



**STATE OF NEVADA EMPLOYEE-
MANAGEMENT COMMITTEE**

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**Meeting Minutes of the Employee-Management Committee
(Subject to Committee Approval)**

Date: October 15, 2020

Pursuant to Governor Sisolak's Declaration of Emergency Directives 026 and 029, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). All meetings are held on MS Teams, and recorded.

Committee Members:

Management Representatives

Present

Ms. Pauline Biegel-Chair	X
Ms. Tonya Laney	X
Ms. Sherri Thompson	X

Employee Representatives

Ms. Turessa Russell	X
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Staff Present:

Mr. Robert Whitney EMC Counsel, Deputy Attorney General
Ms. Breece Flores, EMC Coordinator
Ms. Ivory Wright, EMC Hearing Clerk

1. Call to Order

Chair Biegel called the meeting to order on Thursday, October 15, 2020 at 11:00 a.m.

2. Public Comment

Chair Biegel opened the floor to public comment.

There were no comments from the audience or Committee Members.

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

Chair Pauline Biegel, Nevada Department of Transportation, opened the meeting by introducing herself.

Tonya Laney, Nevada Department of Motor Vehicles, introduced herself.

Chair Biegel introduced Sherri Thompson.

Turessa Russel, University of Nevada, Las Vegas, introduced herself.

Breece Flores, EMC Coordinator for the Carson City Office, introduced herself.

Ivory Wright-Tolentino, EMC Admin Clerk, introduced herself.

Robert Whitney, Deputy Attorney General, introduced himself.

4. Adoption of the Agenda – Action Item

Chair Biegel entertained a motion to adopt the agenda.

Tonya Laney made a motion to adopt the agenda.

Turessa Russell seconded the motion. The motion passed unanimously.

MOTION: To adopt the agenda.
BY: Member Laney
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

5. Approval of Minutes for July 09, 2020

Chair Biegel asked for a motion to accept the meeting minutes for July 9, 2020.

Sherri Thompson voted to accept the meeting minutes for July 9, 2020.

Tanya Laney seconded the motion. The motion passed unanimously.

MOTION: Approve Minutes for July 9, 2020
BY: Member Thompson
SECOND: Member Laney
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance #7048 Anthony Ritz, Department of Corrections – Action Item

This matter came on for hearing before the Employee-Management Committee on October 15, 2020.

Chair Biegel informed the Committee that possible action may include reviewing the request for consideration to determine if the grievance can be answered without a hearing if the matter is based upon an EMC's previous decision or does not fall within the EMC's jurisdiction.

Tonya Laney indicated her concern that the grievant changed the desired outcome of the original grievance in that he wanted to abstain from filling out a form, which was granted due to the grievant's correct interpretation of NAC's nepotism policy, and then decided he still wanted to escalate the grievance due to a claim of retaliation by his sergeant. Mr. Ritz's claim could be interpreted as a whistleblower claim in that he claims improper government action and authority by the HR Manager, per NAC 281.641. Due to this change in the claim, Member Laney indicated that the grievance then falls under two different things, which no longer meet the definition of a grievance, and are outside of the purview of the EMC per NAC 284.658.

Turessa Russell indicated her concern regarding the chief's action in requesting the form, but concurred that the grievance did not fall under the purview of the EMC.

Sherri Thompson concurred.

Member Laney made a motion to deny Grievance No. 7048 based on the fact that it does not meet the definition of a grievance per NAC 284.658 and may have the possibility of relief under NAC 284.281.

DAG Robert Whitney indicated that the motion is fine but that perhaps the first part should mention the fact that NDOC did not have the grievant complete doc 1109.

Member Laney amended the motion to deny Grievance No. 7048 based on the fact that it does not meet the definition of a grievance per NAC 284.658 as employee Anthony Ritz was no longer required by his agency to complete form DOC 1109 and may have the possibility of relief under NAC 284.281.

Member Russell seconded the motion. The motion carried unanimously.

MOTION: Moved to deny grievance No. 7048
BY: Member Laney

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

**7. Discussion and possible action related to Grievance #7368 Jesse Haines
Department of Corrections – Action Item**

This matter came on for hearing before the Employee-Management Committee on October 15, 2020.

Chair Biegel indicated that possible action may include reviewing the request for consideration to determine if the grievance can be answered without a hearing if the matter is based upon EMC's previous decision or does not fall within the EMC's jurisdiction.

Tonya Laney explained her concern regarding this particular grievance given that at Step 3, Harold Wickham (phonetic) responded and agreed to remove the written reprimand, but the employee decided to continue forward in filing the grievance for retaliatory actions. Member Laney indicated that based on that, this grievance would no longer fall within the purview of the EMC as there could relief granted through another means of filing under retaliatory actions.

Chair Beigel concurred with Member Laney' analysis of this grievance.

Sherri Thompson concurred with Member Laney's analysis of this grievance.

Turessa Russell concurred with Member Laney's analysis of this grievance.

Chair Beigel made a motion to answer grievance 7368 without a hearing as it no longer meets the definition of a grievance per NAC 284.658 because NDOC removed the written reprimand.

Member Laney seconded the motion. The motion carried unanimously.

MOTION: Moved to deny grievance No. 7368
BY: Chair Beigel
SECOND: Member Laney
VOTE: The vote was unanimous in favor of the motion.

**8. Discussion and possible action related to Grievance #7386 Cecily Gay,
Department of Business and Industry – Action Item**

This matter came on for hearing before the Employee-Management Committee on October 15, 2020.

Chair Biegel indicated that possible action may include reviewing the request for consideration to determine if the grievance can be answered without a hearing if the matter is based upon an EMC's previous decision or does not fall within the EMC's jurisdiction.

Tonya Laney indicated that in reviewing this grievance, she was undecided whether or

not this item rises to the definition of a grievance. Member Laney indicated that based on the information back and forth between employee and employer, this did not rise to the definition of a grievance, but if pertinent information was missing, it could rise to the definition of a grievance. Member Laney then indicated that the job of the EMC is to review what is presented to the Committee, and if the employee does not include enough information for the Committee to believe the complaint rises to the level of grievance, then the EMC would not move it forward for a hearing. Member Laney indicated that in this particular case, the employee was asked through multiple steps of the grievance process to provide something and could not do so. Member Laney further indicated that the process is discretionary on the agency side but still appears not to rise to the level of grievance.

Sherri Thompson indicated that she would like to see this grievance moved forward based on the fact that the Committee does not have enough information and because the grievant is unaware of the Committee's process regarding submission of information, it would be fair to move the grievance forward.

Turessa Russell concurred with Member Thompson's analysis of this grievance.

Tonya Laney concurred, indicating again that she had been undecided on this particular grievance. Member Laney further noted that if this grievance was moved forward to a hearing, the grievant would be offered the opportunity to possibly bring back a statement or testimony from her former employer who she states had granted her approval/gold her that an MPD IV was going to be submitted on her behalf for the increase in pay, which is not granted at this level.

Member Russell made a motion to move Grievance No. 7386 forward to hearing in order for the EMC to have the opportunity to hear possible information that is currently not provided in the grievance form.

Member Laney seconded the motion. The motion carried unanimously.

MOTION:	Moved to grant No. 7386 a hearing
BY:	Member Bauer
SECOND:	Member DuPree
VOTE:	The vote was unanimous in favor of the motion.

9. Public Comment

Chair Biegel opened the floor to public comment.

There was no public comment.

10. Adjournment

Chair Biegel adjourned the October 15, 2020 meeting of the Employee Management Committee at 11:56 a.m.