



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
March 12, 2020

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Conference Room 110, 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. Guy Puglisi - Chair	X
Ms. Jennifer Bauer	
Ms. Pauline Beigel	X
Mr. Ron Schreckengost	
Ms. Jennelle Keith	X
Ms. Tonya Laney	

Employee Representatives

Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X
Ms. Sonja Whitten	X
Ms. Dana Novotny	

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Breece Flores, EMC Coordinator
Ms. Ivory Wright-Tolentino, EMC Hearing Clerk

1. Call to Order

Chair Puglisi called the meeting to order at approximately 9:00 am.

2. Public Comment

There were no comments from the audience or Committee Members.

3. Committee introductions and meeting overview and/or update - For discussion only.

Chair Puglisi opened the meeting with Committee introductions.

4. Adoption of the Agenda – Action Item

Chair Puglisi requested a motion to adopt the agenda.

MOTION: Moved to adopt the agenda.

BY: Member Whitten

SECOND: Member Russell

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

Chair Puglisi stated he would be taking agenda items out of order.

5. Discussion and possible action related to Grievance #6917 Tanya Armendariz, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated items #5 and #11 on the agenda were similar items to review together and referred to EMC decision #29-19 regarding the shift bid at Casa Grande.

Member Russell asked if decision #29-19 indicated why the Committee denied the grievance.

Chair Puglisi stated the grievance in decision #29-19 was not within the Committee's jurisdiction and the agency has the right to run their affairs as they see fit.

The Committee discussed previous memos dated from 2019 regarding shift bid, exempt positions, modifying the shift bid, and the revision of AR 301.

Member Thompson motioned to move grievance #6917 to hearing.

Member Russell seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Motioned to move grievance #6917 to hearing.
BY: Member Thompson
SECOND: Member Russell
VOTE: The vote was 4 to 2 in favor of the motion, with Chair Puglisi and Member Keith voting nay.

6. Discussion and possible action related to Grievance #6277 Teresa McCastle and, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated this grievance was for the 2018 shift bid and had been denied for the same individual.

Member Russell stated she would move this forward to be heard at the same time with #6917.

Chair Puglisi stated this was from a different year.

Member Russell asked why grievances were taking so long to reach the Committee, asking if they did a resolution conference then withdrew the grievance.

Chair Puglisi stated there was an agreement that was not followed through and the grievant opted to reactivate the grievance.

Member Thompson stated with the grievant McCastle, it looked as though there was a good faith effort to resolve but it was not.

Member Keith asked if the grievance was moved to hearing, could the information from the resolution conference be brought forward.

Member Beigel stated depending on the outcome of grievance #6917, there would be a trickle effect and the Committee should not be concerned with issues outside of this year.

Member Beigel stated the Committee could not change either years shift bod and they could not go back and hold another one.

Member Thompson stated the Committee's purpose is to base their decision on the information provided, what is given in the grievance.

Member Whitten stated she did not think it would be good to deny the grievance based on the Committee's backlog and that they should each be heard.

Member Russell motioned to move grievance #6277 to hearing.

Member Thompson seconded the motion.

Chair Puglisi asked if there was any discussion, and requested if the

motion passed, grievance #6917 and grievance #6277 would be scheduled for the same day.

There was no discussion.

MOTION: Motioned to move grievance #6277 to hearing, to be scheduled with grievance #6917.

BY: Member Russell

SECOND: Member Thompson

VOTE: The vote was 4 to 2 in favor of the motion, with Chair Puglisi and Member Keith voting nay.

7. Discussion and possible action related to Grievance #6766 Deanna Walsh-Guthrie, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated if the grievance was to move forward to hearing, the scope should be limited to the grievant getting her property back.

Chair Puglisi stated the other noted items of discrimination, harassment and other violations were outside the Committee's jurisdiction.

Member Russell stated she felt there was more to the issue than what was on paper and the agency should be explicit as to why they were not returning the grievant's property.

Member Russell stated the Committee could not mandate an apology but should receive an explanation as to why the property had not been returned.

Member Beigel motioned to move grievance #6766 to hearing with the scope of the hearing being limited to the grievant's property only, as the other issues did not fall under the definition of a grievance.

Member Whitten seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Motioned to move grievance #6766 to hearing with the condition the hearing will be limited in scope to the issue of the grievant's missing personal property, as the EMC does not have jurisdiction over any matters where a hearing is provided by federal law pursuant to NAC 284.658(2).

