

Joe Lombardo
Governor



Turessa Russell
Interim Chair

Casey Quinn
Deputy Attorney General

**STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE**

515 E. Musser St., Ste 101 | Carson City, Nevada 89701
Phone: (775) 684-0131 | www.hr.nv.gov | Fax: (775) 684-0118

**Meeting Minutes of the Employee-Management Committee
Date: October 17, 2024**

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Conference Room 110, Carson City, Nevada, and the Eureka Building, 7251 Amigo Street Suite 120, Las Vegas, Nevada, via videoconference.

Committee Members

Ms. Turessa Russell – Interim Chair	X
Mr. Doug Fromm	X
Mr. Sandie Geyer	X
Ms. Ava Case	X

Staff Present: Mr. Todd Weiss, EMC Counsel, Deputy Attorney General (DAG)
Mr. Jordan Laub, EMC Counsel, Deputy Attorney General (DAG)
Ms. Roxanne Hardy, EMC Coordinator
Ms. Nora Johnson, Human Resource Analyst, DHRM

I. TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

TURESSA: Good morning (inaudible) proper order. Today is Thursday, October the 17th, 2024, and we have a start time of 9:38. Meeting is being video conferenced between NSLA Room 110 in Carson City to the Grand Sawyer building, suite 1400 in Las Vegas. As a reminder, also calls for all other electronic devices to be placed on the silent. Should you need to take the call, please step out of the room away from the door to do so. Do we have any additional? Okay. Yes. Those participating joining -- joining the meeting individually through video conference, please place your mic on mute unless you are speaking. Do we have any additional attendees that may decide on

(inaudible) by the door? In the event, either location is required to be evacuated, the meeting will -- the meeting will be placed on recess. Job discussion will be allowed during this time whether your location is getting evacuated or not. Participants from the north will follow the EMC coordinator to the evacuation point. Participants from the south will follow the DHRM contact to the evacuation point. The EMC coordinator or DHRM contact will ensure everyone is accounted for at the evacuation point, no one should leave the area unless directed or is re -- unless direction is received with the EMC coordinator or the DHRM contact. The next item on the agenda is public comment. Is there any public that would like to make comment?

SANDIE: None in the north, chair.

TURESSA: Thank you. I see no public here in south either. Uh, Ava I'm assuming there is none from public?

AVA: No.

TURESSA: Next instruction (inaudible) overview for updates on (inaudible) next item on the agenda is the adoption of the agenda. Is there any questions or comments in reference to the agenda?

JORDAN: Chair, this is Deputy Attorney General Jordan Laub, for the record. I'm gonna make a brief suggestion, uh, to the committee at this stage. While we have properly noticed the agenda and, um, there are no issues with that, I just -- I believe after speaking with Deputy Attorney General Todd Weiss at length, I think in fairness to the state and to the parties, it may be, um, equitable to move the procedural changes to the rule -- rules any adoption thereof until after we have heard these hearings. In other words, these hearings today, or excuse me, these agendized items to be moved to hearing would be heard under the original rules noticed and after that point, any future, um, agendized items will be under the new rules of procedure. It is a suggestion only, but that is the opinion of the Attorney General's office between, uh, Todd Weiss and myself. No other changes, chair.

TURESSA: Any comment from committee members in reference to what we were just informed? Any objection?

AVA: No objection from Ava.

SANDIE: Sandie Geyer for the record, no objection.

DOUG: Doug Fromm for the record, no objection.

TURESSA: Okay. Is there a motion to adopt the agenda with the changes I suggest?

JORDAN: Just as a brief interlude, uh, by way of suggestion. The, uh, motion to take the form to move the procedural, uh, rules and adoption thereof, uh, for the schedule chronologically speaking to the end of the hearing or the end of today's, uh, meeting.

DOUG: Give this a shot. I -- I -- I have from for the -- for the record, motion to move the Employee Management Committee roles of practice review to the end of the meeting.

SANDIE: Sandie Geyer --

TURESSA: Turessa for the --

SANDIE: Do you want to go ahead?

TURESSA: Turessa for the record. Did that also include proving or adopting the agenda with those changes?

SANDIE: For the record, Sandie Geyer. Yes, that would mean that we as a committee will be reviewing agenda item, right, uh, currently number four to, uh, it would then take -- it would be agenda item number 11 as everything moves up on the agenda.

TURESSA: Turessa for the record. So if I'm understanding correctly, item number five, Adoption of Revised Employee-Management Committee Rules of Practice is moved to the end of

the agenda. Does that also include item number six, Adoption of Employee-Management Committee Language Plan? Are we keeping that at the beginning or are we also moving that to the end of the agenda?

SANDIE: Sandie Geyer for the record. I believe that the intent was to move both of those line items to the end of our meeting today and put all of the considerations for those grievances ahead of that discussion.

TURESSA: Was that your intent, Doug for clarity?

JORDAN: Um, for -- Deputy Attorney General Jordan Laub for the record, I believe that that's fine.

TURESSA: So Doug, you made the motion and Sandy, your seconding it. Am I accurate in my understanding?

SANDIE: That is correct.

TURESSA: Thank you. Any discussion on the motion? Hearing none, all in favor say aye.

ALL: Aye.

TURESSA: I didn't hear any calls in the north.

SANDIE: We both said aye.

DOUG: Aye.

TURESSA: Well, thank you. Motion carries. So, we will move on the next agenda, agenda item number seven, for grievance 10235 for John Creelman with the Department of Public Safety. I must indicate that this is an NPD-4 denial for compensation increase. Are there any comments or discussion on this agenda item?

AVA: This is Ava Case, um, for the record. Um, I do not think we have jurisdiction over this, um, with reclassification and -- and, uh, so -- and position allocated. I don't think we have a jurisdiction over it.

BRIAN: Force across the general (inaudible) uh, this is Brian O'Callaghan, uh, for the record, uh, deputy administer DHRM. Uh, all current state employees as of right now, um, celebrating the rights for NPD-4s without being approved. Uh, this is only -- the only exception is for New York State employees coming in to the state.

