

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NAVADA
EMPLOYEE MANAGEMENT COMMITTEE
MEETING TRANSCRIPT
SEPTEMBER 21, 2023

DUPREE: And I'm going to start this meeting and I'm going to call this meeting in order. First item on the agenda is public comment. During public comment, no issue that's raised in public comment can be discussed or voted on, but it can be added to a future agenda if the parties decide to do that. Is there any public comment in the north? Hearing none, is there any public comment anywhere else in the state?

UNIDENTIFIED: Do we have any public comment here?

UNIDENTIFIED: Will we be able to make comment at the end?

UNIDENTIFIED: Yeah, there's public comment at the end. Yes.

DUPREE: We can do it either beginning or end if you want to.

CASE: At this time it appears no public comment in the south.

DUPREE: Okay. Ava, I'm guessing there's probably no public in your office, right?

1 CASE: No.

2 DUPREE: Okay. With that I'm going to move to
3 Committee introduction, but first everybody, we have a brand
4 new member and Nora's going to come up and talk about that for
5 us for a second. Welcome, new member.

6 JOHNSON: Good morning, members of the public,
7 members of the Committee. I would like to introduce Mary
8 Gordon, our newly appointed member, she's been appointed to
9 the management side, comes to us from DPS, and I'm going to
10 let Mary say a few words and introduce herself.

11 GORDON: Good morning everyone. Again, my name is
12 Mary Gordon. As Nora said, I come from DPS where I'm a
13 Personnel Officer III there. Prior to my tour at DPS, I've
14 been with Department of Motor Vehicles, NDOT, and I've been
15 with the state for approximately 18 years and decided I'd like
16 to participate and become a member of the EMC, and I'm happy
17 to be here and happy to learn and happy to contribute.

18 DUPREE: Welcome, Mary. I'm going to continue with
19 Committee introductions. My name is Tracy Dupree. I'm
20 Committee Chair. I've been with the City of Nevada since
21 (inaudible) was a boy, about 29 -- a little over 29-and-a-half
22 years, so we're getting close now. I currently work with
23 DETR, but I have worked at the university system and Division
24 of Welfare and Supportive Services (inaudible). So if you
25 name the agency, I've either been there or been around it.

1 Ava, you want to go next?

2 CASE: My name is Ava Case. I'm the ESD Manager
3 for the rurals for Fallon and Winnemucca. I've been with the
4 state for approximately 11 years, background in heavy HR so I
5 hope to help and assist as needed.

6 DUPREE: Okay. Down south.

7 RUSSELL: I'm Turessa Russell. I am with University
8 of Nevada Las Vegas, and I've been with the state about 26
9 years and 23 of those years at UNLV.

10 DUPREE: Wow.

11 WEISS: Todd Weiss, Deputy Attorney General for
12 the EMC. Been with the state for about two-and-a-half years.

13 JOHNSON: Nora Johnson, Division of Human Resource
14 Management. I've been with the state for eight years.

15 HARDY: Roxanne Hardy, I'm the EMC coordinator and
16 I've been with the state for a year.

17 DUPREE: Okay. That takes care of the
18 interactions. I'd like a motion to adopt the agenda as
19 written.

20 RUSSELL: Turessa for the record. I move that we
21 adopt the agenda.

22 DUPREE: Thank you, Turessa. I will second that
23 motion. All in favor say aye.

24 MEMBERS: Aye.

25 DUPREE: Okay. Anybody opposed to adopting the

1 motion to adopt the agenda? Okay.

2 UNIDENTIFIED: Point in --

3 DUPREE: Oh, yeah, point in order.

4 UNIDENTIFIED: Point in order, Chair.

5 DUPREE: Yes?

6 UNIDENTIFIED: I believe Ava's got herself muted so we
7 haven't heard her vote.

8 DUPREE: Yeah. Ava?

9 CASE: I'm sorry.

10 DUPREE: That's all right.

11 CASE: I got lost.

12 DUPREE: These things happen. I thought that was
13 going on, but are you in favor of adopting the motion, the
14 agenda as agreed?

15 CASE: Agreed.

16 DUPREE: Okay. That's pretty much unanimous, I
17 think. So the agenda is adopted. Next we have a whole bunch
18 of minutes to approve and what I'm going to do is give the
19 Committee about -- I'm going to give you about five minutes
20 and then I'm going to come and call you to order and we're
21 going to go through these pretty quick and if anybody needs
22 any changes, we will mention it then. So it's now 9:35. The
23 meeting is still in order. We're just going to look at
24 minutes for a few minutes and I'll yell at you again at 9:40.
25 Okay, it is 9:40 and we're back on the record in Minute

1 Palooza. So with that, the Chair would like to entertain a
2 motion to either -- does anyone want any changes to the
3 minutes of September 9th, 2021?

4 CASE: This is Ava Case. For the record, I make
5 a motion for approval of the minutes as submitted for
6 September 9th, 2021.

7 DUPREE: Okay.

8 RUSSELL: Turessa for the record. I second.

9 DUPREE: Thank you, Turessa. We have a motion to
10 second. All in favor of adopting the minutes as presented for
11 September 9, 2021, say aye.

12 MEMBERS: Aye.

13 DUPREE: Okay. I think I heard all the ayes I need
14 to hear that one passed the unanimously. Which brings us to
15 approval of minutes for September 23, '21. Does anyone have
16 either idea for changes or motion to adopt those minutes as
17 presented?

18 RUSSELL: Turessa for the record.

19 DUPREE: Yes, Turessa?

20 RUSSELL: I move that we approve the minutes for
21 September 23rd, 2021.

22 DUPREE: Okay.

23 CASE: Ava Case for the record. Second.

24 DUPREE: Thank you, Ava. All in favor of approving
25 the minutes as presented for September 23rd, 2021, say aye.

1 MEMBERS: Aye.

2 DUPREE: Okay. That's unanimous. That brings us
3 to approval of minutes for October 7th, 2021. Does anyone
4 have any changes for those minutes? Hearing none, the Chair
5 would like to entertain a motion to approve said minutes.

6 RUSSELL: Turessa for the record.

7 DUPREE: Yes, Turessa?

8 RUSSELL: I move that we approve the minutes for
9 October 7th, 2021.

10 DUPREE: Thank you, Turessa. Do I have a second?

11 CASE: Ava Case, second.

12 DUPREE: Thank you, Ava. All in favor of approving
13 the minutes as presented for October 7th, 2021, please say
14 aye.

15 MEMBERS: Aye.

16 DUPREE: Okay. That's unanimous. Minutes for
17 October 7th, 2021 pass. The chair will like to entertain a
18 motion for either changes or approval of minutes for October
19 21st, 2021.

20 CASE: This is Ava Case for the record, make a
21 motion to approve the minutes for October 21st, 2021 as
22 submitted.

23 DUPREE: Thank you, Ava. Do I have a second?

24 RUSSELL: Turessa for the record. I second.

25 DUPREE: Thank you, Turessa. All in favor of

1 approving the minutes as presented for October 21st, 2021, say
2 aye.

3 MEMBERS: Aye.

4 DUPREE: That's unanimous. Minutes for October
5 21st, 2021 have been approved. Chair would like to entertain
6 a motion for any changes or a motion to approve minutes as
7 submitted for November 4, 2021.

