

1 STATE OF NEVADA

2 EMPLOYEE-MANAGEMENT COMMITTEE

3 MEETING TRANSCRIPT

4 NOVEMBER 18, 2021

5
6 RUSSELL: They call that? What's that? I don't
7 know how I know that.

8 PARKER: Okay. I'm un I -- I'm unmuting. It's
9 after nine.

10 RUSSELL: Looks like they're all there down there.
11 All righty.

12 DAVIES: Good morning to North.

13 RUSSELL: Huh? You said --

14 DAVIES: Good morning to the North.

15 PARKER: Good morning. Can I call the meeting to
16 order, um, Employee Management Committee. Today's Thursday,
17 November 18, 2021. It's 9:03 -- 9:02 a.m. There are two
18 locations, the Nevada State Library in Carson City, and the
19 Grant Sawyer Building in Las Vegas. This in-person meeting
20 will comply with the Governor's mandate of social distancing
21 and mask wearing for, uh, for all individuals, whether
22 vaccinated or not vaccinated. Masks must be worn properly to
23 cover the nose and mouth at all time. The sites are connected
24 by video conference microphones and cameras in Carson City.
25 They're in front of the committee, so we will need to project

1 our voices and our faces that way. Um, and then in Las Vegas,
2 can you instruct everybody where your cameras are and your
3 microphone and where to speak to. Thank you. Thank you.
4 Evacuations in the North, we will follow staff depending on
5 the, um, the emergency. We will either go to the front of the
6 building, um, out to the foyer and to the right or to the
7 left. But staff will direct us. You wanna instruct them on
8 evacuation down South.

9 WRIGHT: Ours will be out the door to the left, all
10 the way out to our parking lot.

11 DAVIES: Thank you, Wright.

12 PARKER: Awesome. Thank you. I won't look at the
13 camera at all times 'cause I gotta read my notes. Uh, let's
14 see here. Okay, first public comment. Uh, no voter action
15 may be taken upon a matter raised during public comment until
16 the matter itself has been specifically included on an agenda
17 as an item upon which action may be taken. Comments will be
18 limited to five minutes per person, and persons making comment
19 will be asked to begin by stating their name for the record.
20 Is there any public comment in Las -- Las Vegas?

21 DAVIES: We have no member of the public here,
22 unless the board member wants to say anything. No public
23 comment in the South.

24 PARKER: All right. Thank you. Okay, Northern
25 Nevada, any public comment? Yes. I'm just gonna go over here

1 so they can see. Yes. Right. Yeah. There you go.

2 SMITH: Uh, my name is Mandy Bo Smith. For the
3 record, I serve as the Deputy Administrator in DHRM, uh,
4 assigned to the Labor Relations Unit. Um, I am making comment
5 today to inform the committee that, um, since our -- our dear
6 Denise retired last week, uh, we have appointed Matthew Lee,
7 who is a supervisory personnel analyst in the labor relations
8 unit to, uh, a temporary assignment of also supervising the
9 EMS, uh, unit. Uh, while we're trying to find a worthy
10 replacement for Denise, which will never happen, we all know,
11 but we will try. Um, so, uh, I wanted to inform the committee
12 that if there are questions or concerns and you need to
13 consult the supervisory analyst for the time being, it would
14 be Matthew Lee. All right. Thank you.

15 PARKER: Thank you. Awesome. Any other public
16 comment?

17 RUSSELL: I'll just say for the record, even though
18 Denise is not here, we appreciate her service. Um, I didn't
19 get safe either, so, um, just wanted to show our appreciation
20 of the committee's appreciation for all the service that she's
21 done and wish her a great retirement.

22 PARKER: All right. Now we'll move to item number
23 three on the agenda, which is committee introductions. Um,
24 we'll do a short meeting. We're gonna call it overview. So
25 we'll start up here in the North. To my right.

1 BAUER: Jennifer Bauer, State Public Charter
2 School Authority.

3 PARKER: Stephanie Parker, uh, UNR.

4 GEYER: Sandie Geyer, Attorney General's office.

5 JOHNSON: Nora Johnson, interim EMC coordinator.

6 DAVIES: Start Mary.

7 SCOTT: And Mary Jo Scott, Governor's Finance
8 office OPM SMART 21.

9 DAVIES: Gwyn Davies, Department of Motor Vehicles.

10 WEISS: Todd Weiss, Deputy Attorney General, EMC.

11 RUSSELL: Teresa Russell, UNLV.

12 WRIGHT: Ivory Wright, EMC Admin Clerk.

13 PARKER: Matthew, can you come up so that they can
14 at least see you? I'm sorry.

15 LEE: It's okay. Matthew Lee, supervisory
16 analyst over EMS and LRU right now.

17 PARKER: Awesome. Thank you. Today it doesn't --
18 so we don't have any actual hearings on the agenda today. So
19 what will happen just for anybody in attendance, we will be,
20 um, just going through grievance submissions to d -- to
21 discuss and determine if possible action, uh, that we will
22 take, um, if the grievance can either can be answered without
23 a hearing, if the matter is based upon any EMC's previous
24 decision or does not follow within the EMC's jurisdiction. So
25 let's move to, oh, go ahead.

1 DAVIES: Madam -- Madam Chair.

2 PARKER: Yes.

3 DAVIES: Motion to adopt the agenda.

4 PARKER: Okay.

5 RUSSELL: Teresa Russell. Second.

6 PARKER: Oh, I missed that. Okay, sorry. So we
7 have a first and a second is, uh, is there any discussion?
8 All those in favor? Aye.

9 MULTIPLE: Aye.

10 PARKER: Any opposed? Motion passes. Now we'll
11 move to to five. I had tried to skip number four. Sorry.
12 So, number five, discussion, ensure and determination of
13 possible action of the following. Agree. We'll start with
14 number five is 7601 for Banks. Veronica Banks. You wanna
15 start on this one. First I should have asked. I wanna make
16 sure everybody got their packets were able to review. Okay.

17 BAUER: Ms. Chair, this is Jennifer.

18 PARKER: Yes.

19 BAUER: Um, there appears to be a lot of concerns
20 made or allegations and -- and significant concerns in the
21 contents of this grievance by the grievance, but I just don't
22 see that we can offer any resolution. I don't think we have
23 authority or just -- jurisdiction. Um, and I know that Teresa
24 always brings up a good point that we're not limited to the
25 proposed resolution by the Grievant, but I just don't know

1 that we can do anything here for the Grievant.

2 PARKER: Thanks. I agree. I don't -- I -- yeah, I
3 don't think we anything. I -- I couldn't find anything we
4 could do. And we don't take passion on other employees
5 either.

6 BAUER: Correct.

7 PARKER: So --

8 GEYER: Madam Chair, Sandie Geyer for the record.

9 PARKER: Yes.

10 GEYER: Um, in addition, uh, and one of -- part of
11 the response, uh, it was indicated that some of the complaints
12 that she did rise to the, uh, administration have been
13 resolved. Um, in -- in reading through all of this, there was
14 a lot, uh, as we all know, um, you know, uh, one of the things
15 that stood out to me was, um, the retaliation part that she
16 felt as though she was being, um, that was being used against
17 her for what she called as a whistleblower. And it appears
18 that that would've been her correct avenue is to file a
19 whistleblower. So it would give her the protection because
20 when they do that, it -- it becomes anonymous. And -- and
21 then there's not necessarily that opportunity for retaliation,
22 but it appears that she just went ahead and -- and had these
23 discussions and made these complaints knowingly that against
24 the individuals that she felt were in violation, uh, that she
25 -- she put herself out there unfortunately, to -- to receive

1 some of this. Um, Ms. Banks also has an additional, uh,
2 grievance that, um, that -- that comes back to some of the
3 same allegations in this grievance -- grievance itself, where
4 she indicates that she, um, believes that part of the issues
5 was her underlying medical conditions and her placement. Uh,
6 and the, um, what she indicates as the, uh, the cor -- the
7 correctional or the corridor, or -- or, um, sorry, I'm
8 probably screwing that up. Um, sorry. Um, anyway, so -- so
9 she's indicating that, you know, she was placed in this, the
10 end of this -- end of the bubble, basically, is what it's, and
11 that, um, while she was working in there, she was also back up
12 for unit eight, which was the COVID wing. And then -- and
13 then I think that this is kind of how that ball had started is
14 that she felt that couldn't have been there. But I do agree
15 with both, uh, the chair and my colleague here in the north,
16 that I don't believe that at this point in time there is
17 anything that this committee can actually do to resolve this
18 particular grievance. Only because part of it has been
19 resolved. And then again, other additional issues have been
20 raised in another grievance that she did file with regards to
21 specifically the medical situation.

