental Packet. She testified that Mr. Ritz had asked her if he had enough comp time to cover the leave he took in December 2005. Ms. Jones explained that going back over the spreadsheet which she compiled, Mr. Ritz started the pay period with 38 hours and 52 minutes of comp time, and that his leave usage during that pay period totaled 60 hours, but that Mr. Ritz had not used any annual leave. Ms. Jones further testified that Mr. Ritz earned 8 hours of comp time for the holiday, but he did not have sufficient comp time to support the reported 60 hours. Ms. Jones also stated in substance that it appeared Mr. Ritz had sufficient annual leave to use at this time period.

In response to questioning from Mr. Ritz, Ms. Jones testified that she could not answer where the other 14.52 hours were which accounted for his leave without pay total since she did not have access to the correcting documents submitted to Payroll due to the three-year record retention schedule. Ms. Jones also testified in substance that she was unable to answer why Mr. Ritz was charged with 28 hours comp time instead of 13.48 hours because she did not have the information to allow her to do so.

After Ms. Jones testified, Mr. Ritz stated in substance that at the time he took the leave in question NCIS ("Nevada Correctional Information System"), the timekeeping system which NDOC used at the end of 2005, would not allow an employee to use time which the employee did not have available. Therefore, Mr. Ritz added, when the time was entered he was under the impression that he had the comp time available to use and that his timesheet reflected this as well as his attendance card. Mr. Ritz surmised that somewhere, based on what Ms. Jones testified to, there was a clerical error of at least 14 plus hours.

The Committee discussed and deliberated on Mr. Ritz's grievance. It was voiced by some Committee members in substance that the only remedy they saw was to compensate Mr. Ritz with 28 hours of annual leave so the concern regarding Mr. Ritz' PERS account could be rectified. Co-Vice-Chair Canter noted that if Mr. Ritz did not have sufficient comp time to use back in December 2005, his time should have been coded to annual leave instead of leave without pay. Co-Vice-Chair Canter also noted that Mr. Ritz would need to be paid for the time that was coded as leave without pay and the time recorded as annual leave and then that change would need to be reported to PERS. It was also stated by Committee Member Turessa Russell that Mr. Ritz wasn't charged annual leave or comp time in December 2005, and so to give the time up now would be the same as giving up the time in December 2005.

MOTION: Moved to uphold the grievance because NDOC erred in the timesheet coding of leave without pay before using annual leave or comp time per NDOC's Administrative Regulation 322, and that the remedy was that Mr. Ritz be charged 28 hours of leave, comp or annual, to be paid based on Mr. Ritz's rate of pay at the time (December 2005) and that appropriate contributions be made to PERS and any other required entities, and that these actions would be contingent upon leave currently being available.

BY: Co-Vice-Chair Stephanie Canter
SECOND: Committee Member Michelle Weyland
VOTE: The vote was unanimous in favor of the motion.

10. Public Comment

There were no comments from the audience or Committee Members.

11. Adjournment

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

Brian Sandoval
Governor

Vacant
Chair

Stephanie Canter
Co-Vice-Chair

Mandy Payette
Co-Vice-Chair

Greg Ott
Deputy Attorney General

Robert A. Whitney
Deputy Attorney General

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
October 27, 2015

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

Committee Members:

Management Representatives	**Present**
Chair–Vacant	
Ms. Mandy Payette–Co-Vice-Chair	X
Mr. Guy Puglisi	X
Ms. Claudia Stieber	X
Ms. Allison Wall	X
Ms. Michelle Weyland	X
Ms. Pauline Beigel	X
Employee Representatives	
Ms. Stephanie Canter–Co-Vice-Chair	X
Ms. Donya Deleon	X
Mr. Tracy DuPree	X
Mr. David Flickinger	
Ms. Turessa Russell	X
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. **Co-Vice-Chair Mandy Payette:** Called the meeting to order at approximately 1:25 p.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 Tracy DuPree
SECOND:	Co-Vice-Chair Stephanie Canter
VOTE:	The vote was unanimous in favor of the motion.

4. Election of Chair and as many Co-Vice-Chairs as the Committee deems appropriate – Action Item

Co-Vice-Chair Payette requested nominations for the position of Chair. Committee Member Allison Wall nominated Co-Vice-Chair Payette. As there were no other nominations, Co-Vice-Chair Payette called for the vote. The vote was unanimous in favor of Co-Vice-Chair Payette.