8 CASE: For the record, this is Ava Case making
9 motion to approve minutes for November 4, 2021 as submitted.

10 DUPREE: Thank you, Ava.

11 RUSSELL: Turessa for the record. I'll second.

12 DUPREE: Thank you, Turessa. All in favor of
13 approving the minutes as submitted for November 4, 2021, say
14 aye.

15 MEMBERS: Aye.

16 DUPREE: That's everybody. Minutes for November 4,
17 2021 passed unanimously. Okay. Chair would like to entertain
18 a motion for any changes or approval of minutes as submitted
19 for November 18, 2021.

20 CASE: This is Ava Case for the record. I make a
21 motion to approve minutes for November 18, 2021 as submitted.

22 DUPREE: Thank you, Ava.

23 RUSSELL: Turessa for the record. I'll second.

24 DUPREE: Thank you, Turessa. All in favor of
25 approving the minutes as submitted for November 18, 2021,

1 please say aye.

2 MEMBERS: Aye.

3 DUPREE: Okay. Was that a -- the second person,
4 was that an aye or a nay? I think it was an aye. I'll go
5 with aye, passage unanimously. Approval of minutes for
6 October 18th, 2021, pass. Okay. That brings us to approval
7 of minutes for January 20, 2022. I'd like to entertain a
8 motion for any changes or approval of those minutes as
9 submitted.

10 RUSSELL: Turessa Russell for the record.

11 DUPREE: Yes, Turessa?

12 RUSSELL: I move that we approve the minutes for
13 January 20th, 2022 as submitted.

14 DUPREE: Thank you.

15 CASE: Second.

16 DUPREE: I have a motion from Turessa and a second
17 from Ava. All in favor of approving the minutes as submitted
18 for January 20th, 2022, say aye.

19 MEMBERS: Aye.

20 DUPREE: That's four. Minutes for January 20, 2022
21 have been approved unanimously. Chair would like to entertain
22 a motion for any changes or approval of minutes from April
23 7th, 2022.

24 RUSSELL: Turessa for the record?

25 DUPREE: Yes, Turessa?

1 RUSSELL: I move that we approve the minutes for
2 April 7th, 2022 as submitted.

3 DUPREE: Okay, I'll second that one. All in favor
4 of approving the minutes as submitted for April 7th, 2022, say
5 aye.

6 MEMBERS: Aye.

7 DUPREE: That's everybody. Minutes for April 7th,
8 2022 have passed. April 7, '22 as submitted as passed
9 unanimately. Chair would like to entertain a motion for
10 changes or approval as submitted for the minutes for June 9th,
11 2022.

12 CASE: I, Ava Case for the record, make a motion
13 to approve the minutes for June 9th, 2022 as submitted.

14 DUPREE: Thank you, Ava.

15 GORDON: Mary, for the record. I second.

16 DUPREE: Mary seconds for the record. Thank you,
17 Mary. All in favor of approving the minutes as submitted for
18 June 9th, 2022, say aye.

19 MEMBERS: Aye.

20 DUPREE: That's unanimous. Minutes have been
21 approved as submitted for June 9th, 2022. The Chair would
22 like to entertain a motion for any changes or approval of
23 minutes as submitted for July 14th, 2022.

24 RUSSELL: Turessa for the record.

25 DUPREE: Yes, Turessa.

1 RUSSELL: I motion that we approve the minutes for
2 July 14th, 2022 as submitted.

3 DUPREE: Thank you. I'll second that motion. All
4 in favor of approving the minutes as submitted for July 14th,
5 2022, say aye.

6 MEMBERS: Aye.

7 DUPREE: That's everybody. The Chair would like to
8 entertain a motion for any changes or approval of minutes as
9 submitted for September 8th, 2022.

10 GORDON: Mary, for the record.

11 DUPREE: Yes, Mary.

12 GORDON: I make a motion to approve the minutes for
13 September 8th, 2022.

14 DUPREE: Okay. I'll second your motion.

15 RUSSELL: Turessa.

16 DUPREE: Oh, Turessa, go ahead.

17 RUSSELL: Turessa. I'll second.

18 DUPREE: Okay. All in favor of approving the
19 minutes as submitted for, where am I at here, I think it was
20 at September 8th, 2022, say aye.

21 MEMBERS: Aye.

22 DUPREE: Okay. (Inaudible.) Any opposition?
23 Okay. The minutes for September 8th, 2022 have been approved
24 as submitted. The Chair would like to entertain a motion for
25 changes or approval of minutes as submitted for September 22,

1 '22.

2 GORDON: Mary, for the record.

3 DUPREE: Yes, Mary?

4 GORDON: I make a motion to approve the minutes for
5 September 22nd, 2022.

6 DUPREE: Okay.

7 RUSSELL: Turessa, I'll second.

8 DUPREE: Thank you, Turessa. All in favor of
9 approving the minutes as submitted for September 22, 2022, say
10 aye.

11 MEMBERS: Aye.

12 DUPREE: Okay. That's unanimous. The minutes for
13 September 22, '22 have been approved as submitted. Chair
14 would like to entertain a motion for any changes to or
15 approval of minutes as submitted for April 26th, 2023 -- or
16 no, April 20th. Fingerprint on the glasses. April 20th,
17 2023.

18 GORDON: Mary for the record.

19 DUPREE: Yes, Mary.

20 GORDON: I make a motion to approve the minutes for
21 April 20th, 2023.

22 DUPREE: Thank you.

23 RUSSELL: Turessa. I'll second.

24 DUPREE: Thank you, Turessa. All in favor of
25 approving the minutes as submitted for April 20th, 2023, say

1 aye.

2 MEMBERS: Aye.

3 DUPREE: Okay. The Chair would like to entertain a
4 motion for any changes or approval of minutes as submitted for
5 June 8th, 2023.

6 GORDON: Mary for the record.

7 RUSSELL: Turessa.

8 DUPREE: Somebody have an issue? Oh, that was --
9 Turessa, did you want to make a motion? Where are we at?

10 RUSSELL: I'll let the other Committee member make
11 the motion.

12 DUPREE: You do it.

13 GORDON: Mary for the record. I make a motion to
14 approve the minutes for June 8th, 2023.

15 RUSSELL: Turessa for the record. I'll second.

16 DUPREE: Okay. All in favor of approving the
17 minutes as submitted for June 8th, 2023, say aye.

18 MEMBERS: Aye.

19 DUPREE: Motion carries anonymously. Okay. Thank
20 you everybody for getting us through minutes. (Inaudible) is
21 at 2023. Item number 19, discussion, possible motion related
22 to grievance 9516, Gina Ringwalt, Department of Business and
23 Industry. Anybody have any thoughts on that one?

24 RUSSELL: Turessa for the record?

25 DUPREE: Yes, Turessa?

1 RUSSELL: I'm leaning towards moving this forward
2 for hearing.

3 DUPREE: Okay. anybody else have any thoughts on
4 that?

5 GORDON: Mary for the record.

6 DUPREE: Yes, Mary?

7 GORDON: I'm newer to this, but --

8 DUPREE: It's okay.

9 GORDON: -- I'm not seeing anything that's really
10 new to move it forward.

11 DUPREE: Yeah. Turessa, why do you think it needs
12 to -- I don't want to put you on the spot here, but why do you
13 think it needs to move forward toward a hearing?

14 RUSSELL: I wish I'd put more in my notes. When it
15 comes to the reprimand, I don't remember being able to see the
16 actual reprimand.

17 DUPREE: Okay.

18 RUSSELL: And I hesitate on not hearing a written
19 reprimand in case there is something that we really do need to
20 cover.