22 PARKER: Okay. Thanks. I'm gonna disagree with
23 myself right now, and, but I need to look at NHC 284.6951.
24 Okay. Because I'm looking at the HR version now.

25 GEYER: Good job chair.

1 PARKER: And, um, yeah. Okay. So it states if an
2 employee's not satisfied, da da da da, da, to a request may
3 pursuant to NAC data, including without limitation, reasonable
4 attorney selected in accordance with subsection two. I don't
5 know what that one says, but it says, um, the employee alleges
6 that the employee was retaliated against in violation of
7 subsection three. I don't know what NRS 280. I wish this had
8 links. 2817551.755. I may have to disagree with myself.

9 BAUER: So, Ms. Chair, this is Jennifer. You're
10 looking@thehr.nv.gov website?

11 PARKER: Yeah.

12 BAUER: With the always updated regulations
13 because the legislative website is not codified timely. Um,
14 and you are looking at Nevada Administrative Code 284.6951,
15 correct?

16 PARKER: Yes. Submission of complaint to Employee
17 Management committee.

18 BAUER: Perfect. Thank you. In case the
19 committee wanted to follow up.

20 PARKER: Oh, sorry guys. I'm seeing, and I'm just
21 thinking you guys can see with me.

22 BAUER: Since we're on our cell phones not
23 shopping on eBay, also Denise, who sees Moore's legacy. So I
24 will go to NRS 281755. 'Cause I do not have that one
25 memorized. I don't care. Can we ask, um --

1 PARKER: Yes, I think yes.

2 BAUER: For some clarification on that.

3 PARKER: Counsel, can you also look at that?

4 WEISS: Oh, why don't --

5 BAUER: 21755 is the rights for a mother, um, to
6 express breast EV milk under certain circumstances. So this
7 would not be the goal that I've seen.

8 PARKER: Thank you. Thank you.

9 WEISS 6951.

10 PARKER: I thought that was the NAC they were
11 looking at, but then they changed to the NRS.

12 RUSSELL: Is it NRS or NAC?

13 BAUER: Teresa's, correct. Sorry, Mr. Chair, this
14 is Jennifer.

15 RUSSELL: Thank you.

16 BAUER: It's NAC 284.6951.

17 PARKER: Yeah. Submission of a complaint to the
18 EMC.

19 BAUER: Correct. Yeah.

20 DAVIES: And what part are we looking at?

21 PARKER: And then EMC.

22 DAVIES: Right. I -- I'm sorry, what sub -- is
23 there a subpar paragraph was addressing or?

24 PARKER: Yeah, it didn't give what that -- what the
25 281755 is, but, uh, NRS 281755. But Jennifer looked it up and

1 found that it had to do with, uh, the breastfeeding. So that
2 would not be applicable.

3 BAUER: You shouldn't have reasonable alternative.
4 So with subsection two.

5 PARKER: I have my glasses today. Yeah. So that
6 doesn't have anything to do with this.

7 PARKER: Simon, I agree with my first stance then?

8 DAVIES: Yeah. This is Gwyn. Can I ask, are we
9 still dealing with agenda item number five or are we ventured
10 into six?

11 PARKER: Yes. No, we're -- we're at 57601
12 grievance number 7601.

13 DAVIES: Okay. All right.

14 BAUER: He is referring to this, otherwise it's
15 not, if they're not satisfied, it's regarding break times or a
16 mother of a child under one expression. That's what the NAC
17 references.

18 DAVIES: The 281755.

19 BAUER: Yeah. Mm-hm.

20 DAVIES: Right.

21 BAUER: But the, well, even the other one, um,
22 that if they're not satisfied with the response from the
23 department or agency to 2845243, both of them reference the
24 same thing. Either break time or mother to express milk.

25 DAVIES: Right.

1 BAUER: So this -- it's --

2 DAVIES: It doesn't fall under this.

3 BAUER: No, not a bit.

4 DAVIES: All right. I think that this -- the -- we
5 were the wrong venue for the --

6 BAUER: That's retaliation. She's gotta go
7 through a different --

8 DAVIES: Yeah.

9 BAUER: -- venue. We were the wrong venue and for
10 several points, and she should have filed the whistleblower
11 and --

12 BAUER: Right.

13 DAVIES: Sorry, ma'am. That -- sorry, Madam Chair.
14 This is, this is Gwyn. I was, uh, there was a sidebar
15 developing there and -- and I apologize. I'll identify myself
16 and say, you know, uh, it's my -- I -- I scanned this down,
17 uh, absolutely refuse to print pages upon pages of redaction.
18 Um, and then my -- my, when I skinned it down and read through
19 what was there to be read, I was of the opinion that, you
20 know, it, there was accusations of financial, impropriety,
21 fraud, whatever you wanna call it. And -- and that isn't our
22 venue and should have been felt, uh, as a whistleblower. And,
23 uh, I -- I -- I commend my colleague for punching that out,
24 um, because that's -- that's what I had written down. Um, you
25 know, and there are protections provided by that. I didn't

1 even write down the protections part. And that's what I'm,
2 uh, commending the council, uh, the committee members for. I
3 just said, we're not the venue for it. And I said that, uh,
4 you know, this one, uh, sorry, wrong place. And as to the
5 issue of, give me the shift, I want, the department has the
6 right to manage and staff per its, uh, per its needs and per
7 its bidding arrangements. So --

8 PARKER: Awesome.

9 DAVIES: -- I open to my fellow two colleagues down
10 here in the South, or yes.

11 RUSSELL: Teresa Russell for the record, at this
12 point in time, I don't have anything additional to add.

13 SCOTT: Mary Jo Scott, for the record, I agree
14 with Gwyn and my colleagues in the North as well regarding the
15 whistleblower and that it's a different venue regarding a
16 different shift. Um, I believe they did try to accommodate
17 her -- her ADA accommodations. I don't know that, um,
18 switching her shift to midnight was, um, wholly accommodating
19 her. Um, unless it was for the safety of the agency, and I
20 believe that is what they were stating. So other than that,
21 um, regarding the accommodation, because the supervisor did
22 state that the, um, physician stated that they could revisit
23 it every three months and they didn't have any other type of
24 health, um, statements stating otherwise.

25 PARKER: Okay. Yeah.

1 SCOTT: Pardon me.

2 PARKER: So I don't know if we wanna go into the
3 details of the case itself, you know, 'cause we're not
4 determining merit. Right. Whether or not we have
5 jurisdiction.

6 SCOTT: Okay. So, yeah. Other -- other than
7 that, I think the only thing, um, I think they did accommodate
8 her on the things that she was asking for, and other than
9 that, the whistleblower, it's a different venue.

10 PARKER: Okay. So, um, do you have a motion?

11 BAUER: Ms. Chair. This is Jennifer. Yes. I
12 move to answer grievance number 7601 without a hearing based
13 on the fact that the employee, uh, the employee management
14 committee lacks jurisdiction over this matter.

