



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
November 16, 2017

Held at the Legislative Counsel Bureau, 401 S. Carson Street, Room 3138, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 4412, Las Vegas, Nevada, via videoconference and teleconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Hagler	
Ms. Pauline Beigel	
Mr. Guy Puglisi	X
Ms. Sandie Ruybalid-Co-Vice Chair	X
Mr. Ron Schreckengost	
Ms. Jennifer Bauer	X
Employee Representatives	
Mr. Tracy DuPree	X
Ms. Turessa Russell	X
Ms. Sherri Thompson	
Ms. Adria White	
Ms. Sonja Whitten	X

Staff Present:

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

1. Co-Vice Chair Sandie Ruybalid called the meeting to order at approximately 11:00 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.

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 Tracy DuPree
SECOND: Member Sonja Whitten
VOTE: The vote was unanimous in favor of the motion.

4. Approval of Minutes for September 14, 2017 – Action Item

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

MOTION: Moved to approve the minutes.
BY: Member Jennifer Bauer
SECOND: Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

5. Discussion and possible action related to Grievance #5094 of Kari Ward, Secretary of State’s Office – Action Item

Co-Vice Chair Ruybalid opened the Committee for discussion.

Member DuPree stated this type of grievance has come before the EMC numerous times and while it is understandable that the grievant feels wronged, the EMC has previously ruled that this is the purview of the Personnel Commission, not the EMC.

Member Bauer stated she agreed with Member DuPree and stated she did not think it is within the jurisdiction of the EMC to overturn an appointment decision.

Member Puglisi stated he concurred that this grievance is a recruitment dispute and even if the NAC procedures were not followed, the EMC could not overturn an appointment.

Member Puglisi suggested a proposal to update the regulations to be clearer on how these disputes should be handled, noting the similarities in the three grievances on the agenda.

Denise Woo-Seymour, Personnel Analyst, Division of Human Resource Management (DHRM) stated Member Puglisi’s suggestion would be noted and passed on to the Recruitment section to review the language.

Ms. Woo-Seymour suggested that Member Puglisi also send a written request to the Recruitment section for a language review and revision, and stated she would contact Member Puglisi to refer him to the proper person.

Co-Vice Chair Ruybalid stated this grievance had gone beyond the recruitment phase and was at the agency appointment level, making EMC jurisdiction questionable.

Co-Vice Chair Ruybalid stated the employee was certified on the list, had an interview but was not selected and this may be a recruitment jurisdiction item.

Mr. Whitney stated the grievance seemed like more of a recruitment issue, rather than an EMC issue.

Co-Vice Chair Ruybalid asked if there was any other discussion related to this grievance.

Member Russell stated there have been past cases where the EMC has not changed the outcome, but in the process of hearing a grievance, have created a learning process between the employee and the employer.

Member Russell stated the EMC may need to hear more of these so that employees come out with a better understanding of the process.

Member Russell stated the majority of the time, there is no remedy the EMC can offer.

Co-Vice Chair Ruybalid asked if there is a prior decision to deny the grievance or if this was lack of jurisdiction.

Member Bauer stated that with full understanding this was a recruitment issue, there was no proof that any regulation had been violated, the process had been strictly followed and the substance of the grievance was the grievant was unhappy about the decision that was made.

Member Bauer stated rules and regulations allow for the appointing authority to make a decision as he or she deems fit.

Member Bauer stated if a grievant is unhappy with an agency's decision, the employee should take it upon themselves to seek out feedback as to why the decision was made, and what could be done better in the future for a different outcome.

Member DuPree stated it is important for grievants to be heard, but the EMC is not the appropriate venue.

Member DuPree stated the Personnel Commission may be a more appropriate venue.

Member DuPree moved to deny grievance #5094 due to lack of jurisdiction.

Mr. Whitney stated Member DuPree mentioned prior decisions and requested including the motion to be based on 284.695

Member DuPree restated the motion to include NAC 284.695(1).

MOTION: Moved to deny based on lack of jurisdiction, per NAC 284.695(1), as well as NAC 284.020(2), the agency has the right to run their department as they see fit.
BY: Member Tracy DuPree
SECOND: Member Guy Puglisi
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance #5165 of Gregory Yates, Department of Corrections - Action Item

Co-Vice Chair Ruybalid opened the Committee for discussion.

Member Puglisi stated while grievance #5165 is another recruitment dispute, the difference between #5165 and #5094, is the employee did not apply for the recruitment based on assumptions of her own.

Member Puglisi stated the EMC does not have jurisdiction over this grievance, and the agency chose someone else as the employee was not on the eligible list and the agency has the right to do so.

Member Bauer stated she agreed and stated the employee may be confused with the process, however, the EMC does not have the authority to grant the proposed resolution, citing the appointing authority has the ability to run his or her agency as necessary, and make appointments from the list of eligible candidates as deemed fit.

Member Russell stated there are inconsistencies with the process of recruitment and stated the language proposed by Member Puglisi to the Division of Human Resource Management should include clarification of the candidate list process.

Member DuPree stated when an employee is on the list, it says “you are eligible and this list “MAY” be used for further recruitments”, it does not state “IS” going to be used.

Member DuPree stated the EMC would benefit from clarification from the Division of Human Resource Management regarding the recruitment/list process.

MOTION: Moved to deny based on previous decisions, as well as lack of jurisdiction, per NAC 284.695(1).
BY: Member Guy Puglisi
SECOND: Member Tracy DuPree
VOTE: The vote was unanimous in favor of the motion.

7. Discussion and possible action related to Grievance #5206 of Kevin Vostinar, Department of Public Safety – Action Item

Co-Vice Chair Ruybalid opened the Committee for discussion.

Member Bauer stated we have another example of an employee confused by the recruitment process.

Member Bauer stated that any letter sent by Member Puglisi regarding the clarification of language regarding recruitment, should include the comments of this grievant.

Member Bauer stated it was clear the process was followed, however, there is still confusion on the employee's part regarding the process.

Member Bauer stated there is a certain amount of diligence required on the part of an applicant, but, in order to assist current employees' and future employees', agencies must clearly communicate recruitment requirements that may not be set forth in law or regulation.

Member Russell agreed.

Member Puglisi moved to deny grievance #5206 based on NAC 284.695(1), as well as prior decisions.

MOTION: Moved to deny based on previous decisions, as well as lack of jurisdiction, per NAC 284.695(1).

BY: Member Guy Puglisi

SECOND: Member Tracy DuPree

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

1. Public Comment

There were no comments from the audience or Committee Members.

2. Adjournment

Co-Vice Chair Ruybalid adjourned the meeting at approximately 11:23 am.