21 DUPREE: All right. Anybody else have any thoughts
22 on that?

23 CASE: This is Ava for the record. I did not see
24 anything different in it to move forward. It just seems like
25 she's talking about some secret files, which -- but there is

1 no evidence of that. I just think it needs to be moved
2 forward with the (inaudible).

3 GORDON: Okay. I mean, part of her concern was
4 that she was not able to make an appointment to see her files,
5 but I believe that was resolved. I think she was able to make
6 an appointment with Agency HR services.

7 CASE: Yes.

8 GORDON: And then as far as, I mean, the secret
9 file, she's really not identified any --

10 DUPREE: What exactly is she worried about? I
11 can't tell.

12 GORDON: Yeah, and she hasn't really shown any
13 proof of such secret file. I don't -- she's under the
14 assumption, but that's her assumption.

15 DUPREE: Yeah.

16 GORDON: The only changes to the written reprimand
17 that was issued was just a small change in the verbiage as far
18 as it was -- what was it? It was a directive or from the
19 governor. They had it -- the verbiage was -- and they
20 corrected that.

21 DUPREE: Yeah.

22 GORDON: And I think she was under the impression
23 that by changing the written reprimand and updating that would
24 reset where she would be able to submit another file, another
25 grievance.

1 DUPREE: Yeah. I think by changing that word, she
2 assumed that we had sustained the grievance, and I didn't see
3 that.

4 GORDON: Mm-mm.

5 WEISS: Chair?

6 DUPREE: Yeah?

7 WEISS: This is Deputy Attorney General Todd
8 Weiss. I just want to remind the Committee members that our
9 policy is that we need to be able to tell if there is a
10 grievable issue strictly based on what is submitted with the
11 grievance in the grievance itself.

12 DUPREE: Right.

13 WEISS: We don't move things forward to fact find,
14 we don't move things forward to try to figure out if there's a
15 grievable issue later on. If we can't tell a grievable issue
16 based on the grievance, what was submitted with the grievance,
17 then the posture is denied.

18 DUPREE: Thank you, Todd. Anybody want to come up
19 with a motion here?

20 CASE: This is Ava Case for the record, I make a
21 motion that we deny the grievance or what would I say, move to
22 uphold our previous decision.

23 WEISS: Deputy Attorney General Todd Weiss. Nora,
24 what's our language for this?

25 JOHNSON: Nora Johnson for the record. Based on

1 Member Case's statement, the language could be a motion to
2 deny hearing based on the EMC's previous decision.

3 DUPREE: Okay. It sounds good when you say it. Do
4 we have a second on that motion?

5 WEISS: Chair?

6 DUPREE: Yep. Oh --

7 WEISS: Chair, back up a little bit. Nora was
8 giving us the language. A member still has to make the
9 motion.

10 DUPREE: All right. Okay.

11 CASE: This is Ava Case for the record. I make a
12 motion to deny grievance 9516.

13 GORDON: Mary for the record. I second.

14 DUPREE: Okay. Motion and second to deny grievance
15 9516. All in favor of that motion, say aye. Aye.

16 RUSSELL: Point of order?

17 DUPREE: Yep.

18 RUSSELL: I think it would behoove to state, given
19 the motion, as to why we are denying the grievance.

20 DUPREE: Okay. Ava, do we want to add that
21 verbiage in there that Nora just talked about?

22 CASE: Sure. I make a motion of denial to 9516
23 due to information not grievance-able, paperwork not within.

24 DUPREE: Todd, do you have any thoughts on that
25 one?

1 WEISS: Yeah, that's a little clunky. Let's -- I
2 just want to make sure this one gets right so let's -- Ava,
3 why don't you let you write down your motion?

4 CASE: Yeah. Maybe due to documentation not
5 provided per grievance --

6 DUPREE: What about if you just said based on EMC's
7 previous decision? Is that good enough?

8 RUSSELL: Turessa for the record. I would support
9 that amended motion.

10 DUPREE: Okay.

11 CASE: This is Ava Case for the record. I would,
12 based on EMC documentation from prior 9516, I move to deny or
13 uphold previous (inaudible).

14 DUPREE: You want to --

15 WEISS: The problem with that motion is the
16 previous decision was a different grievance number.

17 CASE: Okay. So just based on EMC decision,
18 would that be --

19 WEISS: Prior EMC decision would probably work.

20 DUPREE: Yeah.

21 CASE: Let's try this one more time. This is Ava
22 Case for the record, move to deny a motion for prior based on
23 EMC -- I can't get this out right. Deny the motion based on
24 prior EMC decision.

25 DUPREE: For clarification, Ava, do you mean

1 denying the grievance? Cause we're not talking about the
2 motion, we're talking about the grievance.

3 CASE: What? I'm sorry, Tracy. Who was that?

4 DUPREE: You said you're denying the motion,

5 CASE: Yes.

6 DUPREE: You're working on the motion. What we're
7 denying is the grievance 9516.

8 CASE: Okay. You want me try this one more time?
9 This is Ava Case for the record. I would like to deny the
10 motion for 9516 based on EMC decision prior.

11 RUSSELL: Turessa for the record.

12 DUPREE: Yes, Turessa.

13 RUSSELL: I don't want to step on any toes, but I
14 would offer a (inaudible) amendment to motion to deny
15 grievance 9516 based on prior EMC decision, and leave it at
16 that?

17 DUPREE: Sounds good. Ava, what do you think of
18 that?

19 CASE: Can she just say it and I can second it?

20 DUPREE: We can do it that way. We haven't voted
21 yet, so.

22 WEISS: Deputy Attorney General Todd Weiss. Just
23 for point of order, Ava how that would work is you would
24 withdraw your motion and Turessa would make her motion, and
25 then we would second a vote on that.

1 CASE: Ava for the record. I withdraw my motion.

2 DUPREE: Okay.

3 WEISS: Yeah, now you can make your motion.

4 RUSSELL: Okay. Turessa for the record. I motion
5 that we deny grievance 9516 based on prior EMC decision.

6 GORDON: Mary for the record, I second.

7 DUPREE: Okay. Thank you, Turessa, for a motion
8 and thank you, Mary, for the second. All in favor of the
9 motion, say aye.

10 MEMBERS: Aye.

11 DUPREE: Okay. Any opposed? Motion passes
12 unanimously. That brings us onto item number 20, discussion
13 and possible action related to grievance 9532, Perry Chung,
14 department of Business and Industry. Anybody have any
15 thoughts on that one?

16 GORDON: Mary for the record.

17 DUPREE: Yes, Mary?

18 GORDON: Similar to the previous grievance that we
19 heard, if I can, may I make a motion?

20 DUPREE: Yes, you can.

21 GORDON: I motion to deny grievance 9532 based on
22 previous EMC decision.

23 DUPREE: Okay. Do I have a second on that motion
24 or any discussion on it?

25 CASE: This is Ava Case for the record. I

1 second.

2 DUPREE: Okay. All in favor of approving Ava's --
3 or approving Mary's motion to deny grievance 9532, say aye.

4 MEMBERS: Aye.

5 DUPREE: Okay. Grievance 9532 has been denied
6 unanimously. Item 21, discussion, possible action, grievance
7 9366, Tyrone Cromwell, Department of Commerce --

8 GORDON: Correction.

9 RUSSELL: Turessa for the record.

10 DUPREE: Yes, Turessa?

11 RUSSELL: I would move this grievance forward. We
12 have previously heard grievances when it comes to compensation
13 and shift, and whether or not the grievance should be -- the
14 time that their grieving should be paid or not. However, I'm
15 cautious about stepping on federal regulations, so we may need
16 some help from Counsel on making sure that we limit the scope
17 of the grievance that has moved forward to stay out of the
18 federal lane that we do not belong in.