15 RUSSELL: Teresa Russell, for the record?

16 PARKER: Yes.

17 RUSSELL: I'll second.

18 PARKER: Awesome. We've got a first and a second.
19 Any discussion? All those in favor?

20 RUSSELL: Aye.

21 BAUER: Aye.

22 SCOTT: Aye.

23 DAVIES: Aye.

24 PARKER: Any opposed? Motion carries. We'll move
25 on to number six, which is 8013.

1 SCOTT: No -- no.

2 PARKER: Got 8013.

3 SCOTT: I saw a different name there. Oh my God.

4 PARKER: 8013. Thanks. The event date of the
5 8/2/21. Did I --

6 DAVIES: Madam chair?

7 PARKER: Yes.

8 DAVIES: This is Gwyn, for the record, I just --
9 I'm just asking for clarification. Are we hearing this -- are
10 -- are we -- we're not hearing it in this, I -- I apologize
11 for the court terminology. This is before us because the
12 grievance is a correctional sergeant and not a correctional
13 officer. And correctional officers would have been provided
14 with an alternative, uh, venue due to the contract. Is that
15 why it's here? Or should it have gone the other route?

16 PARKER: That's what I'm wondering. That's what my
17 notes.

18 DAVIES: Can we refer -- can I -- can that direct
19 that question to Ms. Bo Smith?

20 PARKER: Yep.

21 SMITH: Uh, Maggie Bo Smith for the record, um,
22 this grievance, while she is in a job classification and
23 medical bargaining unit, um, she, the date of incident
24 determines which happened goes through, so prior to July --

25 PARKER: I'm sorry.

1 SMITH: Prior to July 1, 2021. Um, it would have
2 come before you anyway. Um, and the date of incident is prior
3 to July 1, 2021.

4 PARKER: Actually, the date event is August 3,
5 2021.

6 GEYER: Yeah. But Sandie Geyer for the record,

7 PARKER: Yes.

8 GEYER: Um, with regards to being in a, uh,
9 collective bargaining unit, do they not have the opportunity
10 to choose which path they want to go through?

11 SMITH: Maggie Jo Smith, for the record, uh,
12 member, Geyer, you are correct. They -- but only in three
13 cases if they're breathing disciplinary action, uh, for a
14 suspension, demotion, or dismissal. Um, I'm sorry, I need to
15 clarify. Uh, Sergeant Banks is in a job prosecution of
16 correctional sergeant. She is not in a bargaining unit that
17 is currently covered by exclusive representative. She is in
18 Berkeley, unit J. That is why it's coming before you.

19 DAVIES: That was my question. Thank you.

20 PARKER: Thank you.

21 SMITH: Yeah, I apologize.

22 PARKER: That's all right. Thank you. All right.

23 BAUER: Ms. Chair, this is Jennifer.

24 PARKER: Yes.

25 BAUER: So, uh, I think Member Geyer touched on

1 this earlier. This probably is in relation to the previous,
2 uh, grievance and, um, is probably in relation to the similar
3 set of events. Um, however, I think that she is alleging, um,
4 the request for reasonable accommodation was not granted in
5 accordance with her expectations. And she's alleging that the
6 re -- the request for reasonable accommodation is, um, being
7 mishandled while serious allegations they do not belong at
8 this venue. Um, those are allegations that the ADA has
9 precedent over and, um, belong in, um, probably the, um, EEOC
10 and or the, um, DHRM EEO unit. I don't want to put in the
11 motion that we limit where the grievance should go for her
12 remedy, although it is not this place. It is not the DMC.

13 JOHNSON: Nora Johnson for the record. Um, just for
14 the purposes of a clarifying decision, that doesn't actually
15 steer an employee to a specific path. A decision can be
16 written that while, as an example, while the EMC last
17 jurisdiction relief could be provided in another venue and
18 allow the employee to search that app.

19 PARKER: Absolutely. Thank you. And I like that.
20 And none of our -- none of our decisions should actually
21 restrict where an employee can go. You know, that those
22 venues should re determine whether or not they can. I like
23 that. Thank you, Nora. Okay. Yeah, I did have also ADA.
24 This is in our jurisdiction, so, but, um, anybody else?

25 DAVIES: I feel the nail's been hit on the head.

1 PARKER: Mm-hm. Yes.

2 BAUER: Ms. Chair, this is Jennifer.

3 PARKER: Yes.

4 BAUER: I move to answer grievance number 8013
5 without a hearing based on the fact that EMC lacks
6 jurisdiction. And then, uh, not part of the motion, but I
7 recommend that our answer include that language, nor has the
8 standard template language about remedy may be available in
9 another venue.

10 PARKER: That sounds great. We've got a motion.
11 Do we have a second?

12 RUSSELL: Teresa Russell for the record. I'll
13 second.

14 PARKER: Okay. Any discussion? All those in
15 favor? Aye.

16 DAVIES: Aye.

17 RUSSELL: Aye.

18 JOHNSON: Aye.

19 PARKER: Any opposed? Motion carries. Okay, we're
20 gonna move on. 7821, Pratt, is that right?

21 BAUER: Mm-hm.

22 PARKER: Yeah. Kameron Pratt. So anybody wanna
23 start or?

24 BAUER: Ms. Chair, this is Jennifer.

25 PARKER: Yes.

1 BAUER: Um, the substance of this grievance is
2 over a written reprimand. And, um, it -- in my recollection
3 and in my check of the EMC database, there isn't anything
4 substantially similar to the, um, the complaint here regarding
5 the written reprimand. And typically because it's a written
6 reprimand, that's, it's usually so dissimilar that we normally
7 hear those. So, um, we need to hear this grievance.

8 DAVIES: Motion that we schedule this grievance
9 then.

10 PARKER: Are you making the motion already? All
11 right.

12 DAVIES: I -- I -- I'm sorry. I'm just --

13 PARKER: That's okay.

14 DAVIES: I'm the local engine. The could. Push,
15 push, push, push.

16 PARKER: All right. We have a -- and we have a
17 minute. We still have a -- a exception where we can discuss
18 too. So we have a motion. Do we have a second?

19 RUSSELL: Teresa Russell for the record. I'll
20 second.

21 PARKER: All right. Now discussion. Any
22 discussion? I agree with the recommendation and the motion.
23 Anybody? Okay. All those in favor? Aye.

24 MULTIPLE: Aye.

25 PARKER: Any opposed? I mean, aye. Any opposed?

1 Motion carries. That's 7930. Franklin.

2 BAUER: Ms. Chair, this is Jennifer.

3 PARKER: Yes.

4 BAUER: Um, uh, I'm gonna ask Teresa to, um, dig
5 into her memory with me please. Uh, I believe the substance
6 of this grievance is over at performance card, and I believe,
7 um, a performance card is not technically considered part of
8 the progressive discipline in the state's processes. So I
9 think, um, as Department of Corrections uses it, I think it's
10 just a matter of coaching in 10 amount to a letter of
11 instruction. Um, it is, Teresa, do you recall similar
12 instances in the 30 years you've been on the EMC?

13 RUSSELL: Oh, Teresa Russell.

14 BAUER: Sorry. That was -- that was a compliment
15 because she, Teresa is one of the most tenured members of this
16 committee.

17 RUSSELL: Um --

18 DAVIES: This is an earthquake heading that way
19 now.

20 RUSSELL: Yeah. Teresa Russell, for the record, I'm
21 in agreement that the performance cards are similar to an LOI,
22 however, depending on how worded, which is where we generally
23 can look at them is if, is it strictly an LOI for
24 instructional purposes or does it cross the line into
25 discipline state? If there's anything stating if you do or

1 don't do something or other, it will proceed into further
2 discipline.