TURESSA: Turessa for the record. My apologies, but I can't go over the committee introductions. Go back to committee introductions, please. I'll start. Teresa Russell with University of Nevada Las Vegas, Interim chair.

AVA: This is Ava Case. Um, in the rules, uh, I'm named Vice Chair.

DOUG: Doug Fromm for the record, uh, work for Nevada Department of Transportation.

SANDIE: Sandie Geyer office of the Attorney General.

JORDAN: This is Deputy Attorney General Jordan Laub as counsel for the Employment Management Committee on behalf of the office of the Attorney General.

ROXANNE: Roxanne Hardy, EMC Coordinator.

CASEY: Casey Quinn, uh, Deputy Attorney General, here as counsel as well.

TURESSA: Thank you. That's everybody? Brian, you were indicating?

BRIAN: Yes. Uh, Brian O'Callaghan for the record. Um, as of right now, uh, for the last little over a year now, the only NPD-4s are being accelerated rates for cross (inaudible)

SANDIE: For the record, Sandie Geyer. Um, can somebody tell me what the date was that -- that, uh, state administration memo came out?

BRIAN: To my knowledge, uh, it was the beginning of 2023. I don't have anything in

writing right now on me, but the decision was made, and I don't want to speak out of context, but the decision came above DHRM saying that course in the beginning of, uh, 2023.

TURESSA: Thank you, Brian. Any other comments or questions?

AVA: This is Ava Case for the record. I think that we have to deny this with -- for lack of jurisdiction.

JORDAN: This is Deputy Attorney General Jordan Laub for the record. While, uh, chair I -- I believe for Ava case, I believe that technically the, uh, statement jurisdiction may be correct due to some, uh, conversations we've had internally, uh, with the Office of the Attorney General. We believe the more appropriate statement is that this, uh, specific grievance does not, uh, put forth a, uh, re-addressable, uh, issue for the committee as opposed to the term jurisdiction.

CASEY: This is Casey Quinn for the record. What -- what you're saying, Jordan, is that there's nothing that the committee can do to address this grievance? Is that correct?

JORDAN: That's correct, Deputy Attorney General Casey Quinn, that's a more accurate way to describe it. Um, we have, of course, limited ability to address grievances. Um, just as a brief summary, but not as a complete conclusion. You may only hear reprimands, demotions, or other items that -- that are punitive in nature. And historically, um, given our prior decisions, um, there are certain items that are well within the wellhouse of the, um, agency that we simply do not have the power or ability under statute to address. So, I believe your characterization was correct and jurisdiction may be misleading.

DOUG: Doug Fromm -- Doug Fromm for the record. So, um, basically, um, this wouldn't be the -- the proper venue to review this. Am I understanding that correctly?

JORDAN: It may be that we have -- we are unable to redress this grievance or address this issue within our statutory authority. So, we're getting closer -- we're getting closer.

DOUG: Um, again, Doug Fromm for the record. I just put in a couple comments in regards because I can kind of relate to this a little bit just for the fact, um, that we've dealt with this in my agency. And so, you know, we -- we've been told the same thing, that this is beyond -- beyond being able to file -- file a grievance and have it be heard. I -- I understand there's extenuating circumstances, but there's extenuating circumstances for all sorts of, uh, state employees across the board. So, um, yeah, I would just want to -- just wanted to add that in there that if -- if we could do anything and did it for this one person, then it would be -- could do it for multiple people. So, um, yeah.

SANDIE: For the record, Sandie Geyer. Um, the reason why I asked about when that memo was issued is because this actually started September 7th, 2023. This is when that original request for the NPD-04 was actually, um, initiated by the grievance -- grievant. So I would really like to find out when the date was on that memo.

BRIAN: Brian O'Callaghan, uh, deputy Administrative DHRM. I'll see if I can find something from the data finances.

SANDIE: Thank you.

TURESSA: So Turessa for the record, I'm understanding you'll have to do that at a later time. You do not have that information available for this current hearing.

BRIAN: Yes. Uh, Brian O'Callaghan, uh, for the record. At this time, yes. I just -- we just have to track it down. I'm not exactly sure.

SANDIE: For the record, Sandie Geyer. I make a motion that we move grievance number 10235 to our next agenda meeting date.

AVA: This is Ava Case for the record. I second.

NORA: Turessa, uh, chair -- chair Russell?

TURESSA: Yes.

NORA: Uh, Nora -- Nora Johnson for the record. Um, correct me if I'm wrong Doug, Laub, but could we reword the motion to not be reflective of our next agendas meeting? Because in the event that our available committee members conflict with this particular employees agency and we can't actually put it on the next agendas, could we maybe expand that broad brush it and say the next meeting practical based on member availability? I just don't want a blanket statement that requires us to put it on an agenda where we may not have the form to do so.

JORDAN: Deputy Attorney General Jordan Laub. Uh, Nora, I think that's accurate. I would also suggest we come up with a status check or sometime within perhaps 90 days, 60 days that we can readdress this matter to -- to determine, uh, some timeline to show that due process grounds is moving along and not continue to definitely.

NORA: Thank you. Thank you, Chair.

TURESSA: Sandie, are you working on recording your motion?

SANDIE: For the record, Sandie Geyer. Editing my original motion to include the language of the next available meeting that does not have conflict with standing committee members.

AVA: This is Ava Case for the record, I second.

TURESSA: Any further discussion on the motion?

JORDAN: Deputy Attorney General Jordan Laub. We request a timeline where we may order either a status conference or a response to ensure that this is moving along and not continued indefinitely. I suggest 30 to 60, perhaps 90 days, depending on availability of quorum, at the discretion of -- of the committee.

SANDIE: Sandie Geyer for the record. Additional addendum two, the motion to include a status check of 60 days for grievance number 10235 regarding the memorandum that was issued by the governor's office related to the NPD-4s being placed on hold or for consideration. And again, then to be agendas -- to be put on the agenda at a future meeting that does not have conflict of interest with any of the sitting committee -- committee members.

