

1. Call to Order

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

4. Adoption of the Agenda – Action Item

Co-Vice-Chair Beigel 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 #6575 Rona Gladden, Department of Health and Human Services – Action Item

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

Member Laney stated this exact grievance had come before the Committee on a previous meeting date and she was not sure if it was being reintroduced or if it was an oversight.

Co-Vice-Chair Beigel asked EMC Coordinator, Breece Flores if she had the spreadsheet that would clarify the status of the grievance and if it had gone to resolution conference.

Ms. Flores stated the grievance was submitted at step 4 September 16th and the grievant was sent notification in October the grievance would be agendized.

Mr. Whitney stated this matter did come before the Committee in October, however, due to a pending investigation of the grievant, the Committee requested the matter be held over pending the outcome of that investigation.

Co-Vice-Chair Beigel stated according to the notes, if there was no status update on the investigation after 90 days, the Committee would revisit the grievance.

Ms. Flores stated she did speak to Ms. Nora Johnson, former EMC Coordinator and that two attempts had been made to follow up with the agency on the investigation, but no response was given.

Co-Vice-Chair Beigel stated the direction from the previous EMC meeting was to set the grievance aside and re-agendize after 90 days.

Co-Vice-Chair Beigel stated the Committee did not discuss the grievance previously and would be starting from scratch.

Member Laney stated she did recall the previous discussion regarding this grievance and that was correct, the Committee would be discussing this grievance for the first time.

Co-Vice-Chair Beigel stated the Committee could set the grievance aside for another 30 days and asked if the Committee could send the agency a formal letter regarding the status of the investigation.

Mr. Whitney stated there was nothing prohibiting the Committee from sending a formal letter to the agency requesting a response.

Co-Vice-Chair Beigel stated that was her thought process, and the outcome of the investigation could have turned the direction of the grievance to something the Committee could hear.

Member Laney stated that was her recollection as well.

Co-Vice-Chair Beigel asked if the Committee still felt the outcome of the investigation was important to the standing of the grievance.

Co-Vice-Chair Beigel asked if there was any discussion from members that were not present the first time the grievance was agendized.

Member Whitten stated she would be comfortable allowing 45 days for the letter to be generated, the agency to respond and to get the grievance placed on another agenda within that timeframe.

Member Bauer, Member Novotny and Member Russell agreed.

Member Russell stated she felt a 60-day timeframe would be better than a 45-day timeframe.

Member Whitten motioned to set grievance #6575 aside for a timeframe of 60 days, send a letter to the agency requesting an update on the investigation at which time, the EMC would re-agendize the item.

Member Laney seconded the motion.

Co-Vice-Chair Beigel asked if there was any discussion, there was none.

MOTION: Motion to set grievance #6575 aside for a timeframe of 60 days, send a letter to the agency requesting an update on the investigation at which time, the EMC would re-agendize the item.

BY: Member Whitten

SECOND: Member Laney

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

6. Discussion and possible action related to Grievance #6755 Justin Curry, Department of Health and Human Services – Action Item

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

Member Laney stated she did not see in the grievance where the employee cited any violations, the employee only stated he would like the agency to ‘discontinue with public shaming’.

Member Laney stated in the grievant’s own response, he stated the complaints were made against him and it would make sense he was the one transferred out and the agency has the right to do so during an active investigation.

Member Whitten stated the grievant stated he was being harassed or discriminated against and was given the appropriate avenue to pursue that.

Member Whitten stated she felt that would be a better avenue rather than the EMC for this type of grievance.

Member Bauer stated she agreed, and the EMC would not be able to provide the requested remedy.

Member Bauer stated she did not feel the EMC had the authority or jurisdiction as there is another venue for remedy.

Member Bauer also cited the statute that allows an agency to run their operations as they see fit.

Member Novotny stated she agreed with Member Laney that the grievance was about discrimination and that would not be within the Committee’s jurisdiction.

Member Russell stated she felt the Committee should not hear this grievance.

Member Laney moved to answer grievance #6755 without a hearing per NAC 284.695 subsection 1 as this grievance does not fall within the Committee’s jurisdiction.

Member Whitten seconded the motion.

Co-Vice-Chair Beigel asked if there was any discussion, there was none.

MOTION: Moved to answer grievance #6755 without a hearing per NAC 284.695 subsection 1 as this grievance does not fall within the Committee's jurisdiction.

BY: Member Laney

SECOND: Member Whitten

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

7. Discussion and possible action related to Grievance #6849 Robin Landry, Department of Health and Human Services – Action Item

Co-Vice-Chair Beigel stated this item was placed on the agenda at a later time and asked if the Committee had a chance to review the grievance.

Member Laney and Member Bauer stated they did not have a chance to review the grievance.

Co-Vice-Chair Beigel called a 15-minute recess to allow the Committee to review the grievance.

Co-Vice-Chair called the meeting to order at approximately 9:40 am and opened the Committee for discussion.

Member Laney stated she did not feel the EMC was the proper venue for this grievance.

Member Laney stated the grievance falls outside the Committee's jurisdiction as there is mention of retaliation and discrimination based on age.

Member Novotny stated she agreed.

Member Bauer stated she agreed the EMC was not the correct venue for alleged discrimination but wanted to add the grievant was not alleging violation of policy or law for one specific interview process for which she was a candidate, the grievant is alleging she was not promoted on several occasions and that is not a specific instance where the Committee can take action.

Member Bauer stated if the grievant was alleging violation of law or policy for the recruitment and interview process for one position, the Committee could possibly review that, but the grievant is grieving an overall accusation that she was not being promoted on several occasions and discrimination.

Member Bauer stated for those reasons she felt the Committee could answer this grievance without a hearing.

Member Russell stated she agreed.

Member Whitten stated this was similar to the previous grievance and the EMC was not the proper venue.

Co-Vice-Chair Beigel stated she had reviewed a prior case (Decision #21-04) where the employee grieved they did not get the promotion and the grievance was answered without a hearing based on lack of jurisdiction per NRS 284.020 subsection 2, the agency can run their business as they see fit as far as promotions.

Co-Vice-Chair Beigel stated she the grievant did not allege any rules were not followed, the employee stated they did not get the job and there was discrimination and that is not in the EMC's purview.

Member Laney moved to answer grievance #6849 without a hearing based on NAC 284.695 section 1 as this case does not fall within the EMC's jurisdiction.

Member Whitten seconded the motion.

Co-Vice-Chair Beigel asked if there was any discussion, there was none.

MOTION: Moved to answer grievance #6849 without a hearing based on NAC 284.695 section 1 as this case does not fall within the EMC's jurisdiction.

BY: Member Laney

SECOND: Member Whitten

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

8. Public Comment

There was public comment in the North.

Ms. Denise Woo-Seymour, Division of Human Resource Management (DHRM) stated there was an update regarding DHRM staffing.

Ms. Woo-Seymour stated Ms. Michelle Garton has been promoted to Deputy Administrator for Employee and Management Services and Ms. Woo-Seymour had been promoted to Supervisory Personnel Analyst for the Consultation and Accountability unit.

Co-Vice-Chair Beigel did note that Mr. Ron Schreckengost was no longer a State employee and as such, no longer on the Committee.

Co-Vice-Chair Beigel asked if the process was started to replace Mr. Schreckengost or the other Committee vacancy on the Employee side.

Ms. Woo-Seymour stated due to the sudden changes in staffing, she would be addressing the Committee vacancy issues and would update the Committee as soon as possible.

9. Adjournment

Co-Vice-Chair Beigel adjourned the meeting at approximately 9:48 am.