

1. Call to Order

Chair Puglisi called the meeting to order at approximately 11:08 am.

2. Public Comment

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

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.

The vote was unanimous in favor of the motion.

MOTION: Items #5 and #8 meeting minutes for 05/02/2019 and 06/20/2019 can be combined.

BY: Member Laney

SECOND: Member Russell

VOTE: The vote was unanimous in favor of the motion

Chair Puglisi asked if there was any discussion on minutes to approve.

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

The vote was unanimous in favor of the motion.

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

Chair Puglisi opened the Committee for discussion.

Chair Puglisi stated this grievance was to take him off the requirement to providing a Doctor's note for sick leave, and to approve a transfer, and to provide specified equipment. Also noted retaliation and mention of EEOC complaint in grievance.

Chair Puglisi stated the committee does not have jurisdiction and cannot grant relief as specified or should have been pursued through another venue.

Member Laney stated she agreed and noted we do not have the authority to grant relief for grievant Jesse Haines, he was not denied the transfer by his internal agency but by the agency he was trying to transfer to.

Warm Springs Correction center and the other items we do not have jurisdiction over.

Chair Puglisi stated NRS 282.020 (2) came to mind as we do not have jurisdiction to grant relief.

Chair Puglisi opened the Committee for discussion.

Member Beigel asked if there was a study of the weapons available to them, which is separate from what we are hearing now.

Chair Puglisi stated the Agency is working on relief and that and he believed a group of grievants were being held in abeyance pending the outcome.

Chair Puglisi asked EMC Coordinator Breece Flores, if she could verify if there were a group being held in abeyance pending the outcome from the agency.

Ms. Flores stated the EMC had three different hearings for Mr. Haines on hold to schedule with similar grievances, the agency asked us to place on hold while the agency works on the remedy.

Chair Puglisi asked if there was any discussion

Member Novotny stated Mr Haines transfer was not denied by his Department it was denied by the Department he was trying to transfer to. EMC does not have jurisdiction.

Chair Puglisi requested a motion revision to state “the grievance should be moved to deny hearing for grievance #6898 Jesse Haines as the agency has the right to run as they see fit per NRS 282.020 (2).”

Chair Puglisi asked if there was any discussion.

Member Russell stated she had an issue with the wording about the proposed resolution being outside of the EMC jurisdiction.

Member Russell stated EMC did not always go by the proposed resolution is so if we drop that wording I would vote for that motion.

Chair Puglisi asked if member Russell was asking to revise the motion.

Member Laney asked if instead of proposed resolution, could the committee state the grievance is outside of the EMC’s jurisdiction.

Chair Puglisi stated the Committee could change the motion to subject matter.

Member Laney stated subject matter was a good substitution.

Member Russell stated that she agreed to change the wording to subject matter.

MOTION: Moved to deny grievance #6898, as the subject matter is outside of the EMC jurisdiction, as the agency has the right to manage its affairs as it sees fit per NRS 284.020 (2).

BY: Member Russell

SECOND: Member Thompson

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

6. Discussion and possible action related to Grievance #7032 of Michael Dante, Department of Corrections – Action Item

Chair Puglisi stated the grievance was over strained relationship of one employee with another. The proposal was to have the other employee not permitted on the property was the other employee was there.

Member Laney stated in reviewing the complaint she noted it was not the employee, it was a member of American Federation of State, County and Municipal Employees (AFSCME) who has been on the property but not a state employee.

Chair Puglisi noted, Member Laney clarified it was an AFSCME member who was going to the property and it strained the relationship with the grievant. They were working with AFSCME on this issue.

Member Laney noted on the agency response they had answered that they have received several complaints about this same individual and were working with AFSCME to resolve the issue.

Chair Puglisi noted that it doesn't meet the definition of a grievance, it is not an issue between the Employee and Employer.

Member Novotny stated the requested relief for the grievance was not within the EMC jurisdiction.

Chair Puglisi stated, the grievance did not meet the definition of a grievance.

Member Beigel agreed it did not meet the definition of a grievance.

Member Laney agreed they did not meet the definition of grievance.

Chair Puglisi, the definition of a grievance is noted in NAC 284.658 (2).

Member Russell stated she thought the grievance would fall under working conditions, even though it was a state employee allowing someone who was harassing them on state property.

Member Novotny stated she didn't understand how non state employees could enter in the building.

Member Laney noted with the DMV they have Union Representatives on the property quite often.

Member Beigel while reviewing the grievance she questioned if his grievance he said it was regarding his grievance #6952.

Member Beigel stated she did not look up the grievance but wanted to know how they correlated.