3 DAVIES: Madam Chair Gwyn, for the record.

4 PARKER: Yes.

5 DAVIES: Um, I, not to disagree with everything
6 that was said, 'cause I -- I agree with all of it, but my --
7 my reading of the grievance was that the grievance wasn't
8 about the -- the card itself. My -- my reading was, the
9 grievance was about the fact that the card was discussed
10 openly before the grievance was, uh, given the, uh, the
11 action, the card, the correct -- the training, whatever we're
12 gonna call it. And my -- my reading of the grievance is, Hey,
13 if -- if you're going to, uh, adjust my course, adjust my
14 course first with me, not with everybody else in the hallway.
15 And that's my understanding of it. And, uh -- uh, you know, I
16 -- I don't see a challenge to the content of this card at all.
17 I -- I see a, you spoke with everybody else, and then
18 everybody else spoke with me, and then you spoke with me.
19 And, um, I didn't, I was uncomfortable with this because it
20 was, seemed to be based on hearsay all the way through. And
21 then at the very end, uh, in -- in, uh, grievance, the last
22 grievance comment, step three says that they will provide the
23 witness list. Well, if they can get those witnesses to
24 testify, then I believe we should hear them. But if the
25 witnesses don't testify, then it's hearsay and there's no

1 case. Now that's going beyond the, whether we have
2 jurisdiction and whether we should hear it or not. Um, I -- I
3 know. Um, but I'm just saying that with that in mind, maybe
4 we should allow it.

5 BAUER: Ms. Chair, this is Jennifer.

6 PARKER: Yes.

7 BAUER: I -- I agree with Gwyn and thank you Gwyn
8 for pointing out that there's -- there's two parts to this
9 grievance. Um, as it progressed through the steps, there was
10 a little bit of a shift in the concern. Um, however, in the
11 very beginning at step one, the proposed resolution did
12 address the, um, confidential matter, but it also talked about
13 specifically wanting the performance card removed. So step
14 one, proposed rele -- resolution included wanting the
15 performance card removed. And then as it progressed through
16 the steps, um, then the grievance comments shifted to, um, the
17 allegation being of confidentiality being broken and not the
18 performance card. So I'm not sure which it is.

19 DAVIES: No, I -- I to, uh, this is Gwyn for the
20 record. I -- I -- I totally agree with you. The proposed
21 resolution, um, the, from the second paragraph, furthermore,
22 on, uh, you want the card removed for -- for misconduct of
23 somebody else, uh, that makes no sense whatsoever to me. And
24 -- and this is just to me, you know, uh, I want that road
25 removed because I had a flat tire on. It wasn't, was the

1 tire's fault that it picked up a nail? Wasn't the road's
2 fault that it was there? So, no, uh, I see no validity in,
3 uh, removing a card because somebody mishandled the card. The
4 card -- the card should have been challenged if the card was
5 challengeable, which, uh, to Teresa's wife's counsel on your
6 own seem to agree that the charges, the card is not
7 challengeable unless it's been poorly written, but it's not
8 being challenged on that fact. She wants to, uh, sh -- sh --
9 uh, I'm assuming that, uh, Marquis, Marquis could be male or
10 female. So I -- I will withdraw the sheet. Um, they are
11 assuming that, uh, we're going to remove the card without
12 looking at it just because it was mishandled. I think the
13 question is, was the card -- was the card mishandled? Was the
14 discipline mishandled? Was the training mishandled? So, and
15 -- and with no reference, the card stands as far as I'm
16 concerned. So I would say they're requesting, I would say
17 they're requesting, uh, a grievance on the mishandling of, uh,
18 their disciplinary process, not the content of the process.
19 And my question to the committee is, do we have jurisdiction
20 over that process? Was that process, you know?

21 PARKER: Right. And this is Stephanie Parker for
22 the record. I go further to say on the bottom of that,
23 furthermore, it says, instead of threatening disciplinary
24 action in an email to all staff, so as Teresa said, you know,
25 unless they're quoting discipline in some manner attached to

1 that, then I -- I -- I think this warrants a hearing for the
2 performance prior for the (inaudible).

3 RUSSELL: Teresa Russell, for the record, I'm in
4 agree -- I'm in agreement that going off from the
5 documentation, although I will admit I didn't print out more
6 than the grievance itself without knowing the specific --
7 without knowing the specifics. We don't know if this actually
8 warrants what they did or if they crossed a line. And that
9 would be the purpose of the hearing, is to get further facts.

10 PARKER: Nice. Okay.

11 GEYER: Madam Chair, Sandy Geyer for the record.

12 PARKER: Yes.

13 GEYER: Um, one of the things that kind of stood
14 out to me was the fact that this was -- this performance card
15 was based on a -- an email that was sent, um, where the
16 grievance indicates that they were looking for guidance and to
17 other internal officers within their same institution. Um,
18 what, in addition to that, I have very serious concerns about
19 the confidentiality. Um, we all have been, um, constructed
20 about the importance of confidentiality. I -- I know, at
21 least in my agency, he signed a confidentiality agreement.
22 And with that comes, uh, a level of responsibility in addition
23 to an understanding that if you break that confidentiality,
24 you have a potential of being reprimand for that. So, you
25 know, while -- while I think that that, you know, we have two

1 different issues here, um, I do think that -- that it is not,
2 um, it, I -- I don't think that we should ignore the fact
3 that, you know, an actual AR was -- was actually growth
4 violated. And -- and perhaps maybe that is something that we
5 should also consider if we are gonna move forward and have,
6 and place this on for hearing.

7 DAVIES: Madam Chair, may I make a motion then?

8 PARKER: Absolutely.

9 DAVIES: I would motion that we schedule this for
10 hearing and request, uh, or advise the, uh, parties that they
11 are able to call witnesses and that they should do so.

12 PARKER: Okay. We have a motion, we a second.

13 RUSSELL: Teresa Russell for the record. I'll
14 second.

15 PARKER: Any discussion? All those in favor? Aye.

16 RUSSELL: Aye.

17 GEYER: Aye.

18 JOHNSON: Aye.

19 DAVIES: Aye.

20 PARKER: Any opposed? Motion moves forward.

21 JOHNSON: Um, Nora Johnson for the record, for the
22 letter scheduling hearing. It will just be placed in the
23 letter that Ms. (inaudible) will go to hearing in this
24 scheduling order. That does line out the procedure for
25 calling witnesses. So that won't be specific in the language.

1 Then we'll have instruction and always call DHRM for more
2 information.

3 PARKER: Awesome. Thank you. Okay, we're gonna
4 move on to 7871. Manning.

5 BAUER: Ms. Chair, this is Jennifer.

6 PARKER: Yes.

7 BAUER: I -- I feel for this grievance, I
8 sympathize for the concerns that he is bringing up, but
9 there's nothing we can do about the process that the hearings
10 division follows for appeals. So, um, again, concerns about
11 the allegations, concerns about the process, and whether it's
12 being adhered to or not, but nothing we can do for him.

13 GEYER: Madam Chair, Sandie Geyer for the record.
14 Um, I agree with, uh, Jennifer, that, um, I -- I think that
15 this is outside of our jurisdiction.

16 PARKER: All right. Any, uh, any other comments?
17 I'm in agreement. I, Stephanie, for the record. Oh, go
18 ahead, Gwyn.