AVA: This is Ava Case for the record. I second.

TURESSA: Any additional comments? Hearing none, all in favor say aye.

ALL: Aye.

TURESSA: I believe that's unanimous. Motion carries. Next agenda item.

DOUG: Yeah. Oh, nay. Sorry, I was reviewing this.

TURESSA: Thank you. I was not aware that was a nay. Audio down here has room for improvement. So to correct the record, that was three ayes and one nay, motion still carries. Moving to the next agenda item. Would be grievance 10240 for Christopher Clifton. My notes indicate there were recruitment dispute related -- also related to FMLA plea. Any comments from committee members?

AVA: This is Ava Case. Um, I do not see where we could move forward, um, on this. Uh, he had the opportunity to, um, apply for a job regardless if he was on leave, FMLA. Uh, he can, uh, go on and search job postings any time. Um, I do not see, uh, this going to, uh, hearing.

DOUG: Doug Fromm for the record. Um, I just wanted to add that in reviewing this grievance, um, some of the things that stood out is, um, Mr. Clifton did -- did put in for these promotional opportunities for a list, um, quite a -- quite a few times over the previous years. Um, so, um, I'm -- I'm assuming he -- he knows the process and -- and when these opportunities become available, um, as we all do through all state agencies. Um, therefore I would, uh, we have a motion to, um, dismiss this.

JORDAN: We -- we can use a terminology. We can go ahead with a motion to dismiss. This is Deputy Attorney General Jordan Laub, I'm sorry, for the record. That's -- that's okay. I think the reason why is most important. So, while this is not on the face of the, um, grievance or any addendum attached there to evident of any punitive or reprimand style of retribution, which typically is under the purview, and that's pretty clear on the face, I believe that we do -- the EMC may not have the ability to redress this grievance at hearing or anywhere else under the purview of the EMC.

TURESSA: Turessa for the record. Uh, this appears to be a very different wording for dismissing at this point is not -- I've never seen the committee dismiss at this point in the -- when it's just on the agenda as to whether or not we have jurisdiction and can move it forward. My understanding, please correct me if I'm wrong, we have to go on grounds as to whether or not we have jurisdiction or not. We cannot get into the meat of the grievance at this point in time. Is that correct?

JORDAN: This is Deputy Attorney General Jordan Laub for the record. That's correct. What we're -- what we're trying to work through here is the term jurisdiction is very broad under the law and an inability to redress a grievance is a type of jurisdictional challenge that we're raising. It's -- it's one of authority and in one really of -- of a subject matter jurisdiction. And that hyper-technical analysis may not be fully appropriate in the administrative setting, but it is still a type of jurisdiction. And we are saying that with the requests -- with the relief requested and under our statutory authority, we are unable to redress this grievance.

TURESSA: Turessa for the record. Is there any way counsel could give us assistance and proper wording for the motion to keep it within data parameters?

JORDAN: Sure. The committee moves to dismiss this grievance due to the fact that it does not have the ability to redress the claim or issue in the grievance under statute -- under statutory authority.

DOUG: Doug Fromm for the record. Can you repeat that, please?

JORDAN: Sure. I'll make it easier. See what we can do. Okay. Under statutory authority, the EMC lacks the ability to address this grievance and moves to dismiss. One more time. Under statutory authority, the EMC lacks the ability to redress this grievance and moves to dismiss.

TURESSA: Turessa for the record. They do not have the licensing or the education. But I'm questioning, would you not be either be dismissed since we have not actually gotten to -- into a hearing, just from my understanding,

JORDAN: That's an appropriate change.

NORA: Uh --

TURESSA: Yes, Nora.

NORA: Doug, Laub maybe this would be more appropriate. It's a little more similar to the language that the committee may be used to. Motion to deny hearing for grievance 10240 based on the committee's lack of statutory authority.

JORDAN: Perfect. Thank you

NORA: Chair for clarification, if it was -- was it the denying the hearing piece that you were missing?

TURESSA: That was what giving -- was giving me heartburn, yes. But you never dismissed at this point before to me, denying in a layman's understanding was more appropriate for the way we've always handled things.

NORA: Thank you, chair. Thank you, Doug.

AVA: This is Ava Case. Uh, for, uh, I motion to deny 10240 due to EMC lack of jurisdiction.

TURESSA: Turessa for the record. I'm not sure if we're having any audio issues. I'm not hearing anything on south, uh, excuse me, up north.

SANDIE: For the record, Sandie Geyer. I believe that that motion needs to be revised. Again, we don't want to use the word jurisdiction, we want use statutory authority in lieu of the word jurisdiction.

TURESSA: Turessa for the record. Since I've heard no second on the original motion. Sandy, are you proposing a new motion?

SANDIE: Sandie Geyer. For the record. Um, my colleague to my right here, Mr. Fromm is working on a motion that matches a little closer to what the language is that the EMC wants to, uh, for, uh, produce.

CASEY: This is Casey Quinn for the record. Let me offer a point of clarification here (inaudible) is, uh, submission of grievance to the EMC. And it says, uh, that the committee will within 45 days, working days after the receipt of the employee's request, answer the request without a hearing if the case is based upon the committee's previous decision or does not fall within its jurisdiction or hold the hearing to determine the proper disposition of the request. So basically what we're doing in this stage is evaluating whether or not we can say, uh, we have a previous decision that guides this, we don't have jurisdiction or we do need to have a hearing.

DOUG: Doug Fromm for the record. Um, I guess point of clarification, would -- I guess that'd be the right term. Um, being that this has to do with the Family Medical Leave Act, would this be the proper venue to review this grievance or this situation?

