

1. Call to Order

Co-Vice-Chair Beigel called the meeting to order at approximately 9:00 am.

2. Public Comment

There was no public comment in the North or the South.

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

Co-Vice-Chair Beigel opened the meeting with Committee introductions.

4. Adoption of the Agenda – Action Item

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

MOTION: Moved to approve the agenda.

BY: Member Russell

SECOND: Member Thompson

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

5. Discussion and possible action related to Grievance #6749 of Jeffrey Holtz, Department of Corrections – Action Item

Co-Vice-Chair opened the Committee for discussion.

Member Russell stated the Committee should move the grievance to hearing.

Member Russell stated under the categories and the details of the grievance, there was not enough information to fully determine the merits.

Member Russell stated she felt the grievance was in the Committee's jurisdiction.

Member Thompson stated based on the information given, she could not see where the employee was harmed and for that reason, did not think the grievance should be heard.

Member Keith stated there is an administrative investigation in regards to the grievance that had most likely not concluded.

Member Keith stated per NRS 284.020 subsection 2 where the agency has the right to run the agency as they see fit would apply to this grievance.

Member Keith stated the timeline of the event on 9.19.2019 but the employee was not served the notice of investigation until 10.18.2019 and should have been notified before the shift change.

Co-Vice-Chair Beigel asked if the Committee has reviewed Administrative Regulation (AR) 301.04, that was being referenced as having been violated.

Co-Vice-Chair Beigel stated she did not think NRS 284.387 was relevant but did think AR 301.04 was.

Co-Vice-Chair Beigel stated the Committee could move the grievance forward to see if AR 301.04 was violated.

Co-Vice-Chair Beigel stated she did understand the point of NRS 284.020 subsection 2 that agencies could run it as they see fit, however, if the agency was potentially violating the AR, the grievance could go to hearing.

Co-Vice-Chair Beigel stated whether or not the Committee could address the “harm”, the grievance could be heard.

Co-Vice-Chair Beigel stated the Committee did not have any prior decisions that were close enough to this situation to determine based on prior decisions.

Member Russell stated this grievance did fall within the Committee’s jurisdiction.

Co-Vice-Chair Beigel stated this discussion was to determine if the Committee should hear the grievance.

Member Thompson motioned to move grievance #6749 to hearing.

Member Russell seconded the motion.

Co-Vice-Chair Beigel asked if there was any discussion.

Member Keith asked if the Committee should combine grievance #6749 and #6750 and move both to hearing.

Co-Vice-Chair Beigel stated she was going to suggest that option when the Committee began discussing grievance #6750.

MOTION: Moved to answer grievance #6749 with a hearing.
BY: Member Thompson
SECOND: Member Russell
VOTE: The vote was unanimous in favor of the motion.

6. Discussion and possible action related to Grievance #6750 of Ryan Wahl, Department of Corrections – Action Item

Co-Vice-Chair opened the Committee for discussion.

Member Keith motioned to move grievance #6750 to hearing with grievance #6749 as the issues are the same.

Member Russell seconded the motion.

Co-Vice-Chair Beigel asked if there was any discussion, there was none.

MOTION: Moved to answer grievance #6750 with a hearing and scheduled with grievance #6749

BY: Member Keith

SECOND: Member Russell

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

7. Discussion and possible action related to Grievance #6847 of Keith McKeehan, Department of Corrections – Action Item

Co-Vice-Chair Beigel asked if agenda item 7 and 8 could be considered together.

Mr. Whitney stated the Committee should discuss and vote on the grievances separately.

Co-Vice-Chair Beigel opened the Committee for discussion on grievance #6847.

Member Russell stated this appeared to be a complicated grievance and did not feel the Committee had heard these specific circumstances before.

Member Russell stated she felt the grievance should go forward to hearing.

Member Thompson agreed.

Member Keith stated this was a very important discussion to have for the Department of Corrections and that moving to hearing would be appropriate.

