



**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
October 17, 2019**

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
Mr. Guy Puglisi - Chair	
Ms. Jennifer Bauer	
Ms. Pauline Beigel	X
Mr. Ron Schreckengost	X
Ms. Jennelle Keith	
Ms. Tonya Laney	X

Employee Representatives	
Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	
Ms. Adria White	
Ms. Sonja Whitten	X
Ms. Dana Novotny	X

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Nora Johnson, EMC Coordinator
Ms. Ivory Wright-Tolentino, EMC Hearing Clerk

1. Call to Order

Co-Vice-Chair Beigel called the meeting to order at approximately 11:00 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 #6348 of Michael Friedman, Department of Health and Human Services – Action Item

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

Member Laney stated she understood the employee was not satisfied with the comments made.

Member Laney stated she did not see where the employee stated the agency or supervisors had violated statute or policy, just that the employee was not satisfied with the comments that were made.

Member Schreckengost stated he agreed with Member Laney.

Member Schreckengost stated the first thing he noticed in the grievance was the grievant's proposed resolution was 'unknown'.

Member Schreckengost stated that spoke for itself.

Member Novotny stated she agreed.

Member Novotny stated there was no resolution and that the grievant met standards and just because the grievant doesn't like what it said, doesn't mean it has to be resolved, it was just a comment.

Member Whitten stated the details described in page 1 of the grievance were troubling, but it was 'meets standards' and the grievant did not offer any type of resolution for the grievance.

Member Russell stated it seemed to her, the grievant was questioning the process it went through, and whether or not it adhered to regulations.

Co-Vice-Chair Beigel stated she agreed.

Member Russell stated that was concerning and should the grievance be moved forward to hearing, that issue, the process, is what the Committee would be addressing.

Member Russell stated she did not think the EMC was limited to when a grievant proposes a resolution.

Co-Vice-Chair Beigel stated there were date issues, that the grievant complained the evaluation was given too early at first, then it was late.

Co-Vice-Chair Beigel asked the Committee if they saw the same issue.

Member Schreckengost stated yes as did Member Novotny.

Co-Vice-Chair Beigel stated from the date on the appraisal itself that stated due by November 7, the rater signed on October 17, the Appointing Authority signed on October 17 but the grievant was complaining in the grievance he did not receive the face to face review his supervisor.

Co-Vice-Chair Beigel stated she thought the grievant meant he did not have an Appointing Authority review.

Co-Vice-Chair Beigel stated according to the timeframes the grievant received the appraisal on the 22nd but he didn't sign it until the 5th.

Co-Vice-Chair Beigel asked the Committee if they saw the same issue.

Member Shreckengost agreed.

Co-Vice-Chair Beigel asked for clarification if the timeline was 10 working days.

Member Russell verified that it was.

Co-Vice Chair Beigel stated she did not think the grievance was filed timely.

Member Laney stated the employee filed the grievance 35 days after the event and the grievance was not filed timely.

Member Laney stated the agency admitted they were not timely in their response to the employee because the employee was declining to sign the appraisal, but the employee had received the review three weeks early.

Member Laney stated that should not extend the agency's time, the date they gave him the appraisal should still start the clock, the employee was also untimely in filing the grievance.

Member Schreckengost stated the Committee was all seeing the same thing and could answer this grievance without a hearing.

Member Schreckengost stated the grievant was outside of the timeframe, although the issue itself, arguably, is not grievable.

Member Schreckengost stated due to the untimeliness issue, the Committee could not hear the grievance.

Member Laney agreed with Member Schreckengost.

Co-Vice-Chair Beigel asked if there were other comments from the Committee.

Member Russell stated she agreed with the untimeliness of the filing and would not move this grievance to hearing but was troubled by the review process.

Member Russell stated she was not sure, due to the untimeliness, the Committee could hear that issue.

Member Schreckengost stated he agreed with Member Russell that the review process had issues and asked if the Committee could deny the hearing but include recommendations to the agency.

Member Schreckengost stated the Committee does not provide enough guidance to agencies and while the issue at hand was not grievable, the Committee has the authority to provide guidance.

Mr. Whitney stated there was nothing legally prohibiting the Committee from dismissing the aged item and providing some guidance to the agency within the decision letter.

Co-Vice-Chair Beigel asked Member Russell if that would be acceptable; Member Russell stated yes.

Member Whitten and Member Novotny both agreed with the rest of the Committee.

Co-Vice-Chair Beigel asked if there was any discussion.

Member Russell stated she would like to hear what type of recommendation Member Shreckengost would like to propose.

Member Schreckengost stated he personally felt there was tension between the employee and the Administration and did not think the Administration had cleared that up with the employee.

Member Schreckengost stated the agency was very clear and specific as to how they addressed the issue with the grievant, however, that did not change the fact the employee has what the employee believes to be a grievable issue.

Member Schreckengost stated the instructions the Committee gives would be to address the review process for evaluations.

Co-Vice-Chair Beigel asked if anyone was ready to make a motion.

Member Laney moved the Committee answer grievance #6348 without a hearing based on previous EMC decisions that grievance #6348 does not fall within the definition of a grievance as set forth in NAC 284.658 and that a recommendation be sent to the agency to review their evaluation process for all employees regarding feedback and timeliness.

Co-Vice-Chair Beigel asked for clarification on how the grievance did not meet the definition of a grievance.

Member Laney stated there was no grievable offense.

Co-Vice-Chair Beigel stated the main issue was the grievance was not filed timely.

Mr. Whitney stated one item the Committee agreed upon was the untimeliness of the grievance being filed.