JORDAN: Deputy Attorney General Jordan Laub. A couple notes. While the statute does state the term jurisdiction, it's critical to establish why in these, um, matters or in these motions to deny hearings. It's the -- there -- the rationale that's most important on any petitions for judicial re -- review. Now, when it comes to the advice of which venue is more proper, or if another venue is proper, that is clearly outside the purview of the EMC. Our only, uh, our only directive at this time is to state whether we have the authority or as a statute says jurisdiction, which is slightly vague in order to hear this grievance at a later time. So, we are only at this stage either moving it to the hearing or deciding whether or not we have authority under previous decisions or the statute to do so.

CASEY: Hey, uh, this is Casey Quinn. We need to -- we need to figure out what we're doing here. We can't have conversations going on -- on the side during the, uh, open meeting here. So, if we need to have an executive session or something and to -- to clarify something, we should do that. Otherwise, your discussion needs to be on the record.

AVA: This is Ava Case, um, for the record. Uh (inaudible) just one more time. Um, I motion to deny 10240 due to EMC, um, statutory authority to move forward to hearing.

TURESSA: Is there a second on that motion?

DOUG: Doug Fromm for the record. Second that motion, that's what we were working on.

TURESSA: To my understanding there was a motion to move the grievance forward to hearing. Second.

SANDIE: No, no. I -- I denied that.

TURESSA: You denied it? Okay, thank you for the clarification.

SANDIE: Motion to deny.

TURESSA: Thank you. I just want to make sure I have it in my head. Any further discussion? Hearing none. All in favor say aye.

ALL: Aye.

TURESSA: I only heard two responses.

DOUG: Aye.

TURESSA: Three ayes, four ayes. Motion carries. Next item on the agenda is grievance 10372. I'll mark. My notes indicates it relates to letter reprimand with disciplinary issue of notify on call board relating to heat issues. Any other phone message, discussion on (inaudible)

AVA: My -- my question -- this is Ava Case for the record. My question was, um, we're not sure of the LOI evaluation. There was no attachments regarding this discipline area action. Um, I move that, uh, this possibly needs to go to hearing, um, just for clarification on, uh, trying to get attachments

SANDIE: For the record. Sandie Geyer it's actually a letter of reprimand, not a letter of instruction.

DOUG: Doug Fromm for the record. Um, Sandie I -- if I -- correct me if I'm wrong, but in reading this grievance, I believe there's multiple times throughout the grievance that they're signing letter of instructions, um, as -- as well -- as well as verbal conversations. Um, again, I -- I didn't see it, if I remember right, I also didn't see a, a letter or a reprimand. Um, so I didn't see very many attachments in any with this grievance, but it is discussed throughout the grievance. Um, yeah, I would -- I would like to see additional, um, information and or attachments to the agreements.

SANDIE: For the record. Sandie Geyer . I agree with my colleague in the North that yes, it's referred to multiple times as a letter of instruction as well as a letter of reprimand. However, I was basing it on the responses back from the agency where they are calling it a letter of reprimand. But I agree that there's nothing for the committee to be able to look at as far as the actual content of whatever disciplinary or instruction that this grievance was given.

TURESSA: Turessa for the record. So, I'm hearing that due to the wording and verbiage in the grievance itself, there is enough detail that the committee wants to move this forward for hearing. Is that accurate?

AVA: This is Ava Case for the record. Um, I don't know if we move it forward or if we ask, uh, for more information because of new attachments. Um, we're trying to get to the point of get -- having the, um, letter of instruction or evaluation or reprimand so that we could read them. So, I don't know if that would be moved to a hearing or if we would, um, move it to another time on the agenda

TURESSA: Turessa for the record. I have never seen or we ask for more documentation as a general rule. We either deny the mo -- deny the grievance for a specific reason, or we move it forward for hearing. And taking into consideration items. I may my turn on this one later upon the current agenda, this would automatically be moved forward for hearing.

SANDIE: For the record, Sandie Geyer. I make a motion that we move grievance number 10372 for hearing.

AVA: This is Ava Case for the record. I second.

TURESSA: So there is a motion and a second to move grievance 10372 forward to hearing. Any further comments? Hearing none, all in favor say aye.

ALL: Aye.

TURESSA: I'm not clear if that was two or three ayes?

ALL: Aye.

TURESSA: Thank you. Uh, I also vote aye, motion is unanimous, grievance 10372 is moved to hearing. Next item on the agenda is grievance 10401, Lanita Anderson.

AVA: This is Ava Case for the record. I would like to look at both 10401 and 10402, um, as a, uh, are exactly the same, uh, grievance regarding the, uh, workspace.

TURESSA: Turessa Rusell for the record. The grievances are private, they are identical. Is there any issue with combining them or do we need to motion on them separately?

SANDIE: For the record, Sandie Geyer. We will need a motion that will combine both grievances to be consolidated, uh, at hearing at the same time.

TURESSA: Turessa for the record. But that does not address in those question as to whether or not we should be discussing these two items at the same time because there are technically two different grievances and two different at your dockets.

CASEY: This is Casey Quinn. You can discuss them and then vote on them in the adopted inspection from the previous one for the second one, but have two individual votes.

TURESSA: Thank you.

AVA: This is Ava Case for the record. Um, I move that we deny, uh, this, uh, grievance due to being dissatisfied could -- because of a moving or an office space, I do not feel, um, that is, um, that -- my mind just went blank. Um, something that we would move forward to hearing.

TURESSA: Turessa for the record. For clarification, under what grounds are we saying we don't have jurisdiction or previous decision?

AVA: Due to previous decision, um, I move that we deny, uh, 10401.

TURESSA: Again, for clarification, is there another case that we can refer back to, or at least on the backside that if there's -- if this is questioned, what previous decision would this relate to? I -- that -- I do not attend a hundred percent of the hearings, so I'm not sure what previous decision this would relate back to. I'm looking -- I thought there was something in here.

