



**STATE OF NEVADA EMPLOYEE-
MANAGEMENT COMMITTEE**

100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701
Phone: (775) 684-0135 | www.hr.nv.gov | Fax: (775) 684-0118

Meeting Minutes of the Employee-Management Committee

**Date: June 25, 2021
(Subject to Committee
Approval)**

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
Mr. Guy Puglisi-Chair	X
Ms. Pauline Beigel	X
Ms. Dana Novotny	X
Ms. Jennelle Keith	X

Employee Representatives

Ms. Turessa Russell	X
Ms. Sherri Thompson	X

Staff Present:

Ms. Tori Sundheim EMC Counsel, Deputy Attorney General
Ms. Breece Flores, EMC Coordinator
Ms. Ivory Wright, EMC Hearing Clerk

1. Call to Order

Chair Puglisi called the meeting to order at approximately 11:32 am.

2. 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 Puglisi, Department of Health and Human Services, opened the meeting by introducing himself.

Pauline Beigel, NDOT, introduced herself.

Jennelle Keith, Department of Motor Vehicles, introduced herself.

Sherri Thompson, department of Employment, Training, and Rehabilitation, introduced herself.

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

Dana Novotny, GOED, introduced herself.

Tori Sundheim, Deputy Attorney General, introduced herself.

Breece Flores introduced Ivory Wright, EMC Coordinator for Las Vegas, and then herself, who is the EMC Coordinator for the Carson City Office.

4. Adoption of the Agenda – Action Item

Chair Puglisi indicated that items 5, 6, and 7 need to be removed from the agenda as those meeting minutes were held up at the printer. Chair Puglisi next called for a motion to adopt the agenda.

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

5. Approval of Minutes for May 2, 2019 - For Possible Action

This agenda item was removed from this meeting.

6. Approval of Minutes for May 30, 2019 - For Possible Action

This agenda item was removed from this meeting.

7. Approval of Minutes for June 20, 2019 - For Possible Action

This agenda item was removed from this meeting.

8. Approval of Minutes for January 16, 2020, February 13, 2020, June 11, 2020 - For Possible Action

Chair Puglisi indicated that he would like entertain a motion to approve items 8, 9, and 10, meeting minutes for January 16, February 13, and June 11, 2020 as a package.

MOTION: Approve Minutes as a package for
January 16, 2020, February 13, 2020, and June 11,
2020

BY: Member Novotny

SECOND: Member Russell

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

9. Approval of Minutes for February 13, 2020 - For Possible Action

This agenda item was bundled with and approved under agenda item 8.

10. Approval of Minutes for June 11, 2020 - For Possible Action

This agenda item was bundled with and approved under agenda item 8.

**11. Discussion and possible action related to Grievance #6650 Johnny Colin,
Department of Corrections – Action Item**

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi indicated that the issue itself began in August of 2019 and the grievance was filed in January of 2020. Chair Puglisi further explained that throughout the course of the grievance, other issues were added, and there was a request for the employee to transfer, which was granted, but the employee was opposed to having to serve a new trial period, which is required by NAC 284.444. Chair Puglisi indicated that the initial transfer was not part of the original grievance and as such, the Committee should focus on the original issue.

Pauline Beigel indicated that on page 105, the documentation states the event date as August 15, but that the date of the event was 12/23/2019.

Chair Puglisi noted that where the grievance itself is talking about behavior, he is not sure of the accuracy of the dates in the documentation.

Jennelle Keith indicated that on page 505, the third step response states that on March 16 a request was received to transfer.

Chair Puglisi explained his belief that the request evolved.

Dana Novotny indicated belief that the Committee doesn't have the jurisdiction to transfer without a trial period and that the even date 12/23 corresponds with reassignment to from Ely to somewhere in the southern region.

Chair Puglisi indicated that the Committee needs to look at the end of page 4, where there is the request for a fair decision regarding transfer as a status employee rather than having a trial period. Chair Puglisi further indicated that the Committee does not have the jurisdiction to honor this request given that it cannot change regulations.

