



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
December 14, 2017

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 4412, Las Vegas, Nevada, via videoconference and teleconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Hagler–Chair	X
Ms. Pauline Beigel	
Mr. Guy Puglisi	X
Ms. Sandie Ruybalid	
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, Hearing Clerk

1. Chair Mandy Hagler called the meeting to order at approximately 11:00 a.m.
2. **Public Comment**

There were no comments from the audience or Committee Members.

Chair Hagler opened the meeting with committee introductions.

3. Adoption of the Agenda – Action Item

Chair Hagler requested a motion to adopt the agenda.

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

4. Approval of Minutes for September 28, 2017 – Action Item

Chair Hagler requested a motion to adopt the minutes.

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

5. Discussion and possible action related to Grievance #5213 of Peter Hachikian, Department of Business and Industry, Taxicab Authority – Action Item

Chair Hagler opened the committee for discussion.

Member Puglisi asked if Mr. Hachikian had other grievances' outstanding.

Chair Hagler stated grievance #5213 was the last grievance outstanding, and there were hearings with two or three of his previous grievances'.

Mr. Whitney stated he drafted and submitted a decision regarding a grievance for Mr. Hachikian and asked if that could be verified by the EMC coordinator.

Chair Hagler stated Mr. Whitney was correct, there were two hearings for Mr. Hachikian and received verification from the EMC coordinator.

Chair Hagler stated Mr. Hachikian had no grievances other than #5213.

Member Thompson stated she was unsure of what the grievant wanted.

Member Thompson stated she understood the grievant was dissatisfied, but Mr. Hachikian does not offer a resolution, other than to hear the grievance.

Chair Hagler stated she agreed and it seemed like the grievant was grieving his actual coaching.

Chair Hagler stated the coaching could be compared to a Letter of Instruction, it was a verbal coaching and not disciplinary.

Chair Hagler stated there was no NRS or NAC quoted by the grievant, and no proof that a policy or procedure was not followed.

Chair Hagler stated she was unsure of what was being grieved as it seemed to be a coaching session with a supervisor.

Member Puglisi stated in the step one response, the proposed resolution was a copy of the court audio recording to be made available to the grievant.

Member Puglisi stated the grievance is over routine matters which are not under the jurisdiction of the EMC, and per NRS 284.020, the agency has the right to run its department as it sees fit, as long as it does not violate a statute or regulation.

Chair Hagler asked if Member Puglisi was making a motion.

Member Puglisi stated he could, but asked if the committee had spoken.

Chair Hagler stated Member Russell had not, and asked Member Russell if she had any comments.

Member Russell stated the only thing the EMC could do, if the grievance moved forward, would be to help the grievant and management communicate better.

Chair Hagler stated there was a request for a resolution conference, and the agency had given the grievant everything he had requested in his resolution: a copy of the CD and the names of everyone listed at the hearing in question.

Chair Hagler stated she was not sure, if this grievance moved forward, what else the EMC could provide for relief.

Chair Hagler stated she agreed with Member Puglisi that agencies have the authority to run their business as they see fit.

Member Hagler stated there was no disciplinary, the grievant was upset with the coaching he received regarding professionalism.

Member Russell stated she agreed with Chair Hagler, however, if the grievance has come this far, there was a lack of understanding, or something else going on with the grievant.

Member Thompson stated there was probably something else underlying in this grievance, but it was not cited clearly in the grievance, leaving the EMC with nothing to go on.

Chair Hagler asked if the committee was ready to make a motion.

Member Puglisi moved to deny grievance #5213 based on NRS 284.020 which allows the agencies to run their business as they see fit, as well as, lack of jurisdiction.

Chair Hagler asked counsel if the motion was clear.

Mr. Whitney stated Member Puglisi could state 'move to deny the grievant a hearing', just to be clear'.

Member Puglisi stated if we are answering without a hearing, the EMC is denying the grievance and was unclear what counsel was looking for.

Chair Hagler stated when the EMC is hearing an agenda item, the EMC is answering without an actual grievance hearing.

Mr. Whitney withdrew his request to change the motion and stated Member Puglisi was correct in his original motion.

MOTION: Moved to deny grievance #5213 based on NRS 284.020, and lack of jurisdiction

BY: Member Guy Puglisi

SECOND: Member Sherri Thompson

VOTE: The vote was carried 3 to 1 in favor of the motion, with Member Russell voting against.

6. Discussion and possible action related to Grievance #5325 of Jimmie Garrett, Department of Business and Industry - Action Item

Chair Hagler opened the committee for discussion.

Member Puglisi stated part of the response in step 3 was a proposed resolution conference.

Member Puglisi asked if a resolution conference took place.

Chair Hagler stated per Ms. Denise Woo-Seymour, Personnel Analyst, Division of Human Resource Management (DHRM), a resolution conference was held.