DOUG: Doug Fromm for the record. So, I understand both these grievances is, it just has to do with the buildings they work in an office space. Um, Jordan -- I mean, would it be lack of - - of -- of jurisdiction or, I mean, I'm -- I'm trying to come up with that. I mean, I don't necessarily from reading this, are they uninhabitable working conditions or unsuitable or, you know, it's just they're upset because they're -- they're getting -- getting moved to a different location. So, um, and again, anyone, correct me if I'm wrong, but, um, moving somebody offices or whatnot, shouldn't that be left up to the agency themselves on how they want to augment their staff where they want to put them. Um, and as long as they're habitable office space with suitable conditions, then would we lack jurisdiction on telling the, um, departments and or divisions where they can, you know, put their -- their employees in the condition and the offices that they work in?

JORDAN: Sure. This is Deputy Attorney General Jordan Laub. Remember from -- to the extent that -- that there -- there is a question there and I'll -- I'll try to answer as succinctly as possible. If the matter of the term jurisdiction was confusing, the most important thing for the record that I urge is that we give a very strong rationale for why. Now in the content of the question, you have brought up that in previous decisions or in the general regulatory scheme, the decision of an agency of where to house its employees or these type of administrative, um, necessities for its operation are historically and regulatory reg -- regulatory speaking not within the purview of the EMC and may be denied for lack of jurisdiction.

DOUG: Thank you for answering the question. So based on the info -- Doug Fromm for the record. Based on the information provided to me, I motion to, um, dismiss grievance number 10401 based on the, uh, the EMC's, uh, base -- let me rephrase this. I motion to dismiss grievance 10401 as this grievance does not fall within the E -- EMC's jurisdiction.

TURESSA: Is there a second on that motion?

AVA: This is Ava Case for the record. I second.

TURESSA: You will (inaudible)

SANDIE: That's the truth.

JORDAN: That's attorney question.

DOUG: What was the question? I'm sorry.

TURESSA: You said dismiss at this point in the process when we're determining whether or not we're going to deny it or we put forward for hearing.

DOUG: Terminology, and correct me if I'm wrong, Nora historically is deny moving this grievance to a hearing which may be done at this stage.

NORA: Nora Johnson for the record, that is correct, Daug Lub. Um, based on the discussion that we just had with the intent of member Fromm, and member Fromm, please correct me if I'm wrong if I'm off shooting or overshooting the intent, but a standard language motion would be motion to deny hearing based on NRS 284.020 subsection two. The agency has right -- the right to manage the affairs of their business as they see fit inclusive of office location.

DOUG: I wish I could memorize all that.

TURESSA: So, David, if I'm hearing correctly, as long as counsel has that motion would amend your motion to be what Nora said or was --

JORDAN: I believe we could proceed with a motion to ratify. That would be okay.

DOUG: Can you email my brain?

CASEY: Are you amending -- have you amended your motion is the question. This is Casey Quinn for the record.

DOUG: Uh, I have not amended my motion at the moment. No, I haven't not.

TURESSA: So --

DOUG: In order for me to amend my motion, I need to write all this down so I can repeat it. So, Nora, I would ask, we could either -- I can write all this down to amend my motion which will take a few minutes and or if somebody else has got it memorized, then we can go ahead. So, if the committee is okay with that, Nora, I would like you to slowly repeat what you just read off to me so I can make a motion.

NORA: Certainly. Nora Johnson for the record. Motion to deny hearing for grievance 10401, based on NRS 284.020 subsection two, the agency has the right to manage the affairs of their business as they see fit inclusive of office location.

DOUG: May you repeat that again, please?

NORA: Motion to deny hearing for grievance 10401.

DOUG: Okay.

NORA: Based on NRS 284.020 subsection two, the agency has the right to manage the affairs of their business as they see fit inclusive of office location.

DOUG: The agency has the right as they see fit to?

NORA: Manage the -- the agency has the right to manage the affairs of their business as they see fit inclusive of office location.

DOUG: All right. I, Doug Fromm for the record. Motion to deny grievance number 10402, based on NRS 284.020 subsection two. The agency has the right to manage their affairs as they see fit to include office location.

AVA: This is Ava Case for record. I think it's 10401.

DOUG: Sorry, that one's in front of me. Okay. Let's try this for another time. I, Doug Fromm for the record. Motion to deny grievance number 10401, based on NRS 20 --284.020 subsection two. The agency has the right as they see fit to manage their affairs to include office location.

AVA: This is Ava Case for the record, I second.

TURESSA: Motion has been made to deny, there is a second. I will comment to the

specific of the information listed in grievance. I would move this forward to hearing, but we still have an opportunity to discuss or the members are ready to vote. We can vote.

SANDIE: For the record, Sandie Geyer. This may be a moot situation anyways because SDCC has actually relocated to where Ely State Prison was and Ely has fought locations. Additionally, I agree with chair that this is -- well, we understand that the agency has the authority to make all decisions based on their business. In reading these grievances, it's, uh, seems a little deeper than that where there is some issues of their current space or their previous current space. But if it is going to be a good situation then the parties will certainly let us know if the space is no longer the issue. But there was some confidentiality issues I believe within this grievance.

JORDAN: Right. This deputy between General Jordan Laub. Based on historical decisions and I think the motion that was pretty carefully crafted, great effort to remember from, I -- I commend you for that good work, I know that's tough. Um, the decision at this point before us is whether or not we have jurisdiction over in the inner workings of an agency's employee, uh, processing or housing.

TURESSA: Turessa for the record. I'm in agreement with counsel -- with what counsel said that (inaudible) was worded in the grievance. I do believe that brings it under our purview. Question is, does the majority of the committee agree with that they move it forward, which would be denying the motion or are we approving the motion and denying the grievance? Any more comments? I'm not repeating the whole function, but the motion on the floor is to deny the grievance. All in favor say aye.

ALL: Aye.

TURESSA: I'll vote nay, motion carries. Next item on the agenda is discussion relating to grievance 10402, which is pretty much identical to the previous grievance. Counsel since we just made a decision on grievance 10401, do we have the authority to deny this per previous decision or do we need to go through the (inaudible)

JORDAN: This is Deputy Attorney General Laub. Um, I'm going to request that we make a new motion on this item and then revote on this item as well. There wasn't a previous motion to combine or to, um, join these two decisions prior to the denial of the hearing of the first, so we'll need to bring a new motion for this one and vote on it as you did before.