19 JOHNSON: Nora Johnson, Chair.

20 DUPREE: Yes, Nora?

21 JOHNSON: Nora Johnson for the record. For
22 clarification on that, and DAG Weiss, correct me if I'm wrong,
23 former DAG for the EMC, Lisa Evans had made a recommendation
24 in prior hearings that while the EMC may have jurisdiction
25 over these types of grievances to discuss the actual quality

1 of the application of the federal law, that it would not be
2 correct in the EMC's purview to negate or negotiate federal
3 law.

4 WEISS: I'm sorry, you broke up a little bit at
5 the end, Nora.

6 JOHNSON: Sorry, Todd. So Nora Johnson for the
7 record. The previous DAG advice that we received from DAG
8 Evans was that the EMC may have jurisdiction to discuss the
9 equal application of the law, but does not have the
10 jurisdiction to negate or reinterpret the law.

11 WEISS: Yeah. Deputy Attorney Todd Weiss. That's
12 a hundred percent correct. We are not in the business of
13 determining if federal law is proper but, you know, we can
14 decide if it's been equally applied among all similarly
15 situated employees, and that's the same with state law as
16 well. It's really no different. I mean, we don't validate
17 the state law either, but we can always ensure that the law is
18 being equally applied or applied as we best understand the
19 law.

20 RUSSELL: They're basic -- Turessa Russell for the
21 record. They're basically saying what I'm trying to do, but
22 not as clear as my intention is.

23 DUPREE: Well, they got to (inaudible) it up a
24 little bit. So do you have a motion?

25 RUSSELL: Turessa Russell for the record. I motion

1 that we move grievance 9366 for Tyrone Cromwell for hearing
2 with the scope being limited to whether or not (inaudible).

3 DUPREE: Whether or not the law is being applied
4 fairly here?

5 RUSSELL: Correct. I just can't get that word out
6 of my mouth that the state laws or whatever applicable laws
7 were limiting -- let me write it out.

8 DUPREE: Yeah, okay. No problem.

9 GORDON: Chair, this is Mary.

10 DUPREE: Yes, Mary.

11 GORDON: I'm not quite sure where we're at in the
12 discussion. Are we still in the discussion or making a
13 motion?

14 DUPREE: She is working on writing a motion. We're
15 still in discussion phase.

16 GORDON: Okay.

17 DUPREE: We could discuss the thing either before
18 or after the motion is written.

19 GORDON: I have a couple questions.

20 DUPREE: Okay.

21 GORDON: Are we able to review at the same time
22 grievance number 9366, 9506 and 9507? I do believe those
23 other grievances all are relating to the meal break situation
24 similar to this.

25 DUPREE: If we're going to move one to a hearing, I

1 think we have to move all of them to a hearing so we should
2 probably do that as a walk.

3 GORDON: And then second, I'm not quite sure as far
4 as moving it forward to a hearing, I feel that we should
5 reference NAC 284.524, reporting for work, work weeks, work
6 days, periods for meals, and rest period. In that regulation,
7 it does say that the appointing authority shall provide a meal
8 period and rest period to an employee who has an innovative
9 work schedule during each workday with a half hour to an hour
10 meal period must be provided. I don't see where it says it
11 needs to be paid. Only I see on number 4 of that NAC the
12 requirement to relieve an employee for a half hour to an hour
13 meal period does not apply to an employee who receives a paid
14 meal period and number 5, the requirement for arrest period
15 does not apply to an employee who works directly with inmates
16 at a correctional institution. So I don't know if we have the
17 jurisdiction.

18 DUPREE: Yeah, we're back to that same
19 jurisdictional question. Todd, do you have any thoughts on
20 that?

21 WEISS: I do. Deputy Attorney General Todd Weiss.
22 I would advise against making the motion to hearing too
23 specific because there is a lot stated here. There's codes,
24 there's NRSs. My recommendation would be to leave it a little
25 bit open-ended. I think one of the recommendations was -- one

1 of the proposed motions was move the hearing to evaluate, you
2 know, the equal application of the applicable laws. I think
3 something like that will be very appropriate but I think that
4 trying to make too narrow might back us into a corner and
5 remove us from looking at something that we might need to look
6 at a time (inaudible).

7 DUPREE: What are your thoughts on grouping the
8 similar ones together in one block? Can we vote on the all or
9 do we have to vote on each individual thing?

10 WEISS: So Deputy Attorney General Todd Weiss
11 again. I would recommend we still look at each one separately
12 and make a separate motion on each even if we end up at the
13 end of the day putting them all in the hearing and combining
14 'em because they do concern the same issues. But just so the
15 record is clear, I think we need to address each one with a
16 separate motion to vote.

17 DUPREE: Okay.

18 JOHNSON: Nora Johnson for the record, Chair. At
19 the back end of the process, if it is determined that all of
20 these similarly situated grievances do go to hearing, with as
21 much as we can within all practicality, we will schedule them
22 together if that's what the Committee determines.

23 DUPREE: Okay. Way back in the dark ages before I
24 moved to the state, I worked in Human Resources and I keep
25 running in my own brain to what they're asking us to do here

1 is violate federal law. I don't like that, but that's just
2 me.

3 RUSSELL: Turessa for the record.

4 DUPREE: Yup?

5 RUSSELL: I make a motion that we move grievance
6 9366 forward to hearing with the scope of the grievance
7 limited to consistent application of case law and regulations.

8 DUPREE: Okay. We have a motion. Do we have any
9 discussion on that motion or a second? For lack of a second,
10 that motion has died. Anybody else have any thoughts? We got
11 to do something.

12 GORDON: So during some research, I didn't see
13 where the employers are required to pay for employees half
14 hour lunch breaks. I noted that in my notes here, federal law
15 doesn't give employees the right to time off to eat lunch or
16 the right to take short breaks during the workday. Although
17 employees must be paid for shorter breaks they are allowed to
18 take during the day, employers are not required to provide
19 these breaks -- and to provide the breaks. So we are -- I
20 think the federal law is pertaining to the providing the 15-
21 minute breaks or 10-minute breaks --

22 DUPREE: Right.

23 GORDON: -- but not --

24 DUPREE: Not the one --

25 GORDON: -- not the meal period.

1 RUSSELL: Turessa, for the record.

2 DUPREE: Yep.

3 RUSSELL: In going through this grievance, there are
4 multiple codes, regulations, laws, that were noted and from
5 previous experience on this Committee, I definitely feel that
6 there is, how do I word that, a need to move this forward so
7 that we can get the full facts. I am not comfortable
8 discussing the meat of the grievance during a discussion on
9 whether or not it should be moved forward.

10 WEISS: Deputy Attorney General Todd Weiss. I'll
11 just piggyback on what Member Russell was saying. The purpose
12 of this part of the agenda and these items are strictly to
13 decide if there is an issue to move forward on and we have the
14 jurisdiction moving forward on it. What I'm hearing, I think
15 that's been established, so I don't think we need to get too
16 much into the weeds of the issues themselves at this point in
17 this junction. The purpose of if we move it forward is that
18 the parties will submit briefs with evidence packets where
19 they break down everything they think we need to know about
20 these codes, these statutes, whatever else is at hand and at
21 that point, when we have the actual hearing on it, we can look
22 at the individual code statutes, the meat of grievance but
23 right now, the only question that we need to decide are do we
24 have jurisdiction and is there a grievable issue to move
25 forward a hearing not.