Chair Payette opened the discussion concerning the position of Co-Vice-Chair. She asked if the Committee wanted to continue having two Co-Vice-Chairs with one being in the south and one in the north, or return to having only one. Chair Payette mentioned that it was helpful to have a Co-Vice-Chair in the south to give a sense of authority at a hearing if the Chair was unavailable to be present.

Committee Member Claudia Stieber stated that hearings ran more smoothly with a Co-Vice-Chair in both the north and the south. Committee Member Wall asked EMC Coordinator Carrie Lee if having Co-Vice-Chairs in both locations assisted in scheduling hearings when the Chair was unavailable. EMC Coordinator Lee answered in the affirmative.

Committee Member Tracy DuPree stated that the Committee should have two Co-Vice-Chairs; Committee Member Sherri Thompson and Co-Vice-Chair Canter agreed.

Chair Payette requested nominations for the position of EMC Co-Vice-Chair in the north. Committee Member Michelle Weyland nominated Committee Member Stieber, who respectfully declined.

Chair Payette nominated Committee Member Wall for the position of EMC Co-Vice-Chair in the north. Committee Member Wall accepted the nomination and asked for clarification of the responsibilities of the position. Chair Payette stated that the Co-Vice-Chair would act as Chair if she were unavailable or conflicted, review grievances, and grant or deny requests for continuance. Co-Vice-Chair Canter suggested that in addition to the Chair, all grievance information should be sent to the Co-Vice-Chairs so in the event the Chair was unavailable, it would not be overwhelming for a Co-Vice-Chair to get up to speed in preparation of a hearing.

Chair Payette stated that if she was unavailable and a Co-Vice-Chair did not feel comfortable hearing a grievance that had been scheduled, the Co-Vice-Chair could continue the hearing. Chair Payette also stated it was not beneficial for anybody to get bogged down, and wanted to ensure that a grievant had the best hearing outcome possible.

Chair Payette closed the nomination and the vote was unanimous in favor for Committee Member Wall. Chair Payette asked for nominations for the position of Co-Vice-Chair for the south. Committee Member Sherri Thompson nominated Co-Vice-Chair Canter.

Co-Vice-Chair Canter asked if there were existing guidelines for agencies concerning allowing committee members to participate in the EMC process. Chair Payette stated that there were no agencies present to answer. Co-Vice-Chair Canter stated that while her boss was extremely supportive, other agencies may frown on allowing an employee to be in the position of Chair or Co-Vice-Chair. Co-Vice-Chair Wall suggested that at a future hearing the Committee could discuss proposing to the Division of Human Resource Management to develop guidelines to send to a new member's agency outlining what to expect when an employee was appointed to the EMC.

Chair Payette stated that committee members volunteered their time to serve, and that there were no statutes that said an agency must allow for time during work hours to attend EMC hearings or read hearing information. Co-Vice-Chair Canter stated that she reviews hearing materials both at work and at home; Chair Payette agreed that all EMC members probably did. Committee Member Turessa Russell noted that the time she has available to participate depended on agency staffing and workload. Committee Member Sherri Thompson stated that it is expected that the materials have been reviewed in advance prior to a hearing. Chair Payette noted that she could close her office door to concentrate on EMC matters but that agency-related work took precedence. Chair Payette also noted that having guidelines would not ensure that an agency would follow them, and that perhaps a letter thanking the agencies for allowing their employee to participate would be more appropriate.

EMC Counsel Greg Ott suggested that for the nomination for Co-Vice-Chair in the south, the Committee should assume matters will continue as they are without change, as the discussion regarding guidelines was speculative.

Chair Payette asked if there were additional nominations for the position of Co-Vice-Chair in the south. Hearing none, Chair Payette closed the nominations and Co-Vice-Chair Canter was reelected by unanimous vote.

5. Discussion of Future Agenda Items – Action Item

Co-Vice-Chair Wall mentioned the idea of the entire Committee getting together for an orientation for new members and a refresher course for continuing members facilitated by the Division of Human Resource Management. Chair Payette voiced her support.

6. Public Comment

There were no comments from the audience or Committee Members.

7. Adjournment

Chair Payette requested a motion to adjourn.

