



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
November 17, 2016

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

Staff Present:

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

- 1. Chair Mandy Hagler:** Called the meeting to order at approximately 9:00 a.m.
- 2. Public Comment**

There were no comments from the audience or Committee Members.

3. Adoption of the Agenda – Action Item

Chair Hagler requested a motion to adopt the agenda.

MOTION: Moved to approve the adoption of the agenda.
BY: Committee Member Tracy DuPree
SECOND: Committee Member Pauline Beigel
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for August 25, 2016 – Action Item

Chair Hagler requested a motion to adopt the minutes.

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

5. Approval of Minutes for September 8, 2016 – Action Item

Chair Hagler requested a motion to adopt the minutes.

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

Chair Hagler considered the adjustment of Grievances #4422 of Jason Hanski (“Mr. Hanski”) and #4421 of Anthony Likens (“Mr. Likens”) out of order as two Committee members indicated they were acquainted with Mr. Hanski. Committee Member DuPree disclosed he has known Mr. Hanski for a long time and believed he could be impartial. Committee Member Russell disclosed she had met Mr. Hanski in the past, and believed she could be impartial. There were no objections from either party for Members DuPree and Russell to participate in the grievance hearing.

6. Discussion and possible action related to Motion to Dismiss Grievance #4242 of John Justice et al., submitted by the Department of Business and Industry, Taxicab Authority, supporting documentation, and related oral argument, if any – Action Item

A Motion to Dismiss was submitted to the Employee-Management Committee (“EMC”) by the agency employer Department of Business and Industry (“B&I”). Senior Deputy Attorney General Tyler Watson represented B&I. Jeanine Lake of the American Federation of State, County and Municipal Employees Chapter 4041 (“AFSCME”), represented the et al. grievants.

B&I argued in substance the EMC did not have jurisdiction to hear this grievance because the EMC has already decided the Taxicab Authority had the authority to alter shifts based on the needs of the heads of departments to

manage their affairs. B&I relied on NRS 284.020(2), as well as EMC Decisions #30-09, 02-14, 03-14, 04-14 and 10-16, and asserted that past EMC decisions have concluded that the setting of work schedules was within the discretion of the department.

Ms. Lake argued in substance that NRS 284.180(8) entitled the employees to a hearing and a vote on the decision to change work schedules, but B&I asserted in substance that argument was reviewed and determined to lack merit as the employee vote provision of NRS 284.180(8) applied only to innovative work weeks as defined by NAC 284.067. Ms. Lake further argued in substance that the actual effect of the change to shift hours has been less efficiency and decreased job performance.

The EMC noted the previous cases cited by B&I were distinguishable. The EMC, after having read and considered all of the documents filed in this matter and having heard oral argument of behalf of B&I and on behalf of Justice et al. voted to deny B&I's Motion to Dismiss and to allow the grievance process to move forward.

MOTION: Moved to deny the Motion to Dismiss.
BY: Committee Member DuPree
SECOND: Committee Member Russell
VOTE: The motion passed unanimously.

7. Adjustment of Grievance of Jason Hanski, #4422, Department of Corrections – Action Item

Adjustment of Grievance of Anthony Likens, #4421, Department of Corrections – Action Item

Grievants Jason Hanski and Anthony Likens (“Grievants”) were present and represented by Kevin Ranft of AFSCME. The Nevada Department of Corrections (“NDOC”) was represented by David Wright, NDOC HR Manager II.

The exhibits submitted to the EMC prior to the hearing were admitted without objection. Both Grievants and Correctional Officer Mark Hronek were duly sworn and appeared at the hearing. The EMC heard no objection to a proposal to combine the two grievances as they covered the same factual and legal questions, thus the grievances were combined.

Grievants testified in substance they are employed by NDOC as Correctional Officers at the Lovelock Correctional Center and requested the EMC to adjust grievances in which their requests for reimbursement of meals were denied by NDOC. Grievants indicated in substance they were required to train in Carson City on June 13 and June 17 of 2016, and submitted requests for reimbursement of meals for the week of training. No reimbursement was allowed to Grievants as NDOC indicated meals would be provided at the training. Testimony from Grievants and Correctional Officer Hronek was that

no breakfast was provided for any day of the training and that Grievants were in travel status by 6:45 a.m. each day of the training.

Both Grievants and Correctional Officer Hronek also testified in substance that Grievants were the only members attending the training in Carson City that were provided lunch; undisputed testimony was that Grievants were provided with an inmate meal. Grievants and NDOC disagreed whether the meal was prepared by inmates and provided to trainees qualified as a meal for the purposes of State Administrative Manual (“SAM”) Section 0212 which requires that, “Employees are to deduct meals furnished to them during a conference or meeting from their reimbursement request. . .”

Mr. Likens testified in substance regarding deficiencies with the meal as provided. His list of deficiencies included: meat was an opaque combination of meats and meat substitutes; the egg that was provided was broken; the meal sat out for some 30 minutes before being served; and he believed having inmates prepare food for officers was a safety risk to the officers. Mr. Likens did not provide specific Federal Food and Drug Administration or state health codes that were violated in the preparation of the meal.

Mr. Hanski testified in substance regarding deficiencies with the meal as provided. His list of deficiencies included: inmates not wearing gloves during food preparation; inmates not washing their hands; the safety concerns of officers being asked to eat meals prepared and provided by inmates; and the temperature of the lunch varied from chilled to warm. While he agreed that some other officers do voluntarily eat inmate meals, Mr. Hanski further testified in substance this should not be required of officers while on training.

Correctional Officer Hronek testified in substance he was informed that if he submitted a reimbursement request it would be denied if lunch was provided so he declined to submit a reimbursement request. However, no lunch was provided him when he attended the training.

NDOC stated in substance that all policies and procedures were followed and that a meal was provided. In accordance with SAM Section 0212, the requests for reimbursement were rightly denied based on the provided meal. The officers’ decisions to not eat the provided meal amounted to personal choice, and did not require reimbursement.

The EMC noted there was no breakfast provided or evidence demonstrating the Grievants did not qualify for breakfast, thus Grievants were clearly entitled to breakfast reimbursement. The EMC discussed the propriety of the lunch that was provided and noted that other employees that did not submit a travel reimbursement were not provided a lunch, the lunch that was provided seemed akin to a “continental lunch,” and the SAM allowed reimbursement for breakfast when only a continental breakfast is provided.

After discussion, the EMC voted to adjust the grievances so as to allow reimbursement for breakfast and lunch for each Grievant for each day of training because the agency violated policy by not providing breakfast and

lunch as neither the SAM nor travel statutes allowed the State to provide employees with a prison meal to satisfy the State's obligations under the SAM. However, the grievances were denied as to dinner and incidentals because they were not provided.

MOTION: Moved to grant the grievances in part and deny the grievances in part.

BY: Committee Member Pauline Beigel

SECOND: Committee Member DuPree

VOTE: The motion passed with a 3:1 vote with Chair Hagler voting in the negative.

8. Public Comment

There were no comments from the audience or Committee Members.

9. Adjournment

Chair Hagler indicated if there were no objections, the hearing would adjourn at 11:20 a.m.