1 DUPREE: Okay. Does anybody have any other motions
2 or, Turessa, do you want to try your motion again and we'll
3 see if we can get a second on it?

4 RUSSELL: Thank you, Chair. Turessa Russell for the
5 record. I motion that we move grievance 9366 for Tyrone
6 Cromwell forward to hearing with the scope of the hearing
7 limited to the consistent application of the case law and
8 regulations.

9 CASE: This is Ava Case for the record. I second
10 that.

11 DUPREE: Okay. We have a motion and a second. All
12 in favor of adopting that motion in grievance number 9366,
13 Tyrone Cromwell of the Department of Corrections, say aye.

14 MEMBERS: Aye.

15 DUPREE: Okay. Motion passes unanimously.

16 JOHNSON: Chair?

17 DUPREE: That brings us to item number 22.

18 JOHNSON: Chair DuPree?

19 DUPREE: Yep?

20 JOHNSON: Nora Johnson for the record. When this
21 grievance and the grievances that were heard prior, similarly
22 situated grievances, are scheduled for hearing, DHRM can
23 provide a subject-matter expert regarding federal law
24 (inaudible).

25 DUPREE: And I think that would be a great thing to

1 have at those hearings.

2 JOHNSON: Yes, sir.

3 DUPREE: That's just my opinion. That brings us to
4 Item Number 22, discussion, possible action related to
5 grievance 9481 Vironica Banks, Department of Corrections.
6 Anybody have any thoughts on this one?

7 RUSSELL: Turessa Russell for the record,

8 DUPREE: Yes, Turessa.

9 RUSSELL: I'm leaning toward to moving -- leaning in
10 the direction of moving this forward also.

11 DUPREE: Okay.

12 RUSSELL: I apologize. The rest of my comment just
13 went out of my head.

14 DUPREE: If you want to take a second, we can let
15 you do that.

16 RUSSELL: Oh, Turessa for the record.

17 DUPREE: Yes?

18 RUSSELL: I do want to acknowledge the fact that
19 even if we hear a grievance, we are not bound or limited to
20 only what the grievance proposed resolution is. I wanted to
21 take that into account cause we do have some new members.

22 DUPREE: Okay. Any discussion on that motion or a
23 second?

24 GORDON: Mary for the record.

25 DUPREE: Yes, Mary?

1 GORDON: I was just -- may I ask for the reason
2 behind moving it forward on what --

3 RUSSELL: I wish I -- let me pull up the grievance.
4 I'm going off of my notes. Turessa for the record.

5 CASE: The one thing I had questioned in my
6 notes, this is Ava for the record, down towards the end she
7 was questioning sexual harassment, but I did not see any
8 reports or anything towards that that we could move forward on
9 that side.

10 RUSSELL: Turessa for the record.

11 DUPREE: Yep. Yes, Turessa?

12 RUSSELL: We have to be aware that due to higher
13 venues, we cannot hear or consider the sexual harassment or
14 the -- any -- and I'm not saying it's in this case here, any
15 retaliation. There's other venues that would be more
16 appropriate for those particular issues.

17 DUPREE: My question then becomes if you carve
18 those two things out, is there anything left of the grievance
19 that we can look at? She's talking about -- she talks a
20 little bit about sexual harassment and retaliation, a little
21 bit about ADA, there's a whole bunch of different stuff in
22 there.

23 GORDON: Mary for the record. If we look at her
24 proposed resolution, she wants -- Lieutenant Willetts
25 (phonetic) needs to be disciplined for his willful negligence

1 in carrying out essential functions of his duties. If I
2 understanding correctly, we don't have the jurisdiction, the
3 agency does not have the jurisdiction, to impose discipline,
4 right, on somebody.

5 DUPREE: Correct.

6 GORDON: Also it appears that that lieutenant was
7 reassigned to a different location so that pretty much
8 resolved her issue with Lieutenant Willett and working
9 directly with him.

10 DUPREE: Okay.

11 GORDON: Regarding the ADA and the retaliatory
12 concerns, that would be out of -- I believe out of our
13 jurisdiction and would need to be reviewed through a different
14 venue.

15 DUPREE: Okay. So with that discussion, I'm now
16 confused where are we at. I mean, we're in favor of moving it
17 forward and we're in favor of not moving it forward. Does
18 anybody want to put that in --

19 GORDON: Mary for the record.

20 DUPREE: Yep.

21 GORDON: I move to deny grievance 9481. I'm not
22 quite sure, but based on lack of jurisdiction, as it should be
23 heard in a different venue.

24 DUPREE: Okay. I got to get clarification cause I
25 may be confused. Turessa, have you made a motion or were you

1 just talking about making a motion in discussion?

2 RUSSELL: No, I was -- Turessa for the record. I
3 was only giving my thoughts.

4 DUPREE: Okay.

5 RUSSELL: I believe that Nora has clear verbiage on
6 denying the hearing -- a motion for denying moving the
7 grievance forward to a hearing for lack of jurisdiction or
8 previous (inaudible).

9 DUPREE: I think that would be -- go ahead.

10 RUSSELL: (Inaudible) that the relief was available
11 in another venue, but the exact wording is not coming to my
12 head.

13 DUPREE: Okay. So we have Mary's motion on the
14 floor and just for fun, I'll second that motion. I believe
15 the statute we would use when we don't have jurisdiction is
16 284.695 and Nora is nodding her head to me, so yay for the
17 win. So with that, all in favor of denying grievance --
18 what's the number on this thing?

19 RUSSELL: Turessa for the record?

20 DUPREE: Yes, Turessa.

21 RUSSELL: Can the motion please be restated so I'm
22 clear on what I'm voting on, please?

23 DUPREE: Okay. Can you restate your motion?

24 GORDON: Mary for the record. I motion to deny
25 grievance number 9481 based on lack of jurisdiction and wrong

1 venue. It sounded much better the first time.

2 DUPREE: Todd, would it be better to say based on
3 lack of jurisdiction and the wrong venue under Section NAC
4 284.695?

5 WEISS: Todd Weiss, Deputy Attorney General. I
6 don't think you need to cite the statutes that you're denying
7 the jurisdiction on.

8 DUPREE: Okay.

9 WEISS: It doesn't need to be that specific. I
10 think just saying that we're denying the grievance cause it's
11 out of our jurisdiction and relief can be found in another
12 venue is all we need to say.

13 DUPREE: Okay. So we have a motion on the floor
14 and I'll second it. Any discussion on that motion? Hearing
15 none, all in favor of denying grievance 9481 due to of
16 jurisdiction, say aye.

17 MEMBERS: Aye.

18 DUPREE: Any opposed? Motion carries unanimously.
19 Which brings us to discussion of lawful action related to
20 grievance 9506, Delia Wolfe, Department of Corrections.

21 GORDON: Mary for the record.

22 DUPREE: Yes, Mary.

23 GORDON: This is similar to the grievance that was
24 motioned to be heard.

25 DUPREE: Yes, it is.

1 RUSSELL: Turessa for the record.

2 DUPREE: Yes, Turessa.

3 RUSSELL: I make the motion that we move grievance
4 9506 for Delia Wolfe forward for hearing with the scope of
5 being limited to the consistent application of case law and
6 regulations.

