



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
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**Meeting Minutes of the Employee-Management Committee**  
**June 21, 2018**

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Board Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference.

**Committee Members:**

<b>Management Representatives</b>	<b>Present</b>
Ms. Mandy Hagler—Chair	X
Ms. Pauline Beigel	
Mr. Guy Puglisi	
Ms. Sandie Ruybalid	
Mr. Ron Schreckengost	
Ms. Jennifer Bauer	X

  

<b>Employee Representatives</b>	
Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X
Ms. Adria White	
Ms. Sonja Whitten	

**Staff Present:**

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General  
Ms. Nora Johnson, EMC Coordinator  
Ms. Kara Morris, EMC Hearing Clerk

**1. Call to Order**

Chair Hagler called the meeting to order at approximately 9:00 am.

**2. Public Comment**

Chair Hagler asked if there was public comment. For public comment in the North, Mr. Paul Calonico, Division of Child and Family Services (DCFS) came to the table.

Mr. Calonico stated he would be succinct and brief.

Mr. Calonico stated he appreciated the time to point out factors regarding agenda item #6.

Mr. Calonico stated he had attempted to address this grievance at the lowest level possible and that he was the first one to make the attempt before filing the grievance.

Mr. Calonico stated he had never asked for other candidate's information, or information about the interview.

Mr. Calonico stated he only asked for his own objective information as to what he is lacking regarding the denial.

Mr. Calonico stated he never stated he was entitled to a promotion.

Mr. Calonico stated it was possible he made a mistake of using the word 'entitled to' an explanation of the objective factors.

Mr. Calonico stated he felt it is professional courtesy to give him that explanation.

Mr. Calonico stated he does believe in earning things, so using the word 'entitled' was his mistake and taken as him saying he was "entitled to a promotion", though he stated he never made that comment.

Mr. Calonico stated he had been denied promotional opportunities approximately eight times during his sixteen years.

Mr. Calonico stated he was aware of many subjective and unprofessional factors as to why others have been promoted over him, which he was not at liberty to discuss at this time.

Mr. Calonico stated he is more qualified for this position and other positions he has applied for in the past but has been continuously denied.

Mr. Calonico stated he has been given different answers as to why this has been the case every time.

Mr. Calonico stated this is why he believes the current process lacks consistency and lacks transparency.

Mr. Calonico stated he has been continually informed that his questions cannot be answered.

Mr. Calonico stated he was offered a private meeting to discuss the agency's personal opinion regarding why he has not been promoted.

Mr. Calonico stated this lacks professionalism and objectivity based on the above statements.

Mr. Calonico stated his service record qualifications objectively illustrate that he is a dedicated state employee of sixteen years.

Mr. Calonico stated he is a ‘homegrown’ Nevada native, he loves his job serving youth and families in Nevada.

Mr. Calonico stated anyone who knows him could tell you that his character shows he is not someone to file a grievance, or to complain needlessly.

Mr. Calonico stated he cares for his office, community and the people he works with, and put his heart and mind into whether he should file this grievance.

Mr. Calonico stated his ‘gut’ led him to the decision to file this grievance as there is a time when enough is enough.

Mr. Calonico thanked the Committee for their time and dedication to matters such as this and specifically thanked the Employee-Management Committee Coordinator, Nora Johnson, for her professionalism and helpfulness.

Chair Hagler thanked Mr. Calonico for his comments and continued with Committee introductions.

**3. Committee introductions and meeting overview and/or update - For discussion only.**

Chair Hagler began the introductions in Las Vegas to introduce the new Deputy Attorney General to the EMC, Ms. Tiffany Breinig.

**4. Adoption of the Agenda – Action Item**

Chair Hagler requested a motion to adopt the agenda.

**MOTION:** Moved to approve the agenda.  
**BY:** Member Sherri Thompson  
**SECOND:** Member Turessa Russell  
**VOTE:** The vote was unanimous in favor of the motion.

**5. Approval of Minutes for April 12, 2018 – Action Item**

Chair Hagler requested a motion to adopt the minutes.

**MOTION:** Moved to approve the minutes for April 12, 2018.  
**BY:** Member Turessa Russell  
**SECOND:** Member Jennifer Bauer  
**VOTE:** The vote was unanimous in favor of the motion.

**6. Discussion and possible action related to Grievance #5566 of Paul Calonico, Department of Health and Human Services – Action Item**

Chair Hagler stated she would allow the Committee a few minutes to review the packet.

Chair Hagler opened the Committee for discussion.

Member Bauer stated she sympathized with the grievant in that it is unfortunate that the grievant had to come here today, given the many efforts to resolve the issue at the lowest level.

Member Bauer stated it was unfortunate that the grievant is still seeking information about the choice made by the appointing authority.

Member Bauer stated she did not see how the EMC had the ability to do anything about this grievance and was unsure if moving to a full hearing would allow the EMC to resolve this grievance.

Member Bauer stated she did not see anything in the packet that indicated the interview process was not complied with in accordance with law and regulation.

Member Thompson asked Denise Woo-Seymour, Personnel Analyst, Division of Human Resource Management (DHRM) for clarification; if a person was normally given a specific reason why they were not chosen.

Chair Hagler requested Ms. Woo-Seymour come to the table and restated Member Thompson's question.

Ms. Woo-Seymour stated regulations and statutes do not address that situation, therefore it is not prohibitive or restrictive either.

Ms. Woo-Seymour stated understandably, an applicant would want to know the reasons why they were not selected, for future reference or for future positions they might be interviewing for, but it would be contingent upon the agency's decision.

Chair Hagler asked if there was any discussion from the Committee.