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

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
December 17, 2015

Held at the Blasdel Building, 209 E. Musser St., Room 105, Carson City, Nevada; the Nevada Department of Transportation, 1401 E. Aultman St., Conference Room, Ely, Nevada; and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, 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	
Ms. Donya Deleon	
Mr. Tracy DuPree	X
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. **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:	Committee Member Michelle Weyland
VOTE:	The vote was unanimous in favor of the motion.

4. Approval of Minutes for October 22, 2015 – Action Item

Chair Payette requested a motion to adopt the minutes.

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

5. Approval of Minutes for October 27, 2015 – 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 Sherri Thompson
VOTE:	The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Motion to Dismiss of Grievance #3853 of Richard Adams, 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 ("Committee") by the agency employer Department of Corrections ("NDOC") which was represented by Deputy Director of Support Services Scott Sisco. Grievant Richard Adams ("Mr. Adams") was not present at the hearing.

NDOC argued in its motion that the Committee did not have jurisdiction to consider the matters which Mr. Adams had raised in his grievance. NDOC further argued in substance that Mr. Adams was grieving the fact that the recent legislative process did not provide for an automatic pay progression to the pay step NDOC employees would have been at had it not been for the pay freeze instituted by the Legislature. NDOC noted that although NAC 284.194 stated that an employee whose last rating of performance was standard or better and who had not attained the top step of his or her grade must receive a merit step pay increase on his or her progression date until the employee reached the top step of his or her grade, in 2009 the Legislature passed Senate Bill 421, which stopped merit pay increases which State employees would otherwise have been entitled to until 2011.

NDOC also stated that in 2011 the Legislature passed Assembly Bill ("AB") 560, which stated that a State employee was not entitled to any merit pay increases which the employee would have otherwise been entitled to during the period in question, and that AB 560 was effective until June 30, 2013. NDOC added that the Legislature passed AB 511 in 2013, and it stated that no merit pay increases which a State employee would have otherwise been entitled pursuant to NRS and NAC Chapter 284 would be granted during Fiscal Year 2013-2014. Additionally, NDOC pointed out that AB 511, in Section 14, also said that, with respect to merit pay increases granted on or after July 1, 2014, a State employee was not entitled to any increases he or she would have otherwise been granted during that time period.

Thus, NDOC argued, there were laws that were passed three times, in 2009, 2011 and 2013, that specifically took away the right an employee had to merit pay increases he or she had prior to attaining the top step of his or her pay grade. Furthermore, NDOC argued in substance that with each passing of the law it was stated that an employee was not entitled to any merit pay increases that the employee would have otherwise been granted in that time period.

NDOC also stated in substance that it was not arguing that all State employees, Mr. Adams included, are not undeserving of receiving pay step increases, or that the three laws passed between 2009 and 2013 did not create an imbalance in pay, but that what the hearing came down to was whether the Committee could do anything about the issues cited in Mr. Adams' grievance. NDOC argued that the Committee could not address the matter because its decision could not supersede State law, that it had no jurisdiction to fix the problems raised in Mr. Adams' grievance, and that only the Governor within a legislative session and the Legislature itself could fix the problems set forth in Mr. Adams' grievance.

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 Tracy DuPree noted that State employees deserved raises, but that there was nothing the Committee could do about it because the Legislature had acted three different times to say that State employees cannot now come back and say they want more money. Committee Member Michelle Weyland voiced the opinion that the Committee could not force an agency to grant accelerated pay increases or individual merit pay increases. Committee Member Turessa Russell stated that the Committee did not have jurisdiction over the issues Mr. Adams raised in his grievance.

Chair Payette requested a motion.

MOTION:	Moved to grant the Motion to Dismiss pursuant to NAC 284.695(1).
BY:	Committee Member Tracy DuPree
SECOND:	Committee Member Michelle Weyland
VOTE:	The vote was unanimous in favor of the motion.

7. Discussion and possible action related to Motions to Dismiss of Grievances #3908 of Christopher Bennett, and #3856 of Adam Zehr, submitted by the Department of Public Safety, supporting documentation, and related oral argument, if any – Action Item

Motions to Dismiss were submitted to the Committee by the agency employer Department of Public Safety ("DPS") which was represented by Chief Deputy Attorney General Jennifer Hostetler. Richard McCann ("Mr. McCann"), Executive Director of the Nevada Association of Public Safety Officers, represented Christopher Bennett ("Grievant" or "Mr. Bennett") and Anthony Zehr ("Grievant" or "Mr. Zehr").