7 DUPREE: Do I have a second on that motion?

8 CASE: This is Ava Case for record. I second.

9 DUPREE: Okay, motion and second. All in favor of
10 the motion, say aye.

11 MEMBERS: Aye.

12 DUPREE: Mary, you didn't say aye.

13 GORDON: Aye.

14 DUPREE: Well, say that. I shouldn't lean on it
15 that way. Say whatever you want, but you were the only one
16 hadn't voted.

17 GORDON: Opposed.

18 DUPREE: Okay.

19 GORDON: Nay.

20 DUPREE: Well, it's still three to one, so motion
21 passes. Discussion, possible action related grievance 9507,
22 Rashonda Smith, Department of Corrections.

23 GORDON: Mary Gordon for the record.

24 DUPREE: We'll go Mary Gordon first, then Turessa.
25 Mary, go ahead.

1 GORDON: I just wanted to point out this is a
2 similar case of the other correction that we just voted on.

3 DUPREE: Yes, it is. Turessa, go ahead.

4 RUSSELL: Turessa for the record. I motion that we
5 move grievance 9507 forward for hearing with the scope of the
6 hearing being limited to consistent application of case law
7 and regulations.

8 DUPREE: Do I have a second?

9 CASE: This is Ava Case for the record. I
10 second.

11 DUPREE: Okay. All in favor of the motion, say
12 aye.

13 MEMBERS: Aye.

14 GORDON: Opposed. Okay. Three to one. That one
15 passes. Okay, discussion, possible action of grievance 9545,
16 Erin Parks, Department of Corrections.

17 GORDON: Mary Gordon for the record.

18 DUPREE: Mary Gordon for the record. Yes, Mary.

19 GORDON: Based on the proposed resolution, I don't
20 feel that we have the jurisdiction.

21 DUPREE: Anybody have any thoughts on that?

22 RUSSELL: Turessa for the record.

23 DUPREE: Yes, Turessa.

24 RUSSELL: There have been multiple grievances
25 throughout the years, and I think on about year 13 on the

1 Committee where we have heard a grievance and not been able to
2 grant the proposed resolutions, but quite often we can come up
3 with a different recommendation or outcome for the hearing.

4 DUPREE: Okay. Well, you made a motion to deny
5 because we couldn't do the possible solution. Did we get a
6 second on that one yet or were we still discussing?

7 CASE: This is Ava (inaudible) Director.

8 DUPREE: Yes, Ava.

9 CASE: When I was reading through it, to me this
10 is just a procedure as far as interviewing and I'm not sure we
11 have jurisdiction over that.

12 DUPREE: Okay. Would you like to second Mary's
13 motion then?

14 CASE: Is there a motion out on the floor?

15 DUPREE: She's put a motion out. We just haven't
16 gotten a second on it yet. We're still discussing.

17 CASE: Can I hear the motion again please?

18 DUPREE: Yeah. Mary, you want to do it again?

19 GORDON: Mary for the record. I motion to deny
20 grievance number 9545 based on lack of jurisdiction.

21 CASE: This is Ava Case for the record. I
22 second.

23 DUPREE: Okay. All in favor of the motion to deny
24 grievance 9545 based on lack of jurisdiction, say aye.

25 MEMBERS: Aye.

1 DUPREE: Any opposed?

2 RUSSELL: Nay.

3 DUPREE: Okay. By three to one margin, the motion
4 to deny grievance 9545 due to lack of jurisdiction passes.
5 Brings us to Item Number 26, discussion, possible motion of
6 grievance 9468, Bridget Bliss, Department of Corrections.
7 Anybody have any thoughts on that one?

8 GORDON: Mary Gordon for the record.

9 DUPREE: Yes, Mary.

10 GORDON: I motion to deny grievance 9468 based on
11 this should -- it appears that this should go through a
12 different venue. She alleges discrimination and retaliatory
13 actions.

14 DUPREE: Okay, so that'd be a lack of jurisdiction?

15 GORDON: Yes.

16 DUPREE: All right.

17 RUSSELL: Turessa Russell for the record.

18 DUPREE: Yes, Turessa.

19 RUSSELL: I also see in my notes that I had
20 retaliation as a jurisdiction issue. I do also note that
21 there was a question of consistent application of policy.

22 DUPREE: Okay.

23 RUSSELL: That, Turessa for the record, we do have
24 jurisdiction to find out if there is consistent application of
25 policy.

1 DUPREE: So right now, Mary has a motion on the
2 floor to deny the grievance. That motion has not been
3 seconded -- I don't think it has been seconded yet so we're
4 still discussing. So does somebody want to second Mary's
5 motion or do we want to go -- does anybody want a second
6 Mary's motion? Hearing none, that motion dies, but it could
7 be resurrected. We don't know. Turessa, do you have a
8 motion?

9 RUSSELL: Turessa for the record. Give me a second.
10 I am looking into more detail at the grievance itself.

11 DUPREE: You got it. That's why we're here.

12 WEISS: Chair, this is Deputy Attorney General
13 Todd Weiss. I want put something out there for the
14 Committee's consideration. Work schedules and telework
15 privileges are always considered internal management
16 decisions. Under no circumstance could we direct the agency
17 to give somebody telework privileges or compressed work
18 schedules, nothing like that. We can't touch it. I don't
19 know how else to just put that plainly. It's an internal
20 management decision through and through. So while Turessa is
21 correct that we could technically look at, you know, equal
22 application of the policy, which we always have jurisdiction
23 over, you have to think about what, if any relief, we could
24 possibly give in this situation given the fact that we can't
25 intercede in internal management decisions within the agency.

1 DUPREE: Turessa?

2 RUSSELL: Turessa for the record.

3 DUPREE: Yeah, go ahead, Turessa.

4 RUSSELL: Turessa for the record. I make a motion
5 that we deny grievance 9468 for lack of jurisdiction.

6 GORDON: Mary for the record.

7 dup Yes, Mary.

8 GORDON: I second the motion to deny the 9468.

9 DUPREE: All in favor of denying grievance 9468?

10 MEMBERS: Aye.

11 DUPREE: Motion to deny grievance passes
12 unanimously.

13 JOHNSON: Chair Dupree?

14 DUPREE: Yes?

15 JOHNSON: DAG Weiss, I do have a question.

16 WEISS: Yes.

17 JOHNSON: Do we need to cite NRS 284.02072 based on
18 that discussion?

19 WEISS: Yeah, yeah. You know, I think with that
20 one that would be appropriate.

21 JOHNSON: Just for the template letter when it goes
22 to the grievant?

23 WEISS: Yeah, I agree. I think that that would --
24 normally it's not necessary, but I think with that one,
25 because it's a close issue, the citing of the statute would be

1 helpful to the grievance.

2 JOHNSON: Okay. Thank you.

3 RUSSELL: Thank you, Nora.

4 JOHNSON: You're welcome, Turessa.

5 DUPREE: That brings us to discussion and possible
6 action related to grievance 9542, Suzanne Suter, Department of
7 Agriculture.

8 RUSSELL: Turessa for the record.

9 DUPREE: Yes, Turessa?

10 RUSSELL: The census is on a written reprimand. I
11 don't remember specifics. I'm thinking we should move this
12 one forward also.