TURESSA: Thank you. My question is, and the motion state that we are denying this grievance for a previous decision or do we need to word the grievance -- the motion similar to what we had for the grievance we just made the decision on.

JORDAN: This Deputy Attorney General Jordan Laub. If Member Fromm is able to craft another, uh, motion and such as before and such style, I think that the committee would be happy to entertain that.

DOUG: Doug Fromm for the record. I motion to deny grievance number 10402. Based on NRS 284.020 subsection two, the agency has the right as they see fit to manage the -- manage their affairs to include office location.

TURESSA: Thank you, Doug.

AVA: This is Ava Case for the record. I second.

TURESSA: Any discussion? All in favor of the motion, say aye.

ALL: Aye.

TURESSA: I believe I heard three ayes. I'll say no, nay, the motion carries. So, I believe that brings us back to what is itemized on our decision as item five, adoption of revised employee management committee role of practice presented by the Division of Human Resource Management. Does anybody have any comments at this point in time? Any questions

SANDIE: For the record, Sandie Geyer. Under previous committee decision and committee jurisdiction, um, I was looking for a little bit of clarification when it comes to the committee does not have jurisdiction over and states grievances or a portion of a grievance alleging unlawful discrimination based upon any state or federal law or regulation and will refer the grievant to the appropriate venue. In the past, this committee has not necessarily indicated to the grievant what venue that is. Is this going to now be a change and we can let the grievant know that there -- their grievance may be heard under, for example, uh, NERC or EEOC or, um, any other type of venue or resource that they may be seeking, uh, that resolution?

TURESSA: Thank you for catching that. Can you point out which page that is on so I can look at it specifically?

SANDIE: That's on page -- that's page number four. It's gonna be under previous committee decision -- decisions and committee jurisdiction. If you go down to where it says the committee does not have jurisdiction over, and it's gonna be the first bullet.

TURESSA: Turessa for the record. Uh, I know we've discussed this previously. Nora or counsel, can you give us feedback on how to appropriately make a change in this.

NORA: Nora Johnson for the record. Um, this is more than likely a, just a -- not necessarily a typo, but a holdover from the previous rules, um, possibly a copy and paste error. This particular set of rules was adopted in March of 2023. As we are reviewing these and to more appropriately reflect our intent to not teeter on offering legal advice, we can correct that prior to, uh, approving and posting these to be more reflective of our current procedure, which is not to offer legal advice and recommend a venue. We can change it to what our standard language is. Relief may be provided in another venue and allow the employee and or their representatives to do that research themselves.

TURESSA: Sandie, does that satisfy your concern?

SANDIE: Madam Chair, it does.

TURESSA: Obtaining other comments or questions in reference to this document?

NORA: Madam Chair, we do have a presentation from DHRM if you are open to that.

TURESSA: Yes, please. Thank you.

NORA: Thank you. Good morning, Madam Chair and members of the Committee. For the record, my name is Nora Johnson, I am the Human Resource Analyst for Employee Relations with the Division of Human Resource Management Consultation and Accountability -- Consultation Accountability and Regulations Unit. In accordance with NRS 284.071, section two, "The committees shall adopt such rules as it deems necessary for its own management. The EMC last adopted rules in March of 2023 and the following revisions allow the committee as a whole to determine the disposition of a grievance consistently through the hearing procedure. A draft was provided to the committee with remove language and red strikethrough and new language in blue italics. The first revision is regarding chair determinations. Under the current rules of practice, grievances submitted to step four were automatically scheduled as an agenda item as a triage of sorts. This allowed the committee to determine if a hearing should be granted based on jurisdiction or if a grievance could be granted or denied based on prior decisions without the need to go to hearing. While relatively streamlined, this process opened the -- this process opened the committee to request for Reconsideration of hearing as employees and the representatives may have felt the denial of a grievance was not clear and may lead to litigation in district court. Upon committee approval, grievances submitted to step four will now automatically be scheduled for hearing based on the minimum of 21 working days required for scheduling orders, committee member availability and or potential agency and member conflict. It is the impetus of the agency to

request removal of a grievance if the agency feels it does not meet the definition of a grievance per NAC 284.695 or grievances where relief may be provided in another venue. However, that request can only be made at steps one through three. Once submitted to step four, the agency will have to submit a motion to dismiss and grievances not with the EMC'S jurisdiction may be summarily dismissed at the beginning of the hearing. This change allows for a more consistent application of NRS 284.073 Section two and allows the committee as a whole via quorum to determine the proper disposition of a grievance.

TURESSA: Thank you, Nora. That was (inaudible)

NORA: Oh, thank you Madam Chair. There are a couple of more explanations of revisions throughout the document. Would you like me to go through all of them and discuss as a whole or do it, uh, section by section?

SANDIE: For the record, Sandie Geyer. I would like to see -- I would like to hear those discuss per section.

TURESSA: Thank you. Turessa for the record. I agree since we're in multiple locations, that would give us better clarity.

SANDIE: For the record, Sandie Geyer. Uh, if the committee is in agreement to have, uh, Nora go ahead and continue on with the outlying of the rules of practice within the, uh, discussed sections of the document that we were provided?

NORA: Madam Chair, Nora Johnson for the record. I -- I can proceed if you would like to continue with the presentation.

TURESSA: Yes, please.