DPS argued in its motions that the Committee did not have jurisdiction to consider matters raised by Mr. Bennett and Mr. Zehr and that the Committee did not have the authority to grant the relief requested by Mr. Bennett and Mr. Zehr.

DPS argued in substance that the Grievants were requesting that they 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 further stated in substance that the Nevada Legislature suspended all merit step increases in pay for all State employees in 2009, and merit step pay increases remained suspended until 2014.

DPS also argued in substance that when the merit pay increase suspension was lifted in 2014 the Nevada Legislature did not give DPS or any other State agency the authority to grant retroactive pay increases from the time the suspension was lifted. Additionally, DPS added that the language in the bill lifting the merit pay increase suspension indicated that an employee was not entitled to merit pay increases for the period of time that the suspension was in effect.

DPS also addressed NAC 284.204, which gives the discretionary authority to the Department of Administration, Division of Human Resource Management ("DHRM") to approve adjusting steps. DPS stated in substance that Mr. Bennett and Mr. Zehr suggested that DPS should have made a request to DHRM in order to eliminate certain pay disparities, and added that NAC 284.204 did not allow for an adjustment of steps to correct a pay disparity between two State agencies.

DPS noted in substance that pay disparity among the divisions of DPS seemed to be a concern in Mr. Bennett's and Mr. Zehr's grievances, specifically within the Nevada Highway Patrol. DPS added that it appreciated the financial sacrifice its employees were making, and that it had looked into whether it could offer an adjustment in pay. However, DPS stated in substance that unfortunately granting its employees a salary adjustment would be unfeasible given its budget and financial constraints, noting that NAC 284.204 required that a request for adjustment of steps be accompanied by a certification from DPS that the adjustment was feasible based upon its fiscal effects, which DPS was unable to do, given DPS' financial situation.

Mr. McCann argued in substance that there was not much he could argue in opposition to the law as it existed. However, Mr. McCann asked the Committee to consider as part of its duties under NRS 284.073, offering the recommendation to the Governor and DHRM that a compensation study be completed, and that the Committee provide a letter to the Governor recommending that he provide a directive to the Legislature to increase the pay of State employees to achieve parity and retention of personnel. Mr. McCann added in substance that the Committee had the responsibility to make a recommendation that challenged DPS and other State agencies to budget to increase wages and benefits in order to promote recruitment and retention of personnel. Mr. McCann also noted that the Committee could dismiss the grievances before it, but that it could do so with a mandate through its recommendation that there be a dialogue at the next Legislative session about pay disparity.

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. Chair Mandy Payette noted that the Committee could forward the recommendations Mr. McCann made to the Governor, but that they were sure that the Governor was aware of the situation, and that in the past the Committee's role had been to bring forward matters of which the Governor was unaware. Committee Member Sherri Thompson noted in substance that although she understood that the Governor was aware of the situation, the Committee was receiving more and more grievances such as the ones before it. Committee Member Tracy DuPree commented in substance that State employees needed to contact their Legislator and that a statement from the Committee about pay issues would not be as effective as a one-on-one communication from a State employee with their Legislator.

Chair Payette requested a motion.

MOTION:	Moved to grant the Motion to Dismiss based on limitations imposed by NAC 284.695(1).
BY:	Committee Member Tracy DuPree
SECOND:	Committee Member Michelle Weyland
VOTE:	The vote was unanimous in favor of the motion.

8. Public Comment

There were no comments from the audience or Committee Members.

9. Adjournment

Chair Payette requested a motion to adjourn.

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

STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | http://hr.nv.gov | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee
January 28, 2016
(Subject to Committee Approval)

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

Committee Members:

Management Representatives	**Present**
Ms. Mandy Payette–Chair	X
Mr. Guy Puglisi	X
Ms. Claudia Stieber	X
Ms. Allison Wall–Co-Vice-Chair	X
Ms. Michelle Weyland	X
Ms. Pauline Beigel	X
Employee Representatives	
Ms. Stephanie Canter–Co-Vice-Chair	X
Ms. Donya Deleon	X
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. Jocelyn Zepeda, Hearing Clerk

1. **Chair Mandy Payette:** Called the meeting to order at approximately 9:30 a.m.

2. Public Comment

Rick McCann ("Mr. McCann"), Executive Director, Nevada Association of Public Safety Officers, asked if the Public Comment portion of the meeting was the appropriate place to address Agenda Item 7, "Discussion and possible action on proposed Letter to Governor regarding State of Nevada employee wages and pay disparity." Chair Payette clarified it was the appropriate time.