Co-Vice-Chair Beigel stated her concern was the 20-day timeframe as the issue in the grievance happened in 2016.

Co-Vice-Chair Beigel stated she was not sure if the grievance was timely and she could not understand where the grievant got his event date from.

Member Thompson stated the grievance was so substantial, she could

not find the timeline in the grievance.

Co-Vice-Chair Beigel stated on page 1 of 7 the grievant stated he 'had just learned of a new viable threat within the last 20 days, which makes the filing of this grievance timely and I believe multiple violations have occurred as articulated in the body of this grievance'.

Co-Vice-Chair Beigel stated the grievance still referenced what happened in 2016 and that was why she was concerned with the timeframe and if the Committee could hear the grievance.

Co-Vice-Chair Beigel stated she agreed it was an important issue and in reading the responses, the agency is looking to change things and not brushing the issue aside.

Member Russell stated there is knowledge of a threat the grievant was made aware of on October 16th but the grievant is also referencing background history that goes back to 2016.

Co-Vice-Chair Beigel asked Member Russell if she was looking at grievance #6856 or #6847.

Member Russell stated she was referencing #6856.

Mr. Whitney stated the grievant could be referring to the situation both officers cited in Ely and perhaps that was the trigger for the grievance.

Mr. Whitney stated it was difficult to determine the timeframe.

Member Russell stated because of the amount of information listed in the grievance, she was inclined to move the grievance to hearing in order to get more specific information.

Member Russell stated if during a hearing, the Committee learned there was not enough to satisfy the 20-day timeline, they could make a determination then but there was not enough in the grievance to determine it should not move to hearing.

Member Thompson asked for clarification, move the grievance to hearing and determine the timeline then.

Mr. Whitney stated that was his understanding and another thing to keep in mind was if there was indeed an issue with the timeline, the agency has the opportunity to file a motion to dismiss.

Member Keith stated she did believe the grievance should go to hearing as the Committee needed further clarification on the timeline.

Member Keith stated the agency does have a new Director and this

grievance was addressed by the previous Director.

Member Keith stated if the grievance went to hearing, the new Director may have the opportunity to address the issue.

Mr. Whitney stated new Director's have the opportunity to address previous grievances but did not recall if that had happened.

Mr. Whitney stated the people under the new Director are the same and frequently answered grievances.

Co-Vice-Chair Beigel asked if there was any more discussion, there was none.

Member Russell motioned to move grievance #6847 to hearing.

Member Thompson seconded the motion.

Co-Vice-Chair Beigel asked if there was any more discussion, there was none.

MOTION: Moved to answer grievance #6847 to hearing.

BY: Member Russell

SECOND: Member Thompson

VOTE: The vote was 3 to 1 in favor of the motion with Co-Vice-Chair Beigel voting 'nay'.

8. Discussion and possible action related to Grievance #6856 of Paul Lunkwitz, Department of Corrections – Action Item

Co-Vice-Chair Beigel opened the Committee for discussion.

Member Thompson stated the Committee should move this grievance to hearing.

Member Thompson stated she did not find a specific date, but the grievance did reference a situation in Ely and did warrant a hearing.

Co-Vice-Chair Beigel stated this grievance had the October 16th reference of a 'new viable threat' and a more specific timeline.

Member Russell stated when the motion is made, both grievance #6856 and grievance #6847 should be heard together as they are similar in nature.

Member Keith stated she agreed.

Member Russell motioned to move grievance #6856 to hearing and to schedule with grievance #6847 if practical.

Member Thompson seconded the motion

Co-Vice-Chair Beigel asked if there was any discussion, there was none.

MOTION: Moved to answer grievance #6856 with a hearing and be scheduled with grievance #6847

BY: Member Russell

SECOND: Member Thompson

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

9. Public Comment

There was no public comment in the North or the South.

10. Adjournment

Co-Vice-Chair Beigel adjourned the meeting at approximately 9:30 am.