19 DAVIES: Sorry. You're in agreement, ma'am. Okay.
20 I'm -- I'm just -- I'm -- I'm just, are we thinking inside the
21 box too rigidly when we say there's nothing we can do? It's
22 just a question. 'Cause the proposal resolution is that he's
23 -- he's been, again, Manning Scott -- Scott Manning. Okay.
24 He's, he's saying that he's, he's suffered an injustice due to
25 the fact that a process has not been followed correctly. And

1 -- and for us to say, well go back to that process, seems that
2 we'd be failing someone. I mean, I just wanna say, you know,
3 this -- this, I think this person has a right to be heard,
4 even if -- if all we can say is yes, we hear you, and you have
5 been, and we'll stand by that decision. He's asking for, uh,
6 suspension to be set aside and, and charges to be removed from
7 his record and back pay for the suspended period to be
8 received. That's the kind of thing that we should be able to
9 handle. Why is he asking to come to us? Because another
10 process has failed him. Uh, I'm -- I'm just afraid that we're
11 gonna go, well, we're not the right venue. Well, what venue
12 does this man have? Uh, he, you know, he feels he has a right
13 to be heard. And I think he does have a right to be heard.
14 And I think we can -- I think we should schedule it for a
15 hearing and, and, uh, hear him. And then if it's not shown,
16 it's not shown. If it is shown, let's try and do something.
17 But --

18 JOHNSON: Nora Johnson for the record.

19 PARKER: Yes.

20 JOHNSON: Um, just definitional, uh, procedural, the
21 grievance process is for something that arises an injustice
22 that arises between the employee-employer relationships. And
23 while his suspension, when you follow through in the hearing,
24 officer process did qualify in that grieving the hearing
25 officers who are not actually his employer, may not be

1 appropriate.

2 BAUER: Ms. Chair, this is Jennifer.

3 PARKER: Did -- did you -- did you have a follow up
4 to that Gwyn?

5 DAVIES: No, I -- I -- I -- I -- I hear it. And
6 -- and those are the arguments being made. And -- and I have
7 a nasty want to agree with those comments, but I also have a
8 -- a fear, uh, a fear that we may fail in -- in our mission.

9 PARKER: I -- and I think, and let, if I can, I
10 think what you're saying is there, but we put language in
11 there that there are other venues that may be more
12 appropriate.

13 DAVIES: Yes.

14 PARKER: Like we do with the other ones that we
15 don't have jurisdiction over.

16 DAVIES: What are the venues? That's what, I don't
17 know. That's what I'm afraid that -- that we say there are
18 other venues, but what are, so I don't wanna send him back to
19 a hearing master who hasn't scheduled him for hearing, is he,
20 you know.

21 PARKER: Okay. Understood. Jennifer Bauer.

22 BAUER: Thank you, Mr. Chair. This is Jennifer.

23 So, um, I understand your concerns, Gwyn, and I -- I agree.

24 It -- it seems that the process may or may not have failed

25 this agreement, but the problem is we don't exist. And so to

1 Nora's point, we don't exist to adjudicate matters that rise
2 to the level of where a hearings officer needs to hear them
3 and decide upon those, because hearings officers in the
4 appeals division, or hearings division, I forget what they're
5 called, um, that's a quasi or actual judicial proceeding.
6 Those, those hearings officers have a juror's doctorate. So
7 that process exists in a much more, um, judicial manner for a
8 reason. And so, DAG I think you can correct me if I'm wrong,
9 but the venue, if a grievance or if an employee has a concern
10 with that process, would be a court of competent jurisdiction.

11 WEISS: Yeah, that's correct. I mean, there's no,
12 I mean, this -- this body has no ability to tell the hearings
13 division or the hearings officers how they should be doing
14 anything. Um, it would be a completely flat recommendation,
15 uh, if it were to be made.

16 PARKER: Okay. So I think -- so that probably
17 answers the question and may -- maybe that is helpful for your
18 question. When is, um, it would refer them to a court of comp
19 T whatever. Thank you.

20 JOHNSON: Nora Johnson, for the record. I know that
21 should an employee go through the hearing officer's process,
22 and this is just procedural, uh, procedural FYI, if an
23 employee goes through the hearings officer's division for an
24 appeal of suspension, demotion, dismissal, or voluntary
25 transfer, if they do not like the outcome of that, they can't

1 file for judicial review. It is on their dime and their time,
2 however that may be, and again, with the appropriate language
3 in a letter, that may be a venue that they could follow. If
4 they wanted to fight with the hearing officers regarding their
5 processes that handled, it would be judicial review.

6 GEYER: Madam Chair, Sandie Geyer for the record.
7 Um, thank you, Nora, because that is absolutely the correct
8 venue for -- for that process. However, um, since this
9 grievance now has filed a grievance and did not file for
10 judicial review, they are probably going to be out of time in
11 being able to file for that -- for that, uh, for that judicial
12 review.

13 JOHNSON: Nora Johnson, for the record, that is --
14 that could be procedurally correct. I'm not even remotely
15 arguing with, uh, member Geyer. I know we have received
16 appeals that may or may not have been filed in a timely
17 manner. And even as the intake clerk, it was not up to us to
18 make that determination. It would be the hearing officer upon
19 their intake, and they could strike it down immediately for
20 lack of timeliness, or depending on the documentation and
21 evidence submitted could go a different way. That it's, but
22 member Geyer is absolutely correct about the window. Oh,
23 sure.

24 PARKER: Thank you, counsel.

25 WEISS: Yeah, I, um, Madam Chair, just to clarify

1 how that process would go, um, at -- at this point, he
2 would've to file, uh, some sort of writ in a -- in a court of
3 proper jurisdiction, arguing that something that legally needs
4 to be done has not been done. And the court needs to enforce
5 that to be done. Um, he couldn't file a petition for judicial
6 review yet because there hasn't been a final determination by
7 the hearings officers. The court would say there's nothing
8 final for us to -- to review at this stage. So it's kind of
9 a, it'd be kind of a two-step process, um, for Mr. Manning.
10 But that's what he would've to do to force the hearing
11 officer's hand in, you know, hearing the matter and rendering
12 a decision.

13 PARKER: Thank you.

14 DAVIES: So we're agreed. It's not in our
15 wheelhouse then, but the only thing we're -- are we gonna
16 stick with the alternative venues phrasing, or are we going to
17 go with advise judicial review and just leave it at that
18 without being specific? Stick to the alternative venues.

19 PARKER: Stick to the alternative venues. I think.

20 BAUER: Ms. Chair, this is Jennifer. Um,
21 consistent with the advice that we just received from the DAG,
22 I think we should definitely steer clear of advising any legal
23 process. Um, and we definitely should, uh, steer clear of
24 advising judicial review because it appears this might not be
25 at that step, and that's not our, um, advice to give.

1 PARKER: And it may send them in a --

2 BAUER: It -- it would be improper to advise on
3 that matter.

4 PARKER: Awesome. Okay. Do we have a motion?

5 GEYER: Madam Chair, Sandy Geyer for the record, I
6 motion that we, um, do not have this grievance move forward
7 with a hearing, but in our decision to make reference that
8 there is other venues that, uh, similar to what we are saying
9 in our other grievances, where we're indicating that they have
10 another opportunity at a different venue to proceed.

11 PARKER: Okay. So we have a motion. Do we have a
12 second?

13 RUSSELL: Teresa Russell for the record. I'll
14 second.

15 PARKER: Any discussion? All those in favor? Aye.

16 GEYER: Aye.

17 RUSSELL: Aye.

18 BAUER: Aye.

19 PARKER: Any opposed? Oops. Sorry.

20 DAVIES: I -- I'm gonna vote no.

21 PARKER: One nay. And a motion carries. We're
22 gonna move on to number 10, which is Avram -- Avram. That's
23 the book I made my notes.

24 DAVIES: This is 8208 Avram.

25 PARKER: Mm-hm. Ready?

1 DAVIES: I'm ready to give a motion.

2 PARKER: I know.

3 DAVIES: Motion that we answer this as we've
4 answered the others with regards to the Governor's mandate.
5 We don't have an authority.