Charles Hopps ("Mr. Hopps"), Vice President, Nevada State Law Enforcement Officers Association ("NSLEOA"), commented on the pay disparity between local police officers and state police officers being quite striking. Mr. Hopps stated there is not a lot of incentive for state police officers to stick around.

Mr. McCann appreciated the letter, and encouraged the Employee-Management Committee ("EMC") to add more strength to their words. Mr. McCann stated the Governor needed to hear about priorities from his appointed committees.

Dan Lopez, Nevada Highway Patrol Association, fully agreed with the two previous speakers, and suggested that the letter include the number of State employees that are trained and then leave state service to work for another employer.

Michael Sean Giurlani, President, NSLEOA, commented that Nevada law enforcement is in dire straits with benefits having been lost, and suggested the letter reflect the seriousness of the situation.

Chair Payette stated that she appreciated all the comments and encouraged State workers to meet with legislators and attend hearings.

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 Claudia Stieber
SECOND:	Co-Vice-Chair Allison Wall
VOTE:	The vote was unanimous in favor of the motion.

4. Approval of Minutes for December 17, 2015 – Action Item

Chair Payette requested a motion to adopt the minutes.

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

5. **Information and update on State of Nevada, Department of Corrections v. Kassebaum (Grievances #3225 & 3232) – For Information Only**

EMC Counsel Deputy Attorney General Robert Whitney provided a status update regarding the contested judicial review of Nevada Department of Corrections ("NDOC") vs. Kassebaum, which had been filed with the Nevada Supreme Court. The case has been routed to a settlement program. As the dispute is between NDOC and Kassebaum, the EMC is not opposed to settlement as long as EMC business is not impaired in any way.

6. **Discussion and possible action of formulation and possible approval of EMC procedures related to the handling of grievances – Action Item**

Deputy Administrator Shelley Blotter ("Deputy Administrator Blotter"), Department of Administration, Division of Human Resource Management ("DHRM"), explained that DHRM provided support to the EMC. Deputy Administrator Blotter presented the proposed EMC Rules of Practice based on information which was known anecdotally about current EMC procedures. Deputy Administrator Blotter indicated the EMC Chair and Co-Vice-Chairs met with DHRM to discuss developing the rules as documented in statute.

Deputy Administrator Blotter explained how, among other things, the proposed rules clarified: the number of Members that constituted a quorum; how an equal number of employees and managers were needed to make a decision; how the positions of Chair and Co-Vice-Chair were designated; and the scheduling of hearings. Deputy Administrator Blotter indicated that the Legislative Counsel Bureau, during the course of a regulation pre-adoption review, was presented with the idea of an EMC subcommittee to review grievances, but that idea did not move forward. The suggestion was then made that the Chair and Co-Vice-Chairs could independently review each grievance to determine: if the EMC had jurisdiction to hear the grievance; if the grievance should be dismissed due to lack of jurisdiction or as previously heard; or have a full hearing. Chair Payette stated that the independent review process would save resources and time, the intent being for the Chair and Co-Vice-Chairs to streamline the process.

Committee Member Claudia Stieber asked if it was burdensome to review each grievance. Chair Payette answered that grievances came in cycles, and stated the Chair and Co-Vice-Chairs would look at the premise of a grievance, not the resolution. Chair Payette continued that it was redundant to have agencies present a grievance a based on a decision of the EMC, and then return for full hearing. A determination of jurisdiction would take place at a hearing.

Committee Member Sherri Thompson asked what would happen if the Chair and Co-Vice-Chairs disagreed. Chair Payette explained the outcome would be determined by a majority. Committee Member Pauline Beigel asked if the rules were specific to grievances and should the rules reflect that. Co-Vice-Chair Allison Wall felt similarly, and stated additional procedures could be created to address NRS 284.073(1)(a-e).

Deputy Administrator Blotter responded the rules were drafted for grievances and additional areas could be added. Chair Payette felt the proposed rules should not be burdensome nor did they encompass the entire duties of the EMC. Chair Payette continued the EMC needed to know how to meet the requirements of the NAC. Deputy Administrator Blotter stated the rules did not cover ground already in statute. Co-Vice-Chair Wall asked if the EMC wanted to add a section to the proposed rules to clarify NRS 284.073(1)(a-d) to show how the EMC fulfilled those provisions. Chair Payette stated that if that were to happen, the rules would be on an agenda at a future meeting and Members could review and comment on the statute. Chair Payette continued, that the EMC was fulfilling the provisions to some extent, but it was often left up to interpretation. Chair Payette added that the proposed rules clarified how hearings are scheduled and set, and how grievances are heard. Committee Member Beigel agreed with Co-Vice-Chair Wall.

