



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
January 25, 2018

Held at the Legislative Counsel Bureau, 401 S. Carson Street, Room 4100, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 4401, Las Vegas, Nevada, via videoconference and teleconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Hagler–Chair	
Ms. Pauline Beigel	
Mr. Guy Puglisi	X
Ms. Sandie Ruybalid	X
Mr. Ron Schreckengost	
Ms. Jennifer Bauer	
Employee Representatives	
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. Zina Cage, EMC Hearing Clerk

1. Due to a last minute room change in Las Vegas from room 4406, to room 4100, Co-Vice Chair Sandie Ruybalid called the meeting to order at approximately 11:14 a.m.

2. Public Comment

There were no comments from the audience or Committee Members.

Co-Vice Chair Ruybalid opened the meeting with committee introductions.

Co-Vice Chair Ruybalid stated item # 5 on the agenda, would be stricken from the agenda and reagendaized at a later date due to a clerical error.

3. Adoption of the Agenda – Action Item

Co-Vice Chair Ruybalid requested a motion to adopt the agenda.

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

4. Approval of Minutes for October 12, 2017 – Action Item

Co-Vice Chair Ruybalid requested a motion to adopt the minutes.

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

5. Approval of Minutes for November 16, 2017 – Action Item

Co-Vice Chair Ruybalid requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.
BY: Member Guy Puglisi
SECOND: Member Turessa Russell
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance #5324 of Monika Smith, Department of Transportation – Action Item

Co-Vice Chair Ruybalid opened the committee for discussion.

Member Puglisi stated part of the relief the grievant was seeking was to be reassigned to a different supervisor, and that had been done.

Member Puglisi stated in the grievance, the employee had filed a sexual harassment/discrimination complaint to address the allegations of the supervisor's behavior.

Member Puglisi stated he did not believe the EMC had jurisdiction over this grievance, as it is being reviewed by a different venue, citing NAC 284.696.

Member Thompson stated she agreed, the EMC did not have jurisdiction over the grievance.

Member Russell stated she also agreed.

Co-Vice Chair Ruybalid asked if anyone was prepared to make a motion.

Member Puglisi requested Mr. Whitney confirm the citation of NAC 284.696 was correct before stating a motion.

Mr. Whitney stated the citation of unlawful discrimination based on NAC 284.696 was correct.

Member Puglisi moved to deny grievance #5324 in accordance with NAC 284.696, as the EMC does not have jurisdiction over a grievance for discrimination or that is being reviewed in another venue.

MOTION: Moved to deny grievance #5324 based on NAC 284.696, the EMC lacks jurisdiction over the substance of this grievance, as this grievance is being reviewed in a different venue.

BY: Member Guy Puglisi

SECOND: Member Sherri Thompson

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

7. Discussion and possible action related to Grievance #5332 of Jimmie Garrett, Department of Business and Industry - Action Item

Co-Vice Chair Ruybalid opened the committee for discussion.

Member Puglisi stated he did not believe the EMC had jurisdiction over this grievance either.

Member Puglisi stated the employee evaluation ratings were all 'meets standard' and the employee was contesting the ratings for job elements #3, #5 and #7, however, after reviewing the work performance standards (WPS), it appeared that job element #1 and #2 indicated how exceptions would lower the rating.

Member Puglisi stated that job elements #3, #5 and #7 state what the job expectation is, and did not state if the employee did well or otherwise, the rating would be impacted based on the number of exceptions.

Member Puglisi stated as the evaluation is 'meets standards', and there are no specific points of disagreement with the language, the EMC did not have jurisdiction and the agency has the right to manage its department as it sees fit in this instance.

Co-Vice Chair Ruybalid stated the EMC has had prior decisions on this same matter, where the EMC cannot require an employee to rate an employee 'above standard'.

Co-Vice Chair Ruybalid stated the EMC could use the prior decision citation or the jurisdiction citation.

Mr. Whitney stated the EMC does have jurisdiction to consider evaluations, as noted by Member Puglisi, if there is language in the evaluation that is disparaging, or if the employee did not meet standards.

Mr. Whitney stated it would be more appropriate to use the prior decisions citation, as the EMC has made prior decisions stating grievances with a 'meets standards' evaluation, and no disparaging language have not been moved forward to hearing.

Co-Chair Ruybalid requested Mr. Whitney clarify if the actual prior decision needed to be cited.

Mr. Whitney stated the EMC could state 'prior decisions'.

Member Thompson stated she agreed and due to the fact the evaluation was a standard evaluation, she did not think the EMC should move this to hearing.

Member Russell stated she agreed with the other members.

Co-Vice Chair Ruybalid asked if anyone was prepared to make a motion.

Member Thompson moved to deny the request for hearing, for grievance #5332, in accordance with NAC 284.695(1), based on the fact the EMC can deny a request based on previous decisions for like circumstances.

MOTION: Moved to deny grievance #5332 based on NAC 284.695(1), EMC prior decisions.
BY: Member Sherri Thompson
SECOND: Member Guy Puglisi
VOTE: The vote was unanimous in favor of the motion.

8. Public Comment

There were no comments from the audience or Committee Members.

9. Adjournment

Co-Vice Chair Ruybalid adjourned the meeting at approximately 11:30 am.