Mr. Whitney stated as the motion had not been seconded, that NAC 284.678 would accommodate the grievance being filed untimely.

Member Laney agreed withdrew her original motion and restated her motion to include NAC 284.678 and the recommendation to the agency.

Member Schreckengost seconded the motion.

Co-Vice-Chair Beigel asked if there was any Committee discussion.

Member Russell stated she would like to remove the word "suggest" and replace it with "recommendation".

Member Russell stated the word "recommend" was stronger and more appropriate.

Member Laney stated she would accept that change to the motion.

Mr. Whitney asked if Member Schreckengost as the second would also accept that change.

Member Schreckengost stated yes, he would.

Member Whitten asked where in the NAC's or NRS's that outline the steps the agencies are to take in regard to evaluations.

Member Whitten stated she would like to add that to the motion so there was no confusion.

Co-Vice-Chair Beigel stated it was NAC 284.470.

Member Laney amended the motion to include NAC 284.470.

Mr. Whitney asked if Member Schreckengost as the second would also accept that change.

Member Schreckengost stated yes, he would.

The motion was read and Member Laney and Member Schreckengost agreed to the amendments.

MOTION: Moved to answer grievance #6348 without hearing per NAC 284.678, the grievance was not submitted timely. Also, the EMC recommended the agency, pursuant to NAC 284.470, review their process regarding feedback and timeliness with regards to the request for review.

BY: Member Laney

SECOND: Member Schreckengost

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

6. Discussion and possible action related to Grievance #6508 of Justin Kulani, Department of Health and Human Services – Action Item

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

Member Schreckengost stated he has similar issues within his agency, and he did not think these issues were grievable.

Member Schreckengost stated he the Committee had decisions regarding the same issue, and he did not feel the employee had been grieved.

Member Schreckengost stated the agency acted within NRS 284.020 (2) and based on that, the Committee did not need to move the grievance forward.

Member Laney stated she agreed and while sympathetic to the situation, this grievance did fall under NRS 284.020 (2).

Member Laney stated the agency had the right to move staff around on the shifts as they see fit and based on their business needs.

Member Laney reiterated she was sympathetic to the situation and did appreciate the agency noted in the grievance assistance they were offering the employee but did not see how the Committee could move the grievance forward to hearing as she did not feel the employee was grieved.

Member Novotny agreed and stated there was not much the Committee could do as the agency has to run it as they see fit.

Member Russell stated she agreed the agency has the leeway to schedule their shifts and staffing as they see fit but she did have an issue with the statement the employee had not been grieved.

Member Whitten stated she did feel for the employee but unfortunately agencies are allowed to schedule and run their agencies as they see fit and the agency's response did state the move was for business needs and the employee doesn't dispute that but alludes there may be cronyism happening and that is not something the Committee can address.

Co-Vice-Chair Beigel stated she saw the same things in the grievance and there were two other areas that would have taken the employee on the graveyard shift.

Co-Vice-Chair Beigel stated the agency offered a resolution even though the agency did have the right to move the employee.

Co-Vice-Chair Beigel stated it was not a grievable issue.

Co-Vice-Chair Beigel asked if there was discussion.

Member Laney moved to answer grievance #6508 without a hearing based on NRS 284.020 (2), the agency has the right to run their business as they see fit and following previous decisions as determined by the EMC.

Member Russell seconded the motion.

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

MOTION: Moved to answer grievance #6508 without hearing per NRS 284.020 subsection 2 and following previous decisions as determined by the EMC.
BY: Member Laney
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

7. Discussion and possible action related to Grievance #6575 of Rona Gladden, Department of Health and Human Services – Action Item

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

Member Schreckengost stated he was disturbed by the grievance and felt the Committee should table the discussion as the matter is under investigation at the agency level.

Member Schreckengost stated he was not prepared to determine if the employee had been grieved and while the Committee should discuss it at a later point, as it is under investigation, the grievance is not within the EMC's jurisdiction.

Co-Vice-Chair Beigel asked EMC Coordinator Nora Johnson if there was any information on where the agency was in the investigation process.

Ms. Johnson stated the EMC did not have information on the agency level investigation.

Co-Vice-Chair Beigel stated she was concerned with venue fishing.

Member Laney stated it looked as though the agency had sent it through the other process and since that was done on September 4, the EMC would be in a holding pattern pending the outcome of that process.

Co-Vice Chair Beigel asked if the Committee tabled the grievance, could they do so with the stipulation that the EMC Coordinator contact the agency for status updates.

Mr. Whitney stated that was reasonable.

Member Russell asked if the Committee needed to place a timeframe on the status check, such as 30 days or 60 days.

Mr. Whitney stated yes, so the grievance does not become stale and Committee could find out if the issue had been routed through another venue.

Mr. Whitney stated the motion could be made to set the grievance aside pending the outcome of the current process and, based on status requests from the agency.

Co-Vice-Chair Beigel moved to set aside grievance #6575 and the grievant's agency be contacted regarding the outcome of the ongoing investigation with a status check every 30 days and at that point be re-agendized pending the outcome. If no response from the agency, the EMC will re-agendize in approximately 90 days.

Member Whitten seconded the motion.

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

MOTION: Moved to set grievance #6575 aside pending the outcome of the agency investigation.

BY: Co-Vice-Chair Beigel

SECOND: Member Whitten

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

8. Public Comment

There were no comments in the North or in the South.

9. Adjournment

Co-Vice-Chair Beigel adjourned the meeting at approximately 11:50 am.