Chair Payette requested a motion.

MOTION:	Adopt the proposed EMC Rules of Practice as written.
BY:	Committee Member Claudia Stieber
SECOND:	Committee Member Donya Deleon
VOTE:	The majority of the vote was in favor of the motion with Committee Member Beigel voting in the negative.

7. Discussion of and possible action regarding potential responses to Sunset Subcommittee of Legislative Commission, recommendations to Sunset Subcommittee for improvement in policies and programs offered by the EMC, and upcoming hearing before Sunset Subcommittee – Action Item

Deputy Administrator Blotter communicated that the EMC was selected for review by the Sunset Subcommittee of the Legislative Commission. The Sunset Subcommittee requested information concerning the structure and business of the EMC, and Deputy Administrator Blotter asked the EMC to review the proposed responses. Co-Vice-Chair Stephanie Canter asked if the EMC needed to explain the decision to have co-vice-chairs. Chair Payette answered that she wanted the report to be succinct as she would be presenting the report to the Sunset Subcommittee.

Co-Vice-Chair Wall mentioned she had suggestions which could be considered internal procedures. Co-Vice-Chair Wall believed that the EMC was only partly meeting its objectives. Chair Payette stated Co-Vice-Chair Wall's suggestions could be on a future agenda, and the EMC Coordinator would send Co-Vice-Chair Wall's suggestions to Members for review and comment.

Committee Member Beigel suggested that the statement: "The objective of the Employee-Management Committee is to provide a forum for employee concerns to be heard by their peers and in the case of grievances for a decision to be rendered outside of the employees own department," be changed to read in substance: "The objective of the Employee-Management Committee is to listen to employee concerns and make recommendations, and in the case of grievances, for a decision to be rendered outside of the employees' own department."

Co-Vice-Chair Canter suggested that concerns were not just heard by "peers," and perhaps that could be made more specific. Committee Member Stieber asked if the Sunset Subcommittee was like a standard audit. Chair Payette answered in the affirmative, and encouraged Members to attend the meeting in person or watch it online. The final response to the Sunset Subcommittee would be agendized at a meeting in February.

8. Discussion and possible action on proposed Letter to Governor regarding State of Nevada employee wages and pay disparity – Action Item

Chair Payette opened the discussion on the proposed letter to the Governor, and stated that the intent of the letter was to advise the Governor regarding the effect of pay disparity on State employees. Co-Vice-Chair Canter wondered if encouraging employees to share their concerns with their legislators and attend hearings would be a better option than the EMC sending a letter. Chair Payette encouraged everyone to meet with their legislators as the Governor proposed the budget and the legislators made the decisions. Chair Payette reminded the EMC that at a previous hearing the decision was made to send a letter regarding pay disparity to the Governor and attach Mr. McCann's comments. Co-Vice-Chair Canter did not think the language needed to be stronger.

Co-Vice-Chair Wall asked if the letter should include the numbers of grievances regarding pay disparity before the EMC to show their significance. Chair Payette answered that she did not see the need to include a specific number, and state the EMC had seen an increase. Committee Member Weyland added that grievances regarding pay disparity had been more frequent. Committee Member Stieber stated if the Governor was not given the perspective he would not know the volume of grievances.

Co-Vice-Chair Wall asked if the Governor was "well aware" as the letter stated, unsure of the priorities of the Governor. Chair Payette advised that the spirit of the letter was based on the grievances before the EMC at the time.

Chair Payette requested a motion.

MOTION:	To send the Letter to the Governor as written.
BY:	Committee Member Michelle Weyland
SECOND:	Committee Member Turessa Russell
VOTE:	The vote was unanimous in favor of the motion.

9. Public Comment

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

10. Adjournment

Chair Payette requested a motion to adjourn.

MOTION:	Moved to adjourn.
BY:	Committee Member Claudia Stieber
SECOND:	Co-Vice-Chair Allison Wall
VOTE:	The vote was unanimous in favor of the motion.