Chair Puglisi asked EMC Coordinator Breece Flores, to see if she could find out what the status of the grievance was.

Ms. Flores replied, grievance #6952, Michael Dante the response due date was expired at step 1.

Ms. Flores stated it was not escalated and was regarding the same issue.

Member Russell stated she was concerned of the fact page 1 detailed description the individual was following them around in the gate house and almost to the locker room, it sounds like they are indoors, inside the prison.

Member Laney stated she understood he filed this grievance because that grievance #6512 was not addressed.

Member Laney believed it was his attempt to have it addressed when the first grievance expired.

Ms. Flores stated the grievance shows in Neats "disagreed no further action".

Chair Puglisi didn't think this was a working condition.

Member Laney stated she was ready to make a motion, move to answer grievance #7032 without a hearing as it does not meet the definition of a grievance as stated in NRS 284.658 (2).

Mr. Whitney stated he believed member Laney mistakenly cited NRS 284.658 (2) and should have cited NAC 284.658 (2).

Member Laney agreed with Mr. Whitney's recommendation.

Chair Puglisi revised motion moved to deny grievance #7032 as it does not meet the definition of a grievance per NAC 284.658 (2).

Member Laney agreed on the revised motion.

Chair Puglisi opened the Committee for discussion, there was none.

MOTION: Moved to deny grievance #7032 as it does not meet the definition of a grievance per NAC 284.658 (2).
BY: Member Laney
SECOND: Member Beigel
VOTE: The vote was 5 to 1 in favor of the motion, with Member Russell voting nay.

7. Discussion and possible action related to Grievance #7067 of Jeffery Holz, Department of Corrections – Action Item

Chair Puglisi stated the grievance was an order that this particular officer not be assigned to a post alone, and the Agency changed his post and the grievant is stating that the Agency did not follow Administrative Regulation (AR) 301.04, which states the officer must receive a minimum of 5 working days' written notice.

Chair Puglisi stated AR 301.04 is if the agency changes in institution, facility shift, or regular day off unless it meets an exception. The Agency can move the officer as they determine where the need is.

Member Beigel stated the committee had a similar issue with a prior NDOC grievance regarding the employee getting sent to a different institution, the employee receiving a different shift, or receiving different days off.

Member Beigel stated the committee did have a hearing and the EMC denied the grievance.

Chair Puglisi stated it might have been about shift bid.

Member Russell stated it was not familiar to her.

Chair Puglisi stated he had AR regulations.

Member Novotny read from the grievance on page 3 at the bottom, "Due to circumstances an incident report 2020 the decision was made to move you from the gate house position. An investigation was completed and noted the agency had the right to change an officer's post or RDO when the officer proves to be unsuitable for the post based on their documented performance".

Member Novotny stated something happened in the incident report, but the committee doesn't know what the incident report stated.

Chair Puglisi read an example from AR 301.

Co Vice Chair Beigel stated it was another employee under investigation, and the agency assigned another officer to their post and the officer who was moved was upset.

Member Russell stated she was not ok with making assumptions on why they moved and whether there was an investigation in place on this employee or if it relates to another one and this employee is filling that position.

Member Russell stated the committee needed further information before deciding on it.

Chair Puglisi stated per the regulation the agency only has to give notice if they change his institution, facility, work shift or regular days off. None of that happened according to the grievance. The agency just moved them somewhere else.

Member Russell stated she questioned the lack of information given pertaining to the incident whether that requires an investigation.

Chair Puglisi stated that's not the issue, the investigation has its own process.

Chair Puglisi stated if the grievant doesn't provide the information the committee should go by what is provided.

Member Laney stated she agreed this grievance was similar to the first grievance that was heard today where this would fall under NRS 284.020 (2).

Member Novotny stated the EMC did not have jurisdiction to hear this grievance, the agency has the right to change an officer's post, no changes were made to the rate of pay.

Member Beigel there was no evidence within the grievance that a regulation, statute or law was violated.

Member Thompson agreed there was no violation on this grievance.

Member Laney moved to answer grievance #7067 without a hearing as this grievance falls under NRS 284.020 (2), allowing the agency to manage their affairs as they see fit. There is no evidence that a statute or regulation has been violated.

Chair Puglisi opened the Committee for discussion there was none.

MOTION: Moved to deny grievance #7067, as the agency has the right to run their affairs as they see fit per NRS 284.020 (2). There is no evidence that a statute or regulation has been violated.

BY: Member Laney

SECOND: Member Beigel

VOTE: The vote was 5 to 1 in favor of the motion, with Member Russell voting nay.

8. Public Comment

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

9. Adjournment

Chair Puglisi adjourned the meeting at approximately 12:00 pm.