Member Russell stated she was not sure where the Committee could do anything other than determine whether or not regulations and policies for the recruitment process were adhered to, but she did not see anything alleging that the regulations and policies were *not*.

Member Russell stated she commended the grievant for wanting information on how he could improve himself for the possibility of advancement.

Member Russell stated it would help the agency, who was not here to hear the grievance, to share that information if there is something an individual is lacking so they could improve in that area.

Member Russell stated she did not see how the Committee could move this grievance forward to a hearing.

Chair Hagler stated she agreed with Member Bauer and reviewed the NAC's referenced in the grievance.

Chair Hagler stated the grievance was not stating the interviews and that process was not followed, and the grievant was looking for objective reasoning.

Chair Hagler stated she was having some difficulty because she did not believe

the Committee has the authority to tell an agency they *must* provide the information the grievant is seeking.

Chair Hagler stated she agreed with the Committee, and, as part of the hiring process, if an applicant came to her, she would want to give them some objective reasoning as to why they were not chosen even though it is not regulated that the agency has to.

Chair Hagler stated she was wondering what the Committee could do if this grievance was moved forward to hearing as the Committee would be unable to grant the resolution the grievant was seeking.

Chair Hagler stated she would like to take the opportunity to state she appreciated the efforts of Mr. Calonico to try to resolve this issue at the lowest level possible.

Chair Hagler asked if there was any discussion from the Committee.

Chair Hagler opened the Committee for a motion on grievance #5566.

Member Bauer moved that this grievance does not fall within the jurisdiction of the EMC based on lack of authority to resolve the grievance, in that the employer has the right to make appointing authority decisions as they see fit.

Mr. Whitney asked for clarification on the motion due to technical issues that caused Member Bauer's motion to be unclear.

Member Bauer restated she moved the Committee not move this grievance to full hearing due to lack of jurisdiction, in that the appointing authority has the ability to make hiring decisions as they see fit.

Chair Hagler restated the motion and asked if the Committee had any discussion on the motion, there was none.

Member Thompson seconded the motion.

**MOTION:** Moved to not move grievance #5566 to full hearing due to lack of jurisdiction, in that the appointing authority has the ability to make hiring decisions as they see fit.

**BY:** Member Jennifer Bauer

**SECOND:** Member Sherri Thompson

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

**7. Discussion and possible action related to Grievance #5636 of Liwliwa Caberto, Department of Health and Human Services – Action Item**

Chair Hagler stated she would allow the Committee a few minutes to review the packet.

Chair Hagler opened the Committee for discussion.

Member Russell stated the grievance should be moved to hearing to determine whether or not the policy was followed, but the Committee cannot hear the issues of harassment, retaliation or discrimination.

Member Thompson stated she agreed, and the Committee should move forward with the incident that occurred on March 14, 2018 regarding the violation of the floating policy.

Member Bauer stated it seems clear the harassment and discrimination complaint was fully investigated by the agency and found to be unsubstantiated.

Member Bauer stated while the EMC has no jurisdiction over that piece of the grievance, it does seem it was pursued in the appropriate venue and properly investigated.

Member Bauer stated regarding the piece about not following policy, it does seem there is a lack of clarity on whether the agency was following their own policy, however, the policy does state in section 2 procedure, subsection (b) “the floating procedure can be overridden by the staffing department, or on call nurse administrator at any time based on the needs of the hospital.”

Member Bauer stated she would like some discussion, since the ability to override the existing procedure is there, therefore, policy is being followed.

Chair Hagler stated she agreed with Member Bauer.

Chair Hagler stated while they will start with the least senior staff to be floated, they are also given the ability to override that policy if they see they need to.

Chair Hagler stated she felt the agency was following policy if they were using subsection (b) and did not see any discussion from the agency stating they follow subsection (a), then go to subsection (b).

Chair Hagler stated it seems the agency has the ability to choose the one they want based on the needs of the facility at the time.

Chair Hagler stated she agreed with the comments from the Committee if the grievance moves forward, the harassment, retaliation and discrimination piece would not fall under the Committee’s purview and the hearing would be limited to whether the agency followed the floating policy.

Chair Hagler stated she felt the agency followed the floating policy based on subsection (b) because it does give the agency the authority to float the nurse or their personnel as they see fit for that night or that schedule.

Member Thompson stated she understands the agency does have the right to schedule as necessary, but the EMC did not have enough information to make a decision.

Member Thompson stated the grievance should be heard.

Member Russell stated she agreed with Member Thompson.

Member Bauer stated she would agree with Member Thompson that the Committee lacks some information because 2(b) does provide for policy to be overridden based on the needs of the hospital.

Member Bauer stated the lack of information could be the justifiable and substantiated needs of the hospital to override procedure, and that may be the

lack of clarity the employees have.

Member Bauer stated a full hearing could vet this issue further.

Chair Hagler opened the Committee for a motion on grievance #5576.

Member Russell motioned to move this grievance forward for full hearing but limiting the hearing to the EMC jurisdiction of determining whether or not the policy was followed.

Chair Hagler restated the motion and asked if the Committee had any discussion on the motion, there was none.

Member Thompson seconded the motion.

**MOTION:** Moved to move grievance #5576 forward for full hearing but limiting the hearing to the EMC jurisdiction of determining whether or not the policy was followed.

**BY:** Member Turessa Russell

**SECOND:** Member Sherri Thompson

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

## **8. Public Comment**

For public comment in the North, Chair Hagler stated it had come to the Committees' attention that Kara Morris, EMC Hearing Clerk, had accepted another position.

Chair Hagler stated the Committee would like to thank Ms. Morris for her dedication to the Committee and wish her well in her new endeavors.

There was no other public comment.

## **9. Adjournment**

Chair Hagler adjourned the meeting at approximately 9:26 am.