6 PARKER: So, okay. So that's his motion. I'll
7 wait until discussion.

8 BAUER: What was the motion?

9 PARKER: Can you say your motion again?

10 DAVIES: I'm sorry. Uh, I apologize. This is Gwyn
11 for the record. I didn't identify myself earlier. Uh, again,
12 I apologize. Um, motion that we answer this grievance is we
13 have answered other grievances, uh, of a similar nature. Um,
14 we do not ha -- this motion, uh, is beyond the scope of our
15 jurisdiction. We don't have the authority to address the
16 governor's mandate.

17 PARKER: Okay. We have a motion.

18 BAUER: Ms. Chair, friendly amendment.

19 PARKER: Yes.

20 BAUER: This is Jennifer. When were you on the
21 committee or were you on the hearing two weeks ago I think you
22 chaired it, correct?

23 DAVIES: Yes, ma'am. I accept your friendly
24 amendment.

25 PARKER: Go wait, go ahead.

1 BAUER: So the friendly amendment would be that,
2 um, we move to answer grievance number 8208 without a hearing
3 based on, um, previous decisions and that the E M C lacks ju
4 lacks the authority to supersede a Governor's mandate. Is
5 that what you recall Gwyn?

6 DAVIES: Yes.

7 RUSSELL: Teresa Russell, for the record, I'll
8 second.

9 PARKER: So does he have to say that he accepted
10 her amendment? Gwyn, did you accept that that amendment?

11 DAVIES: I did. I -- I knew what Jennifer was
12 gonna say and I accepted it before you said it, because --

13 PARKER: Okay. Awesome. Okay, so we got a first,
14 a second. And, uh, first in amendment, accepted amendment.
15 And a second. Any discussion? I have a question on this one.
16 Um, although I -- I -- I completely agree, we don't have any
17 authority to change the Governor's mandate. I thought that
18 there were still questions in here that the, uh, employee was
19 asking their employer, which still have not been answered, and
20 some things that the employer should have been able to answer.
21 Okay. You're gonna make me look at it, aren't you? So I -- I
22 don't know that home testing was answered yet. Um, and then
23 he wanted to know who would be receiving his PHI. Those are
24 the only two. I mean, I don't know. It's simple as that has
25 nothing to do with, um, but it's an answer. His resolution is

1 get answers for those questions. Oh, no.

2 BAUER: Ms. Chair, this is Jennifer.

3 PARKER: Yes.

4 BAUER: Um, I sympathize with, um, an employee's
5 concerns about not getting answers to questions, but I
6 hesitate to hear grievance on this matter, um, for which we
7 have received countless grievances, um, just to get an
8 employee an answer. Um, because the -- the vaccination and
9 the testing guidance has been pretty clear on how the testing
10 will be conducted. So, um, I -- I don't think that any home
11 testing or anything like that was in the guidance that's
12 provided by, and the, the directive that's been provided by
13 the Governor, um, the, um, personal health information, um, is
14 -- it's a path we may not want to go down as an employee
15 management committee because yes, we can hear the matter and
16 we can provide an open public venue for which a lot of work
17 will go into it to get an employee an answer. But that's not
18 our realm to -- to delve into protected information like PHI
19 because, um, uh, a lot of the concerns that people have
20 regarding their medical information, a lot of people like to
21 throw around, um, that it's a violation of HIPAA and it's not.

22 PARKER: Right.

23 BAUER: And the EEOC has opined on that. So
24 that's a sticky widget that I don't know, we want to go down
25 as an EMC, um, and provide an open meeting on that subject

1 where it's not our role to, um, adjudicate matters that
2 involve HIPAA. Does that make sense? Or that don't?

3 PARKER: Well, yeah. Discussing, yeah. HIPAA,
4 yeah. My -- my thing is that my -- I guess what my stance was
5 was the relationship between an employee and employer or an
6 employee asked a question. I don't care how trivial it is. I
7 mean, or, and -- and it, it looks like a simple answer
8 actually. You know? But if you can't even get that, or this
9 person can't get Elizabeth, okay, so if this person cannot get
10 that, that's what I'm basing it on. I -- I know we can't do
11 anything about the others, but, um, yeah, that just was an
12 issue I have. I -- and -- and I don't wanna lump everything
13 into just because they're related to vaccines and testing
14 because the, this one was not similar to the other ones that
15 I've read that had to do with that because it actually had
16 still had unanswered questions that should have been able to
17 be answered. So I don't know. Any other discussion? No.
18 Now call for a vote.

19 BAUER: Aye.

20 PARKER: All those in favor? You can't do it yet.
21 All those in favor?

22 RUSSELL: Aye.

23 GEYER: Aye.

24 BAUER: Aye.

25 DAVIES: Aye.

1 PARKER: Any opposed? I'm abstaining. Yeah, I'm
2 opposing.

3 UNIDENTIFIED FEMALE: I -- I oppose. I just I do
4 too. Yeah. Based on the fact that, you know, that there's
5 unanswered questions within the grievance and while core of
6 the grievance -- the grievance itself on the mandate cannot be
7 addressed through this venue, um, I think that there was not
8 due diligence done on behalf of the, uh, agency for that, the
9 tally.

10 PARKER: So what's our tally now? So I know we
11 have two up here that are nay or were there any down there?

12 JOHNSON: Madam Chair?

13 PARKER: No. Yeah. Oh, sorry. Sorry.

14 JOHNSON: For the record, I have the vote. Uh, four
15 two.

16 PARKER: Thank you. Okay.

17 JOHNSON: With, um, chair Parker and member guy
18 voting a.

19 PARKER: Okay. All right. So the motion carries.

20 DAVIES: Um --

21 PARKER: Oh.

22 DAVIES: Just one procedural thing.

23 PARKER: Yes.

24 DAVIES: Um, Nora, you stated the nays names, but
25 there wasn't a roll call vote. So you strike those names,

1 please.

2 JOHNSON: They can be struck from the record for the
3 meeting, but normally we do put it in the motion.

4 PARKER: Okay.

5 DAVIES: I've just, again, it wasn't a roll call
6 vote, so name shouldn't have been quoted is all I'm saying.

7 PARKER: Right -- right. Okay.

8 JOHNSON: That can be put placed in the minutes for
9 sure.

10 DAVIES: Thank you.

11 PARKER: Thanks. Motion carries. So now we're
12 gonna move to grievance number 8003. Duffy.

13 WEISS: Do you want this?

14 BAUER: Ms. Chair. This is Jennifer.

15 PARKER: Yes.

16 BAUER: Um, I think that this grievance is, um,
17 alleging something similar to many of the other grievances
18 that we've heard or will, um, or not her, but read or we'll
19 read and discuss today. But, um, she's alleging bullying and
20 intimidation for mandating, um, a virus enforcing discipline.
21 And, um, that's not anything that we have jurisdiction over.

22 PARKER: Anyone else. Is that her job? She's just
23 with her. Yeah.

24 RUSSELL: Teresa Russell for the record.

25 PARKER: Yes.

1 RUSSELL: I'm in agreement with Jennifer. This
2 seems to be the closest grievance subject matter that, um,
3 we've had the prior hearing on and the fact that we do not
4 have jurisdiction over harassment or intimidation.

5 PARKER: Okay. Anybody else?

6 BAUER: Ms. Chair, this is Jennifer.

7 PARKER: Yep.

8 BAUER: I'm believe that we answer grievance
9 number 80038 on EMC previous decisions and the fact that the
10 committee does not have authority to supersede a Governor's
11 mandate.

