



**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
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**Meeting Minutes of the Employee-Management Committee
July 26, 2018**

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
Ms. Mandy Hagler—Chair	
Ms. Pauline Beigel	X
Mr. Guy Puglisi	
Ms. Sandie Ruybalid	X
Mr. Ron Schreckengost	
Ms. Jennifer Bauer	
Employee Representatives	
Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	
Ms. Adria White	
Ms. Sonja Whitten	X

Staff Present:

Mr. Tiffany Breinig, EMC Counsel, Deputy Attorney General
Ms. Nora Johnson, EMC Coordinator
Ms. Jennifer Herrera, EMC Hearing Clerk

1. Call to Order

Co-Vice-Chair Ruybalid 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.

Co-Vice-Chair Ruybalid opened the meeting with Committee introductions.

4. Adoption of the Agenda – Action Item

Co-Vice-Chair Ruybalid requested a motion to adopt the agenda.

MOTION: Moved to approve the agenda.

BY: Member Whitten

SECOND: Member Russell

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

5. Discussion and possible action related to Grievance #5011 of Dierdre Parker, Department of Employment, Training and Rehabilitation – Action Item

Co-Vice-Chair Ruybalid stated she would allow the Committee a few minutes to review the packet.

Co-Vice-Chair Ruybalid opened the Committee for discussion.

Member Beigel stated she was trying to figure out which issues were timely.

Co-Vice-Chair Ruybalid stated the evaluation issue is not timely as the evaluation was signed in January 2018 and the grievant did not contest it.

Member Russell stated she did not think the evaluation was the initial evaluation, it looked revised and the grievant refused to sign it.

Member Beigel stated she did not see that in the packet, and the grievant was referencing something that was not included.

Member Beigel stated at the bottom of page two, the grievant did not contest the evaluation.

Member Beigel stated the evaluation was dated January of 2018 so regardless, it was past the working days and most of the issues seemed past the time to file.

Co-Vice-Chair Ruybalid stated the grievant and agency had a meeting on May 9th, 2018 and that is the event date on the grievance.

Co-Vice-Chair Ruybalid stated the grievance seemed to have three issues: evaluation, hostile work environment and claiming the computers were replaced.

Co-Vice-Chair Ruybalid stated in looking at the dates, the grievant noticed the spyware issue on the computer in March of 2018.

Co-Vice-Chair Ruybalid stated she felt the evaluation issue and the computer

issue were both untimely.

Member Beigel agreed with Co-Vice-Chair Ruybalid.

Member Beigel stated the 2014 investigation referenced in this grievance is an Equal Employment Opportunity (EEO) issue.

Co-Vice-Chair Ruybalid asked if the Committee was ready to make a motion.

Member Beigel moved to deny grievance #5011 due to two referenced issues being deemed untimely and the remaining EEO issue is outside the Committee's jurisdiction.

Member Whitten seconded the motion

MOTION: Moved to not move grievance #5011 to hearing due to two referenced issues being deemed untimely and the remaining EEO issue is outside the Committee's jurisdiction.

BY: Member Beigel

SECOND: Member Whitten

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

6. Discussion and possible action related to Grievance #5696 of Wendy Anderson, Department of Corrections – Action Item

Member Beigel asked if the employee was still employed.

Co-Vice-Chair Ruybalid stated the employee's name was still in the State directory.

Member Beigel asked if the directory listing had the same job title, Co-Vice-Chair Ruybalid stated yes.

Member Beigel stated the issues in this grievance sounded like something the Committee could hear.

Co-Vice-Chair Ruybalid stated the grievant is requesting an investigation, which is not within the EMC's jurisdiction, but it sounds like the investigation is in process.

Co-Vice-Chair Ruybalid stated item four in the proposed resolution is a whistleblower issue and the EMC is the wrong venue.

Co-Vice-Chair Ruybalid stated there was nothing in the grievance to substantiate the grievant's rights being violated.

Co-Vice-Chair Ruybalid stated the grievant is requesting an independent investigation into the matter, but also stated she did not think that was something the EMC can request or order.

Member Beigel stated it is not something the Committee can order but felt it was something the EMC could hear.

Member Russell stated the Committee may want to move the grievance to hearing to resolve the relationship issue for the officer.

Member Whitten asked if the Committee moves the grievance forward, what would the Committee look at.

Member Whitten asked if the EMC would send the grievance to the Governor's office per the grievant's proposed resolution.

Member Russell stated she focuses more on the content of what is being grieved and that the resolutions can get worked out during the hearings.

Member Russell motioned to move grievance #5969 to hearing.

Member Beigel seconded the motion.

MOTION: Moved to move grievance #5969 to hearing.

BY: Member Russell

SECOND: Member Beigel

VOTE: The vote was unanimous in favor of the motion

7. Discussion and possible action related to Grievance #5754 of Kellen Prost, Department of Corrections – Action Item

Co-Vice-Chair Ruybalid stated she would allow the Committee a few minutes to review the packet.

Co-Vice-Chair Ruybalid opened the Committee for discussion.

Member Beigel stated she was unsure if this grievance was something the EMC could hear.

Co-Vice-Chair Ruybalid stated compensation fell within the jurisdiction of the EMC, but the grievance has been filed as a Federal case for the same issue and that would place it outside the Committee's jurisdiction.

Member Russell stated the date the grievance was filed with the Federal court was May 24, 2018 and the grievance was filed May 25, 2018.

Member Russell stated if the Committee withholds determination pending the outcome of the district court, the grievance may come back to the Committee.

Ms. Breinig stated a request for abeyance would have to come from one of the parties and the Committee would have to move forward.

Member Beigel clarified the Committee could move the grievance to hearing, then either party could request abeyance.

Mr. Whitney stated assuming the EMC has jurisdiction, there is nothing preventing the grievance from moving forward.

Co-Vice-Chair Ruybalid asked if there was an NAC that stated an employee could only file in one venue or another.

Mr. Whitney replied that NAC 284.696 was for unlawful discrimination.

Co-Vice-Chair Ruybalid stated the Committee could not hold the grievance in

abeyance, but could move to hearing, as compensation is within the Committee's jurisdiction, if a motion is successful.

MOTION: Moved to move grievance #5754 to hearing
BY: Member Whitten
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

8. Public Comment

There was no public comment in the North or in the South.

9. Adjournment

Co-Vice-Chair Ruybalid adjourned the meeting at approximately 9:45 am.