NORA: The next revision is the EMC has been housed under the Division of Human Resource Management Consultation and Accountability Unit, and that unit has been changed to the Consultation, Accountability and Regulations Unit. It is a simple unit change. Okay. The next revision is from LCB file, R171-24, and approved by the Human Resources Commission on September 27th, 2024. The amendments in this LCB file make changes based on Senate Bill 431 to various regulations in NAC 284, changing "personnel" to human resources "and therefore requiring DHRM to amend staff titles. SB-431 of the 2 -- 2023 legislative session to change the names of the Personnel Commission within the Division of Human Resource Management of the Department of Administration to the Human Resources Commission and two, the state personnel system to the state human resources system. NRS 284.022 as amended by section 70 of Senate Bill 431, Chapter 532 statutes of Nevada 2023 at page 3,562 NRS 284.030 as amended by section 71 of Senate bill number 431. Chapter 532 Statutes of Nevada 2023 at page 3562. Senate Bill 431 also made certain conforming changes to existing law to replace the term "personnel" with "human resources" throughout the provisions of the Nevada revised statutes relating to the commission and the system. I am happy to answer any questions regarding the rules of practice at this time.

JORDAN: This is Deputy Attorney General Jordan Laub. This is a brief interlude. Nora, if you could briefly summarize what hearing levels one through four would entail for the Employment Management Committee so that they would know at the appropriate time to raise the motion to dismiss.

NORA: Nora Johnson for the record. Procedurally what we would change is when a grievance lands at step four, we would issue correspondence. Currently we send correspondence to the employee and their rep agency that states your grievance will be set as -- as an agendaized discussion item and we will proceed from there. We will change our correspondence piece to, uh, when a grievance lands its step four, those same parties will receive a piece of correspondence. It says your grievance will be scheduled for hearing and then the rest of that procedure would follow

under the 21 working days. Um, the soonest practical EMC based on potential meeting dates and again member and agency conflict. Um, in conversations with Doug, Todd Weiss, uh, in the ability to summarily dismiss, uh, a grievance, um, that will be at the beginning of the hearing. However, within the scheduling orders, when we do follow that 21 working day pattern, the agency has a timeline within those scheduling orders and the instructions to submit a motion to dismiss within that timeframe so they can submit it prior to it would be inclusive of the packet and there is a form for the employee and or their rep to respond to the motion to dismiss all managed and tracked by the EMC coordinator.

JORDAN: Perfect. So, just to comment on that, it would alleviate some of the issue of having to form a motion directly at the time of -- of the beginning of the hearing, would be able to rule on some form of pleading or written document. Is that right

NORA: Nora Johnson for the record. Correct. We wouldn't have to go through the entirety of that hearing process. An hour-ish on each side just to finally rule that, no, we can't hear this or no, your probationary and should never file the grievance. That can happen immediately at the beginning and or based on the agency motion to dismiss if one is filed.

SANDIE: Sandie Geyer for the record. Then who makes the determination based on the motion to dismiss, uh, whether or not that motion is gonna be granted or not?

NORA: The committee. The motion to dismiss is scheduled also within the same. Typically, our historical best practice has been to schedule on the agenda, the motion to dismiss and then the hearing on the merits of the grievance is immediately preceding that. Um, all -- well, most of the agencies know that that is the process. Some may ask for a continuance in order to just get through the motion to dismiss peace, but all of that is agendized again, in order to allow the committee in full to properly dispose that grievance.

SANDIE: Okay. As a follow up on that, I noticed that, um, and -- and as the practice has always been that the committee is required to meet every three months, how is this going to affect those that are filing grievances and waiting for some type of, um, response or hearing date? Or -- or - - or that is this being then that -- that the committee will be planning on having a hearing every month versus every three months?

NORA: Well, our historical best practice has been to have, uh, our potential EMC meeting dates that we post is every other Thursday. Um, the statutory requirement is to have a meeting at a minimum of every three months and we can do them more frequently. Currently our issue is not so much a matter of potential dates or scheduling, but quorum and member availability.

SANDIE: Thank you.

TURESSA: Turessa for the record. Nora, my understanding is adopting these changes would actually come out some of the steps that small out the grievance process and also because I will -- what we did this morning, all we're doing as a committee is determining whether or not this will move forward for a hearing. Do then they -- any of them that are moved forward for hearing have to be scheduled at a future date and time.

NORA: I'm sorry. Nora Johnson for the record. I'm not quite understanding your question. Could you repeat that, please?

TURESSA: The short version of it is we're bypassing today's stuff, which would move the grievance along through the process more quickly because we don't have to have today's hearing and then a future hearing, it would make the committee more effective.

NORA: Nora Johnson, for the record. It does alleviate this agendized discussion step. All grievances will be going to hearing. Um, what that does, it -- it does streamline the front piece of the process, but it will make more steps at the back end because again, now agencies are going to

have to file a motion to dismiss if they don't believe that a grievance should have gotten that far. So, there will be more -- I don't necessarily want to say issues. There will be more steps at that back-end piece, but on the inset, the concern that started the change in this process was that grievances that have been denied during the agendized process where a lawyer or a rep has stepped in and said that there -- there was not enough information given to the employer, the rep, to warrant the denial. They want it remanded back to the EMC and or po -- potentially taking it for petition to -- petition for judicial review because they weren't able to get that full process.

SANDIE: Sandie Geyer for the record. I like it.

TURESSA: Any comments from Doug or Ava?

DOUG: No, I'm -- I'm bored with it.

TURESSA: Any further comments or questions?

AVA: No, council, Ava. This is Ava Case for the record. Um, see this, um, I'd like to make a motion to adopt the revised EMC committee Rules of Practice estimated with changes.

TURESSA: I hear a motion to adopt. Is there a second?

SANDIE: Sandie Geyer for the record. I second that motion?

TURESSA: Any further comments or discussion? Hearing none, all in favor say aye.

ALL: Aye.

TURESSA: I hear three ayes; I'll be the fourth. Motion carries unanimously. Okay. Next agenda item is adoption of Employee Management Committee Language Access Plan as presented by the Division Human Resources. Nora, do you have any presentation before we have questions or concerns?

NORA: Madam Chair, I most certainly do.

TURESSA: I apologize for not asking that previously. Thank you.