12 RUSSELL: Teresa Russell, for the record? I'll
13 second.

14 PARKER: Okay. We got a first and a second. Yeah.
15 Any discussion? Hearing none. All in favor?

16 GEYER: Aye.

17 JOHNSON: Aye.

18 DAVIES: Aye.

19 RUSSELL: Aye.

20 BAUER: Aye.

21 PARKER: Any opposed? Motion carries. Yes. This
22 8004. Matthew.

23 BAUER: Ms. Chair, this is Jennifer.

24 PARKER: Yes.

25 BAUER: Um, just like the committee meeting two

1 weeks ago, I sympathize with all these grievance. I -- I
2 sympathize with their -- their concerns over, um, a very
3 contentious and very political issue that is occurring. But
4 again, we don't have the ability to provide them any rev, we
5 don't have any jurisdiction over this matter. It's a
6 Governor's directive under an emergency declaration.

7 PARKER: Right. And let me ask you guys a
8 question. Are we just telling that this is not the proper
9 venue? We are not the venue. We -- the other thing is we are
10 not the venue for this, because this one also cites how
11 hostile work environment, so on -- on any of these that are
12 citing harassment or we are not the venue and I'm thinking
13 that they need to just be told that there's other venues.

14 BAUER: Well, so I don't think we wanna go down
15 that path. Yes, there are other venues obviously available
16 that someone can pursue. Um, the definition of hostile work
17 environment is, um, very clearly stated and it must be in
18 accordance with a protected class. And, um, the unvaccinated
19 or not a protected class, EEOC has opined on that matter. So
20 I don't think we wanna go down that sticky widget path. Um,
21 if -- if a grievance or anyone for that matter has concerns
22 about a Governor's declaration and a Governor's emergency
23 director -- directed pursuant to, they're more than welcome to
24 pursue it legally in a court. But, um, I don't know that we
25 wanna even go down the path of whether there is a hostile work

1 environment allegation and whether that allegation is valid.
2 So I would be in favor with a motion consistent with the rest
3 of the motions for this same exact issue or the same exact
4 grievance substance.

5 PARKER: Okay. So I -- and -- and so I -- in
6 reviewing the letters from the previous decisions, I have an
7 issue with using the same NAC for different things. And so,
8 because based on that 284.695, the AMC lacks jurisdiction
9 284.695 does not say that we don't have jurisdiction. It says
10 if we don't have jurisdiction. So, and we referenced that and
11 just, uh, I -- I don't know, and I could be wrong, but I
12 looked at it earlier and I thought.

13 BAUER: Ms. Chair, this is Jennifer. Um, I -- I
14 appreciate your concerns and um, um, I believe 695 mentions
15 that an employee or EMC can decide to not hear or decide on
16 the, um, grievance without a hearing based on previous
17 decisions and getting to it. Um, or if the matter does not
18 fall within its jurisdiction. So I -- I think you're looking
19 at --

20 PARKER: Looking at this entire state.

21 BAUER: And I see 284.695, um, subsection one
22 answer the request without a hearing. If the case is based on
23 the committee's previous decisions or does not fall within the
24 jurisdiction.

25 PARKER: So to say, based on NAB 284.695, the EMC

1 last jurisdiction over the substance of this grievance and
2 does not have the authority to supersede a mandate from the
3 Governor. That right there tells me that that's based on
4 284.635 and that's not accurate. You know what I mean?

5 BAUER: It is, but the -- the language probably
6 should reference that we're decided consistent with previous
7 decisions instead.

8 JOHNSON: Nora Johnson for the record.

9 PARKER: Okay.

10 JOHNSON: Um, the, the first letter, uh, decision
11 number 2921, excuse me, and 3021, uh, show that the EMC elect
12 jurisdiction over the substance of the grievance cannot
13 supersede the Governor's mandate. That court was taken in
14 reference to decisions 29 and 30 to show that that was --
15 those were the prior decision numbers for the reasons of the
16 forthcoming decisions. That template letter has been used
17 with clarifying language as to why the EMC lacks jurisdiction
18 for at least two to three years before I even landed in this
19 office.

20 DAVIES: So --

21 BAUER: Ms. Chair, this is Jennifer. So for these
22 letters that Stephanie is looking at, or sorry, Ms. Chair is
23 looking at, um, are the original decisions for the substance
24 of this grievance that we're discussing, right?

25 JOHNSON: 29-21 and 30-21, Andrews and Kaplan.

1 BAUER: Yep.

2 JOHNSON: Were the original decisions.

3 BAUER: Perfect.

4 JOHNSON: Being used as the precedent's for the
5 prior decision?

6 BAUER: Perfect. So these cases are the precedent
7 that we are relying upon for the decisions to answer the
8 grievances without a hearing today. So that the language
9 would be, um, as I'm about to move in a motion, the language
10 would be slightly different that based on NACS 284.695, um, we
11 are answering the grievance without a hearing based on
12 previous decisions and that we do not have authority to
13 supersede a mandate from the Governor.

14 PARKER: That -- that would make better sense.
15 Yeah, that would make sense. Yeah. If these haven't gone out
16 yet though, right? Yes, they have.

17 BAUER: Ms. Chair, Jennifer again. So these
18 letters I believe you're looking at are from the original
19 cases.

20 PARKER: From October and November.

21 BAUER: Yeah. From the, the very first time the
22 committee heard grievances on related to this -- this matter.
23 Yeah.

24 PARKER: Okay.

25 BAUER: So what we're -- what we're looking at

1 today is whether we decide to hear these grievances or answer
2 that hearing based on these cases that came before the
3 committee last month.

4 PARKER: Okay.

5 BAUER: This is Jennifer, again, for the record.
6 So to your point, I agree that this language exactly verbatim
7 doesn't apply to these cases today. Um, and the motions and
8 the answers and the letters subsequently, I think look a
9 little different.

10 PARKER: Okay.

11 BAUER: And not say that, um, lack jurisdiction
12 say that we're presiding based on previous decisions and that
13 we can supersede a government.

14 PARKER: Okay.

15 BAUER: Is that helpful?

16 PARKER: I can do that, yeah.

17 BAUER: Okay.

18 PARKER: Yeah, that, sorry.

19 GEYER: Madam Chair, Sandie Geyer for the record,
20 I agree with my colleague, Jennifer, that that would be the
21 appropriate language going forward. Uh, not only for these
22 grievances today with regards to the same subject matter, but
23 any grievances that we may hear in the future, we should be
24 consistent in referencing, uh, the language that has already
25 been discussed in that motion by Jennifer.

1 PARKER: Agree. Awesome. Thank you. Anybody
2 else? So you made a motion, Jennifer made a motion and I
3 interrupted her and I'm sorry. But, um, but I thank you for
4 your clarification. So you're revising your -- your motion to
5 include that language, right? Or for --

6 BAUER: It did.

7 PARKER: Okay.

8 BAUER: It had, I can restate it if you want.

9 PARKER: Um, now does anybody need her to restate
10 it? 'Cause I --

11 RUSSELL: Yes, please.

12 PARKER: Okay.

13 BAUER: I move that we answer grievance number 804
14 without a hearing based on EMC's previous decisions and the
15 fact that it does not have the authority to supersede a
16 Governor's mandate.

17 RUSSELL: Thank you.

18 PARKER: Awesome. Thanks. Got a motion? Do we
19 have a second?

20 SCOTT: Ms. Mary Jo Scott, I second that motion.

21 PARKER: Is there any discussion? All those in
22 favor?

23 RUSSELL: Aye.

24 DAVIES: Aye.

25 GEYER: Aye.

1 you might not be able to hear that.

2 BAUER: Sorry. Can you guys Okay, say something
3 so I can see if I can hear you.

4 DAVIES: Ook followed by shim, Shama. Flemmi,
5 Flay.

6 PARKER: Okay. That's better.

7 DAVIES: Spell those words. Nora. I, dare you.

8 JOHNSON: Nora Johnson. For the record. Sometimes
9 when I'm typing fast enough, my regular words probably do
10 actually spell that out verbatim.