13 GORDON: Mary Gordon. Mary for the record.

14 DUPREE: Yes, Mary?

15 GORDON: May I ask the reasoning to move forward?

16 DUPREE: Turessa, Mary wants to know your thoughts
17 on why you want to move this forward.

18 RUSSELL: Oh, thank you. Turessa for the record.
19 There's a question on whether or not all the NAC violations
20 are appropriate. I'm not indicating that it would probably
21 remove the reprimand that there have been instances where they
22 have needed to be corrected for accuracy.

23 GORDON: So I'd have to go -- I'm thinking, if I
24 recall correctly, there was an administrative investigation
25 completed, there were statements obtained by other employees

1 involved that witnessed her behavior towards this driver. I
2 would recommend, based on the management and the witness
3 statements and the process, I feel the process was followed to
4 issue the written reprimand and feel that the employee was
5 rude and discourteous to the driver. I think that I recommend
6 denying the grievance.

7 RUSSELL: Turessa for the record.

8 DUPREE: Yes, Turessa?

9 RUSSELL: For clarification, am I hearing in motion
10 on the table to deny grievance 9542 per previous decision of
11 the EMC?

12 DUPREE: We were just discussing at the moment but,
13 Mary, do you want to put that in as a motion?

14 GORDON: Sure. Mary for the record. I motion to
15 deny grievance 9542 based on the process for the written
16 reprimand was appropriate.

17 WEISS: Deputy District Attorney Todd Weiss.
18 Member Gordon, we can't determine something was appropriate
19 without a hearing.

20 DUPREE: Okay.

21 GORDON: All right.

22 WEISS: That's only allowed to be made after a
23 full hearing.

24 GORDON: So let --

25 WEISS: At this point, you can only accept or deny

1 based on strictly jurisdiction. Either it's not a grievable
2 issue or we have previous decisions that warrant either,
3 moving forward or denying. We can make no factual or legal
4 determinations on the substance of grievance based on just
5 what's in the grievance.

6 GORDON: Thank you. Let, I'd like -- Mary for the
7 record. I'd like to correct my motion.

8 DUPREE: Okay, Mary.

9 GORDON: I'd like to deny grievance number 9542.

10 DUPREE: Okay. Turessa made a motion earlier to
11 move it forward, and I asked for clarification and then it
12 turned into a motion about denying. So let's first deal with
13 Turessa's motion to move it forward. Do we have a second on
14 Turessa's motion to move it forward? Hearing none, that
15 motion dies. Do we have a second on Mary's motion to deny the
16 grievance?

17 CASE: This is Ava Case for the record. Yes. I,
18 I agree.

19 DUPREE: Do you second?

20 CASE: Yes. Second. Sorry. Second. Yes.

21 DUPREE: Thank you, Ava. Okay. We have a motion
22 and a second to deny this grievance. All in favor of denying
23 this grievance, say aye.

24 MEMBERS: Aye.

25 DUPREE: Any opposed?

1 RUSSELL: I'm going to abstain on this one.

2 DUPREE: Okay.

3 JOHNSON: Chair Dupree?

4 DUPREE: Yes.

5 JOHNSON: Just a point of order.

6 DUPREE: Uh-huh.

7 JOHNSON: I don't know if there's still more
8 regarding Item Number 27, but item number 28th is discussion
9 and possible action related to grievance 9626 of Tiffany
10 Alexander, who was with the Department of Public Safety. Mary
11 Gordon is also with the Department of Public Safety. This
12 agenda was built prior to her appointment and I failed to
13 remove it from set agenda. So with DAG Weiss' approval, if
14 you would prefer to strike it from this agenda, we can put it
15 on another one as it's simply a discussion item.

16 RUSSELL: Point of order, Turessa.

17 DUPREE: Yes, Turessa, go ahead.

18 RUSSELL: Unfortunately, from where Nora is situated
19 compared to the microphone, she is not coming in clearly down
20 here in the south.

21 DUPREE: Okay. Nora just said that it was
22 discussion of Item Number 28, motion and possible action of
23 grievance 9626. That grievant works for the Department of
24 Public Safety, where our newest member is a personnel officer.
25 Therefore, she is conflicted out from it and it should have

1 been removed from the agenda and we're going to pretend it's
2 not there. Is that a good summary, Nora?

3 RUSSELL: Turessa for the record.

4 DUPREE: Yes, Turessa?

5 RUSSELL: Can I make a motion that this be moved to
6 a agenda at our hearing at a future date, and can she at least
7 vote on that or do we just make a motion to remove it from the
8 agenda as it has been approved?

9 JOHNSON: Nora Johnson for the record. Correct me
10 if I am wrong, DAG Weiss, but there doesn't need to be a
11 motion. It's an administrative error. We can strike it and
12 move on with our day.

13 DUPREE: Yeah. All right.

14 WEISS: That's correct. Deputy Attorney General
15 Todd Weiss. Yeah, if we're talking about moving into a
16 different new agenda, that doesn't require a motion. That can
17 just be an administrative decision from the Chair.

18 DUPREE: Okay. Strike that from this agenda.
19 Turessa, you never registered your vote on item number 27, the
20 motion to deny. The vote was three in favor of moving to deny
21 the grievance. This is on nine five -- what is it, 9626,
22 Tiffany Alexander -- oh, no, no, not that one. It was 9542,
23 Suzanne Suter, and we have three of us have voted to deny the
24 grievance. You had not voted yet.

25 RUSSELL: Turessa for the record, I apologize for

1 not being loud enough to be heard. I abstained because I am
2 having issues.

3 DUPREE: Okay. Got it.

4 JOHNSON: Nora Johnson for the record.

5 DUPREE: Yep.

6 JOHNSON: DAG Weiss, point of order, I don't believe
7 that we have or previously used the option to abstain. If
8 there are issues with the grievance, a member can clearly
9 vocalize that they do not agree with that, but I don't recall
10 ever abstaining from a vote.

11 DUPREE: What if we register her opposition as a
12 opposed? So --

13 RUSSELL: Turessa.

14 DUPREE: Yes, Turessa.

15 RUSSELL: I'll change my vote from an abstention to
16 an opposition.

17 DUPREE: Okay. With three to one the motion to
18 deny grievance 9542 passes. Which brings us to public
19 comment. Any member of the public can comment if they want.
20 We cannot vote on anything brought up in public comment until
21 (inaudible) to an agenda. Do we have any public in the south?

22 UNIDENTIFIED: We have two proposed comments here.

23 DUPREE: Okay.

24 RUSSELL: Turessa for the record.

25 DUPREE: Yeah. Yes, Turessa?

1 RUSSELL: Would it be beneficial for people in the
2 north to have any individual that's making public comment to
3 come to the table and sit in the chair or stand behind the
4 table where they can be seen by the camera?