BY: Member Beigel

SECOND: Member Whitten

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

8. Discussion and possible action related to Grievance #6800 Brenda

Williams, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated this grievance was regarding ties in seniority, however, there was no evidence the agency violated any regulations, and therefore, no impact to the employee.

Member Russell stated she felt this may have been filed on an issue on behalf of another employee that did not feel comfortable filing a grievance.

Member Russell stated this employee did not have a grievance to resolve and stated the only issue the Committee could discuss is whether the agency followed the process in AR 301 consistently.

Chair Puglisi stated the only thing in the regulation is the service date and the agency is following that, pending a revision.

Member Beigel stated if there was no injustice, the grievance did not meet the definition of a grievance.

Member Thompson stated she agreed and the grievant even stated the issue did not directly affect her.

Chair Puglisi stated this grievance could be denied hearing based on EMC Decision #15-19.

Member Beigel agreed and moved to deny hearing based on prior decisions, EMC Decision #15-19.

Member Whitten seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Moved to deny hearing for grievance #6800 based on the EMC's previous decision (EMC Decision #15-19).

BY: Member Beigel

SECOND: Member Whitten

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

9. Discussion and possible action related to Grievance #6875 Silviu Dima, Department of Public Safety – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated the grievance was regarding an office closure scheduled to take place in 3 years, therefore, the employee had yet to suffer the injustice.

Member Beigel stated the EMC was not the proper venue.

Member Keith stated the employees have plenty of notice and it is within the agency's right to make this business decision.

Member Thompson moved to deny hearing for grievance #6875 as the grievant has not proven an injustice or proven the agency violated policy, statute or law.

Member Russell seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Moved to deny hearing for grievance #6875 as the grievant has not demonstrated any injustice has occurred or where the agency has violated any statute or regulation.
BY: Member Thompson
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

10. Discussion and possible action related to #6898 Jesse Haines, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated this grievance could be referred to EEO as it references discrimination and retaliation.

Chair Puglisi stated the grievant was asking the Committee to change the department policy and the Committee does not have the jurisdiction to do so.

Member Keith stated the agency could request proof of a medical note for sick leave if an employee is suspected of abusing sick leave.

Member Beigel stated retaliation and whistleblowers are not within the EMC's venue, the agency has the right to run it as they see fit and the Committee cannot tell an agency to change the way they run their operations.

Member Russell asked if the issue of an unsafe work environment could be moved forward to hearing.

Chair Puglisi stated he did not feel that was within the Committee's jurisdiction, but a complaint could be filed with the Attorney General's office.

Member Whitten moved to deny hearing for grievance #6898 pursuant to NAC 284.658 subsection 2 and NRS 284.020 subsection 2. The EMC lacks jurisdiction over this matter as the agency has the right to run their

affairs as they see fit.

Member Keith seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Moved to deny grievance #6898 pursuant to NAC 284.658(2) and for matters where a hearing is provided by federal law and pursuant to NRS 284.020(2) for all other matters as the agency has the right to manage its affairs as it sees fit providing they have not violated any statute or regulation.

BY: Member Whitten

SECOND: Member Keith

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

11. Discussion and possible action related to Grievance #6910 Jesus Rivera, Department of Corrections – Action Item

Chair Puglisi opened the Committee for discussion.

Member Beigel stated she felt this grievance fell under NAC 284.020 subsection 2, the agency can run their business as they see fit and the Committee should deny hearing.

Member Keith stated she agreed and that personnel issues are confidential.

The Committee discussed the proper wording and citations that may be included in the motion.

Member Beigel moved to deny hearing for grievance #6910 based on NAC 284.020 subsection 2 and the grievant has not proven an injustice.

Member Whitten seconded the motion.

Chair Puglisi asked if there was any discussion, there was none.

MOTION: Moved to deny grievance #6910 as the grievant has not demonstrated where a statute or regulation was violated and pursuant to NAC 284.020(2), which states the agency may manage its affairs as it sees fit as long as it does not violate any statute or regulation.

BY: Member Beigel

SECOND: Member Whitten

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

12. Public Comment

There were no comments in the North or in the South.

13. Adjournment

Chair Puglisi adjourned the meeting at approximately 1:05 pm.