Member Thompson asked if there was a policy through human resources, where supervisors have to go through training on how to be a supervisor.

Ms. Woo-Seymour stated per NAC, there is required training regarding evaluations, work performance standards and EEO topics.

Member Thompson asked if that training would also cover probationary periods and demotions.

Member Thompson asked if a supervisor would be trained on the processes in place if the supervisor had to discharge or demote an employee, and if that training was standard.

Ms. Woo-Seymour stated there are progressive disciplinary procedures required as a training course with refresher courses.

Chair Hagler asked if the training was mandatory.

Ms. Woo-Seymour stated per the regulations, the training was mandatory.

Member Puglisi stated the grievance seemed like more of a whistleblower complaint and was unsure of the proper venue for such a complaint.

Member Puglisi stated the intimidation piece in the grievance seemed like an EEO issue.

Chair Hagler stated she agreed with Member Puglisi, and was unsure of what the employee was grieving.

Chair Hagler stated the employee seemed upset he was unable to revert another employee and brought forth some issues with management.

Chair Hagler stated the NRS and NAC sections cited in the grievance relate to intimidation, disparaging treatment and dishonesty which do not fall under EMC jurisdiction.

Chair Hagler stated the grievant should have had training as a supervisor and due to the employee's tenure of 28 years with the state.

Chair Hagler stated there was concern as to whether this grievance was within EMC jurisdiction or be heard in a different venue.

Member Thompson stated there are other agencies that could handle this grievance such as the Ethics Committee or EEO and stated she did not think this grievance is within EMC jurisdiction.

Member Russell stated while she agreed, there is a probable issue going on but nothing the EMC could remedy.

Member Thompson moved to deny grievance #5325 based on NAC 284.695(1), lack of jurisdiction.

MOTION: Moved to deny grievance #5325 based on lack of jurisdiction,

BY: Member Sherri Thompson

SECOND: Member Guy Puglisi

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

7. Discussion and possible action related to Grievance #5239 of Judith Kersten, Department of Corrections – Action Item

Chair Hagler opened the committee for discussion.

Member Puglisi stated based on the step 3 responses from both parties, the policy that was not being applied consistently is now, however, the employee states she still does not agree with the policy.

Member Puglisi stated if the employer is not breaking a regulation, that falls under the department's right to run its agency as it sees fit.

Member Puglisi stated the employee makes numerous references to gender discrimination which would be an EEO issue.

Member Puglisi stated the employee is also seeking an apology and the EMC does not have the right to mandate one.

Chair Hagler stated she agreed, and the employee's resolution to rescind the policy and allow tower officers to work double shifts is not within the EMC's jurisdiction.

Chair Hagler stated she would agree, and there are several references to discrimination because she is a female, which could be filed in a different forum.

Chair Hagler stated NRS 284.020 allows the agencies to manage the affairs of their department as they see fit and that would include creating, in this case for Department of Corrections, Administrative Regulations (AR's) and Operating Procedures (OP's) to run their affairs.

Member Thompson stated she agrees and the employee's primary concern at the time the employee filed the grievance was the fact that the employee could not work doubles, and the sexual harassment piece was added later.

Member Thompson stated it looked like the shift issue had been resolved, and while the employee still may not agree with the policy, it is being applied uniformly.

Member Thompson stated she did not think the EMC had jurisdiction over anything else in the grievance.

Member Russell stated she was not clear why this one particular post is so much different than the other posts in regards to the issue of double shifts.

Chair Hagler stated in the employer step 2 response, the employee states and agrees the policy is applied fairly and no post is allowed a double shift at 16 hours.

Member Puglisi stated in the response, the difference is in the towers, they do not have another person to keep them alert. In other areas, there are teams working to keep each other alert.

Member Thompson stated the EMC does not have the authority to determine whether it is a good policy.

Chair Hagler stated the role of the EMC is to look at whether the policy was applied incorrectly, and it appears the policy had not been applied consistently. Through this grievance process, the agency and employee agree the policy is being applied consistently.

Chair Hagler stated the proposed resolution to remove the policy altogether, which does not fall within the jurisdiction of the EMC.

Member Puglisi moved to answer grievance #5239 without a hearing based on NAC 284.695(1) as it relates to NRS 284.020 and NAC 284.696.

Member Puglisi stated for committee clarification, not part of the motion, NAC 248.695 is lack of jurisdiction, NRS 284.020 is the agency has the right to run its department as it sees fit, and the EMC cannot mandate an apology, and gender discrimination is covered under NAC 284.696.

MOTION: Moved to answer grievance #5239 without a hearing based on NAC 284.695(1), NRS 284.020(2) and NAC 284.696.

BY: Member Guy Puglisi

SECOND: Member Sherri Thompson

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

Chair Hagler adjourned the meeting at approximately 11:38 am.