5 DUPREE: It'd probably be helpful. Yeah.

6 WEISS: I think that's appropriate. Whoever wants
7 to start, come over to the chair.

8 RINGWALT: This fine?

9 UNIDENTIFIED: (Inaudible.)

10 DUPREE: And to the people that are publicly
11 commenting, state your name for the record, please.

12 RINGWALT: My name is Gina Ringwalt. I'm here as a
13 member of the public, but I'm also a 16-year employee for the
14 state of Nevada. I just want to share some of my experiences.
15 It's not a disfortune (SIC) that I ended up here today and I
16 haven't been here prior to the last year and the incidents
17 that have happened to me. So from what I understand, and
18 there seems to be a little bit of confusion, but from what I
19 understand is that the EMC does not have the jurisdiction to
20 impose discipline. All of the information I'm talking about
21 today is public record and I got it from the Employee
22 Management Committee website, where a decision was made to
23 enforce disciplinary action on an employee where none had
24 taken place prior to. And when I requested the public records
25 to support that, it was shown that the employee did in fact

1 provide the evidence to the Committee to show A, no prior
2 disciplinary action had been taken against that employee prior
3 to the decision based by the EMC on June 9th, 2022, and also
4 that the employee had provided to the Employee Management
5 Committee evidence that they were in fact not in violation of
6 the Governor's directive policy memorandum, whatever we're
7 calling it, because the Department of Health and Human
8 Services had provided evidence, in fact, that employee was in
9 compliance at the time they were written up. So it just seems
10 to me that maybe these cases should be taken a little bit more
11 seriously as they do impact the lives of your peers and their
12 families, and I really hope that all of the evidence will be
13 looked at and considered prior to making decisions. This is
14 an important duty that you all have and I hope that you
15 understand the severity of that. Also, I'd like to point out
16 the fact that a hearing was granted to employees without a
17 prior discussion from the Committee. So I'm kind of curious
18 as to how that happened because it's my understanding the
19 discussions such as that are happening today need to take
20 place in a public meeting prior to making a decision to move
21 grievance to a hearing. That was not done.

22 DUPREE: This is a public meeting, ma'am.

23 RINGWALT: I'm sorry?

24 DUPREE: This meeting is a public meeting.

25 RINGWALT: Correct. However, the Committee has

1 granted hearings in the past without a prior discussion in a
2 public meeting so I'm not sure if that was done maliciously or
3 if it was just overlooked and oversight. Nonetheless, I do
4 understand that that should have taken place. So what
5 happened as a result of that is that the employee wasn't given
6 the opportunity to have the grievance discussed by the
7 Committee in a public forum to determine whether or not to A,
8 grant the hearing, B, deny the grievance or C, grant the
9 grievance without a hearing. So what happened as a result of
10 that, the employee was granted hearing without prior
11 discussion subject to having to provide all the documented
12 evidence that was not looked at, send it up to Carson City,
13 and now there are medical information, (inaudible)
14 information, employment information, everything is now public
15 record because they were denied the due process in having
16 their grievance discussed prior to being granted a hearing.
17 So just -- if you could just, you know, hold that knowledge as
18 your guiding light to doing the right thing for going to the
19 state of Nevada. And that's clock out. Thank you. And thank
20 you for your service. Thank you. I appreciate that. I'm
21 just disappointed that it doesn't work and also anybody that's
22 here for a grievance denied, you have the option to file an
23 appeal at the judicial court. They're not going to tell you
24 that, but you do have that right, which is another thing I was
25 denied as well. Thank you.

1 CHUNG: All right. My name is Perry Chung for the
2 record. P-E-R-R-Y, last name Chung, C-H-U-N-G. Today, by its
3 own approval of the meeting minutes for its meetings going
4 back over two years to September 9th, 2021, listed as agenda
5 items 5 through 18, the EMC has demonstrated 14 gross
6 violations of Nevada Open Meeting Law, specifically NRS
7 241.035 requirements that a public body shall approve the
8 minutes of the meeting within 45 days after the meeting or at
9 the next meeting of the public body, whichever occurs later.
10 The public is entitled to an explanation of this Committee's
11 failure to timely draft and approve their meeting minutes per
12 statutory requirements and why this Committee eventually
13 subcontracted a third party outside of the EMC to transcribe
14 the meeting audio so that the Committee could post these
15 transcripts to their website in lieu of drafting its actual
16 meeting in its further statutory obligations of the Nevada
17 public body. Additionally, per NRS 284.071, the EMC is
18 required to meet at least once every three months. This
19 Committee violated this requirement as well when they failed
20 to conduct a meeting during the months of October, November,
21 and December 2022. The inability of this Committee to
22 maintain an adequate forum to conduct its regular meetings is
23 also a cause for concern. By denying grievance 9532 without a
24 hearing, the EMC has denied my right to due process and the
25 chance to present the facts and evidence to substantiate. The

1 Division of Mortgage Lending, the Department of Business and
2 Industry, and Agency HR ignored the specific requirements
3 outlined in the EMC's written decision, 34-22, failed to
4 follow the transparent and strict HR procedures replacing --
5 removing, or replacing the disciplinary document in my
6 otherwise impeccable service jacket at DHR and central records
7 because of the EMC's intentional choice to ignore public data
8 evidence from the Nevada Department of Health and Human
9 Services Office of Analytics that not only prove that I was
10 not insubordinate for declining weekly COVID-19 testing after
11 it became optional, but also absolved me of the allegations
12 outlined in the original written reprimand dated September
13 24th, 2021. This Committee refuses to hold the Department of
14 Business and Industry, Agency HR, or the Department of
15 Administration accountable for ignoring the requirements
16 outlined in its supposedly binding written decision 34-22 and
17 in doing so, has chosen to be a complicit partner in the state
18 of Nevada's retaliation against me for disclosing improper
19 governmental action and abuses of official authority or
20 influence, and its members have simultaneously failed to
21 remedy the Department of Business and Industry's retaliatory
22 action of which this Committee was made aware on notice when I
23 filed and escalated grievances 8417 and 9352. I timely filed
24 grievance 9532 outlining these injustices and Agency HR and
25 the Department of Administration failed to provide the

1 relevant documents or even offer a substantive response during
2 this process when the grievance was escalated up the chain of
3 command, suggesting that there is no dispute with my grievance
4 or my proposed resolution of removal of the inappropriate
5 written reprimands that were set for records on March 27th,
6 2023. And yet ultimately, rather than grant my grievance
7 without a hearing or grant me a hearing on this matter, this
8 Committee has unilaterally decided that my employer is not
9 required to address the acts that I feel constitute injustices
10 and that I'm not entitled to even be heard. For the record,
11 Agency HR has not proven that the original written reprimand
12 of September 24th, 2021 was ever properly executed, legally
13 placed in, and then legally removed from my permanent service
14 jacket, or that the improperly created, revised, written
15 reprimand was properly and transparently executed following
16 the proper chain of custody. This suggests that either the
17 original written reprimand was never fully executed by an
18 appointing authority and enforceable at any time, or that
19 Agency HR and or/the appointing authorities of the Department
20 of Business and Industry in the Division of Mortgage Lending
21 are maintaining secret files that are prohibited under NAC
22 284.734. Either way, the appropriate resolution to this
23 grievance is removal of the improperly issued written
24 reprimand. While I cannot change the disappointing outcome of
25 this Committee's discussion of grievance 9532, I will use my

1 remaining time to formally request that this Committee timely
2 provides me its final written decision so that I may petition
3 to a judicial district court for a judicial review of the
4 EMC's decision to deny my grievance 9532 today without a
5 hearing. I encourage any of my fellow state employees up
6 north or down here that disagree with or are otherwise
7 unsatisfied with EMC's decision on your grievance today to
8 explore their right to do the same. Thank you very much.

9 DUPREE: Thank you. Any other public comment?
10 Hearing none, the Chair would like -- without objection, the
11 Chair would like to move to adjourn this meeting. Meeting
12 adjourned.

13 RUSSELL: Thank you.

14 *** END OF MEETING ***

15
16
17
18
19
20
21
22
23
24
25