11 DAVIES: Are we back on the record, ma'am?

12 PARKER: Yep, that's on the record. Number 13 8001
13 Burge. Burge. Sorry.

14 JOHNSON: Think it looks like Burge.

15 BAUER: Okay, Ms. Chair, this is Jennifer.

16 PARKER: Yep.

17 BAUER: I'm just rereading me to make sure that
18 it's substantially similar and, um, I do see that it is
19 substantially similar. So, um, motion.

20 PARKER: All right.

21 BAUER: Um, Jennifer Bauer, for the record, I move
22 that we answer grievance number 8011 without a hearing based
23 on EMC's previous decisions. And the fact that it lacks
24 jurisdiction is superseded Governor's mandate lacks authority,
25 sorry, authority to supersede a Governor's mandate.

1 PARKER: Right. We've got a motion. Do we have a
2 second?

3 DAVIES: This is Gwyn. I'd like to second that.

4 PARKER: Any discussion? All those in favor? Aye.

5 RUSSELL: Aye.

6 GEYER: Aye.

7 BAUER: Aye.

8 JOHNSON: Aye.

9 PARKER: Motion carries. Moving on to 8012. Is,
10 um, Rizzi -- Rizzi. Second page. Oh, page like Pleasant
11 Bill. We don't have those phones anymore.

12 DAVIES: We have to change some settings.

13 BAUER: Ms. Chair, this is Jennifer.

14 PARKER: Yes.

15 BAUER: I see that this grievance is, um, almost a
16 copy paste of others that we have looked at. So, um, I don't
17 see anything different here, and I'm ready with almost
18 whenever you're ready.

19 PARKER: Ready.

20 BAUER: Jennifer Bauer, for the record, I move
21 that we answer grievance number 8012 based on EMC's previous
22 decisions and the fact that it lacks authority to supersede a
23 Governor's mandate.

24 PARKER: A motion. Do we have a second?

25 GEYER: Second.

1 PARKER: Sandie Geyer. Second. Any discussion?

2 All those in favor?

3 GEYER: Aye.

4 PARKER: Aye.

5 RUSSELL: Aye.

6 DAVIES: Aye.

7 PARKER: Yes. Yes, ma'am. Okay. Motion carried.

8 All right, so the next one, 15 is, uh, Gutierrez, um, 8015.

9 BAUER: Ms. Chair, this is Jennifer.

10 PARKER: Yep.

11 BAUER: I move that we answer grievance number
12 8015 based on EMC's previous decisions and the fact that it
13 lacks authority to supersede a Governor's mandate.

14 PARKER: And we've got a motion. Do we have a
15 second?

16 DAVIES: This is Gwyn. I'll second it.

17 PARKER: Any discussion? All those in favor?

18 RUSSELL: Aye.

19 GEYER: Aye.

20 DAVIES: Aye.

21 BAUER: Aye.

22 PARKER: Any opposed? Motion carries. 8023

23 Whitaker. Next.

24 BAUER: Ms. Chair, this is Jennifer.

25 PARKER: Yes.

1 BAUER: I move that we answer grievance number
2 8023 without a hearing based on EMC's previous decisions and
3 the fact that it lacks authority to supersede a Governor's
4 mandate.

5 PARKER: All right. We've got a motion. Do we
6 have a second?

7 RUSSELL: Teresa Russell for the record. I'll
8 second.

9 PARKER: Any discussion? All those in favor?

10 MULTIPLE: Aye.

11 PARKER: Any opposed? Motion carries. Next one,
12 8075 Gibbons.

13 BAUER: Ms. Chair, this is Jennifer.

14 PARKER: Yes.

15 BAUER: I move that we answer grievance number
16 8075 based on EM -- without a hearing based on EMC's previous
17 decisions and the fact that it lacks authority to supersede a
18 Governor's mandate.

19 PARKER: Got a motion. Do we have a second.

20 SCOTT: Mary Jo Scott, for the record. I second
21 the motion.

22 PARKER: Okay. Is there any discussion? All those
23 in favor?

24 MULTIPLE: Aye.

25 PARKER: Any opposed? Motion carries. Next on the

1 agenda number 18, um, 8079. Graham.

2 DAVIES: You mean Johnson, ma'am.

3 PARKER: Huh?

4 DAVIES: Oh, Graham, I heard Brown. I apologize.

5 PARKER: Jason Graham, what did you hear?

6 DAVIES: I heard Brown.

7 PARKER: Oh, sorry. It's my mask.

8 DAVIES: Sorry. It's Jason Graham.

9 BAUER: Ms. Chair this is Jennifer. I'm sorry,

10 PARKER: Gwyn, go ahead.

11 DAVIES: I got confused. I apologize to everybody
12 for, uh, interrupting the process, but I need clarification to
13 make sure we're on the same one.

14 PARKER: That's all right -- that's all right.

15 Continue. Jennifer Bauer.

16 BAUER: Jennifer Bauer. For the record, I move
17 that we answer grievance number 079 without a hearing based
18 on EMC's previous decisions and the fact that it lacks to or
19 authority to answer or, wow, I'm getting tired. Start over.
20 Jennifer Bauer for the record. Oh, I -- I move that we answer
21 grievance number 8079 without a hearing based on EMC previous
22 decisions and the fact that it lacks authority to supersede a
23 Governor's mandate.

24 PARKER: We've got a motion. Do we have a second?

25 RUSSELL: Teresa Russell. I'll second.

1 PARKER: Any discussion? All those in favor?

2 MULTIPLE: Aye.

3 PARKER: Any opposed? Motion carries. Number 19
4 is 8094 for Hall.

5 BAUER: Ms. Chair, this is Jennifer.

6 PARKER: Yes.

7 BAUER: I move that we answer grievance number
8 8094 without a hearing based on EMC's previous decisions and
9 the fact that it lacks authority to supersede a Governor's
10 mandate.

11 PARKER: We have a motion. Do we have a second?

12 GEYER: Sandie Geyer. I second that motion.

13 PARKER: Okay. Discussion. All those in favor?

14 MULTIPLE: Aye.

15 PARKER: Any opposed? So moved. Number 20 is
16 number 8139 Demaline.

17 BAUER: Ms. Chair, this is Jennifer. I move that
18 we answer grievance number 8139 without a hearing based on the
19 EMC's previous decisions and that it locks authority to
20 supersede a Governor's mandate.

21 PARKER: Awesome. Got a motion. Do we have a
22 second?

23 DAVIES: Davies Gwyn. I'll second.

24 PARKER: Any discussion. All in favor?

25 MULTIPLE: Aye.

1 PARKER: Any opposed? So moved. Uh, next on the
2 agendas item number 21, public comment. No voter action may
3 be taken upon a matter raised during public comment until the
4 matter itself has been specifically included on an agenda item
5 upon which action may be taken. Comments will be limited to
6 five minutes per person, and persons making comment will be
7 asked to begin by stating their name for the record, any
8 public comment in the south?

9 DAVIES: Nobody. We --

10 RUSSELL: Nobody.

11 PARKER: All right. Anything in the North? Seeing
12 none. Look for adjournment.

13 DAVIES: Yay.

14 PARKER: 10 --

15 DAVIES: Life I'm giving myself, I -- I held on as
16 long as I could before I had the call for audio break.

17 PARKER: Thank you staff. Gosh. All right. Thank
18 you guys. Thank you. I'll take those.

19 JOHNSON: Thank you everybody. Bye.

20 MULTIPLE: Bye.

21 PARKER: All right, now let's finish the
22 discussion. Yes. That's the stuff I do. I care about all
23 this. That's stuff. You're good. I brag on somebody for
24 coming back late, so, so, you know, I gotta get.

25 WEISS: We also want things by you. Uh, just sort

1 of the temperature check.

2 PARKER: Yeah. The show Burton and Night have.

3 *** END OF MEETING ***

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