NORA: Thank you, Madam Chair. Good morning, Madam Chair, members of the committee. Again, for the record, my name is Nora Johnson, Human Resource Analyst for the Division of Human Resource Management, Consultation, Accountability and Regulations Unit. The background for the Employee Management Committee Language Access Plan is Nevada Revised Statute 232.0081 and Title six of the Civil Rights Act of 1964 requires that state agencies that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services those agencies or entities provide. The language access plan before you for action identifies procedures for providing individuals with limited English proficiency access to the services of the Employee Management Committee. The EMC Language access plan mirrors the language access plan developed by the Division of Human Resource Management and approved by the Human Resources Commission. The division of Human Resource Management plan was developed in work -- was developed working in collaboration with the Office of New Americans and posted for public comment. The EMC Language Access plan indicates that it is the responsibility of the EMC to provide translators or interpreters for individuals with limited English proficiency and the EMC bears the cost of those services. When a need presents itself, contact one of the two language access coordinators and they will work with the individual with limited English proficiency and secure translator or interpreter. Our language access coordinators for the EMC are Kimberly Smith, EEO administrator, and Millie Thomas, EEO Officer. The Language access plan outlines that translation and interpreter services will be provided through two sources. The first being the state bilingual contact list, which includes 142 employees with various language proficiency and the second being statewide contract makes any vendors available for translation and sign language interpretation. That is the end of the presentation.

AVA: This is Ava Case for the record. Um, I make a motion to adopt as presented

employee management committee language access plan.

TURESSA: There's a motion to adopt. Do I hear a second?

DOUG: Doug Fromm for the record. Second that motion.

SANDIE: Sandy Geyer for the record. Uh, I have a question.

TURESSA: Go ahead.

SANDIE: So, given that if an interpreter is brought into an EMC hearing, will the decisions and other types of information that are provided, will those also be provided in the language in which the interpreter is here? And then will it also be put into writing so that it is accessible to, um, others of that same language?

CARRIE: Uh, for the record, this is Carrie Hughes with the -- I am the Supervisory Human Resource Analyst for Consultation, Accountability and Regulations. And that must have really come out wrong, thank you, Sandie. Um, so your question is, will the interpreter be provided and will they provide it in the language that's being requested? Is that how the question?

SANDIE: Uh, no. I'm sorry. I -- I -- I don't think I was clear. So, my question is, is any of the information that's being provided to the grievant in their language, is it -- is any of it going to be in -- in writing for them? And then additionally, um, are we going to -- is the administration then going to also have that same duplication, not only like a decision. Is it also gonna be in whatever the secondary language is as -- as well as English? That's my question. Is -- is there a coordination there?

CARRIE: So again, for the record, this is Carrie Hughes. Um, the intent of the language access plan is for those who participate or our clients or customers, for you that would be the grievance and the agencies to participate in the manner which is best for them, whether that is verbal, whether that is written. And I believe the intent of the plan is that this would be for all steps of the process for the hearing, uh, if needed prior to the hearing, and then certainly through to the decision.

TURESSA: Turessa for the record, when you say prior to the hearing, is that indicating once it gets brief -- once a grievance has breach steps or that this language access plan kicks in or is it that the lower steps and this could potentially kick in also?

CARRIE: So again, for the record, this is Carrie Hughes. Um, it could kick in at any step, um, whether it would be the responsibility of this particular language access plan, and maybe it would help to back up, is this, um, statute applies to all agencies and all public entities in that statute. So, at steps one, two, and three, that may or may not include the division of Human Resource Management, which helps administer this process. It might include the agency's -- the employee's own agency providing that, uh, assistance with the language through their own language access plan. Um, it also could be when it gets to step four, that if they have questions about the process when they contact our staff at the Division of Human Resource Management, that might be also when this language access plan may be useful to that individual.

NORA: Nora Johnson, for the record. Um, this isn't necessarily like a, uh, procedural based, this is upon request from the employee, correct?

CARRIE: Correct. We're not going to, um, make any assumptions certainly, and I believe that was also addressed in the language access plan. But if, um, we are contacted and they present themselves with a different language or a different language need, that would be the time at which we would make these arrangements.

SANDIE: Sandie Geyer for the record. Um, how are these individuals notified that they have that option of requesting either an interpreter or, uh, documents provided in their native language? How -- how are -- I mean, is this something now that as this for -- for the state? Are -- are

-- are we -- are we doing this for, uh, our employees? Are -- are we saying that this is where you can go to find this information, you know, if you need it in -- in your own language or how -- how is that being done?

CARRIE: So, again, for the record, Carrie Hughes. Um, currently these language access plans, um, are being posted. I can at least speak for the division of Human Resource Management and the public bodies that we assist, um, are being posted on our, uh, website, um, on each of those pages. But certainly, um, if they contact us for assistance, it would be our staff's responsibility to -- to realize that there is that need.

SANDIE: Sandie Geyer for the record. Very good, thank you.

TURESSA: Turessa Rusell for the record. So, I'm hearing that this is basically documenting a process -- a required process similar to ADA, but we as the committees remain in a neutral position. We don't reach out, say we can do this for one party or the other, but clarifies what responsibilities we have and how it would proceed. Would that be an accurate understanding?

CARRIE: Uh, Carrie Hughes, again, for the record, um, I believe it would be.

TURESSA: Any other questions or comments? Is there a motion proposed to either not or not in reference to this document?

AVA: Um, this is Ava Case for the record, I made a motion to adopt as presented Employee management Committee language access plan.

TURESSA: Thank you, Ava. You're correct. Since I'm hearing no further discussion, all in favor say aye.

ALL: Aye.

TURESSA: I'll be the fourth aye. Motion is unanimous. Any -- let's see if there's anything else on here. Motion carries. I believe (inaudible) us to have public comment. Do we have any public comment or something I'm missing?

NORA: None in the north, chair.

TURESSA: I wasn't clear what was said.

NORA: There's no public comment in the north.

TURESSA: Thank you, Nora. I see no public down there in the south. If there's no objection, the meeting is adjourned. Thank you.

SANDIE: Thank you.

NORA: Thank you everybody have a good day.

SANDIE: Thank you.

*** END OF MEETING ***