Member Keith made a motion to dismiss Grievance No. 6650 due to lack of jurisdiction, and the inability to allow trial period condition to be waived per NAC 284.444.

Member Thompson seconded the motion. The motion carried unanimously.

MOTION: Moved to dismiss grievance No. 6650
BY: Member Keith
SECOND: Member Thompson
VOTE: The vote was unanimous in favor of the motion.

12. Discussion and possible action related to Grievance #7001 Shari Kassebaum, Department of Corrections – Action Item

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi indicated that possible action for this item 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.

Chair Puglisi indicated that this is a recruitment dispute and explained that Ms. Kassebaum did not feel that she received a fair interview, the result of which was someone else being selected. Chair Puglisi further indicated that there were allegations of retaliation, as well. The complaint was either forwarded to the EEO for investigation or was against one of the EEO officers in the agency.

Chair Puglisi indicated his research, citing a decision from 2018 that stated the appointing authority has the authority to hire as they see fit.

Pauline Beigel indicated that the Committee likely does not have jurisdiction over this type of EEO complaint and investigation.

Jennelle Keith concurred with Ms. Beigel.

Dana Novotny asked if the Corrections Division has its own EEO, and if so, does the complaint go to them first.

Chair Puglisi indicated that the DOC does have internal EEO representatives as well

as the Inspector General's Office for internal investigations, following which, complaints would then go to the DHRM EEO officer.

Pauline Beigel indicated that DHRM also has its own internal EEO officer.

Jennelle Keith indicated that the Department of Motor Vehicles follows a similar process.

Dana Novotny asked how someone reporting about an EEO officer goes above the EEO officer. Dana Novotny concurred that this is likely outside of the jurisdiction of the Committee as the Committee is not the right venue.

Chair Puglisi indicated his belief that it is possible an independent third party could be brought in and concurred that the Committee does not have the jurisdiction to dictate how interviews should be done and who should be chosen. Chair Puglisi reiterated that the last two sentences of the complaint indicate the desire on the part of Ms. Kassebaum to receive a fair interview process with a fair interview panel; Ms. Kassebaum further alleges that the interviewers are members of a "1 percent club" whose conduct should not be above reproach, including the unlawful activity of not allowing an outspoken women a fair chance at promotion.

Jennelle Keith indicated that the grievance date is 12/31/19 and asked about the length of investigation into a Whistleblower complaint.

Chair Puglisi indicated 20 working days.

Pauline Beigel asked about the appropriate NAC when the Committee lacks jurisdiction.

Chair Puglisi asked for clarification of Ms. Beigel's question.

Pauline Beigel clarified the inability of the Committee to have jurisdiction because the complaint does not meet the definition of a grievance.

Chair Puglisi responded that NAC 284.695 mentions answering the request without a hearing if the case is based upon the Committee's previous decisions or does not fall within its jurisdiction.

Member Beigel made a motion to deny Grievance No. 7001 because the Committee does not have jurisdiction per NAC 284.695 and is therefore allowed to deny the grievance without a hearing.

Member Keith seconded the motion. The motion carried unanimously.

MOTION: Moved to grant grievance No. 7001
BY: Member Beigel
SECOND: Member Keith
VOTE: The vote was unanimous in favor of the motion.

13. Discussion and possible action related to Grievance No. 7109, Jeremiah Hall, Department of Corrections – Action Item

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi indicated that this agenda item will be combined with agenda item number 16.

14. Discussion and possible action related to Grievance #7033, Shari Kassebaum, Department of Corrections – Action Item

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi indicated that possible action for this agenda item 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 if the matter falls within the EMC's jurisdiction.

Chair Puglisi explained his belief that this agenda item revolves around an inmate's file not being transported with the inmate and indicated that when a file is not transported with an inmate, it needs to be transported within 72 hours after the inmate has been moved. Chair Puglisi indicated that in this complaint, Ms. Kassebaum alleges that this was not done, but from Chair Puglisi's understanding, there is no injustice involved in this complaint because Ms. Kassebaum suffered no penalty as a result.

Jennelle Keith indicated that page 3 of the grievance indicates that the complainant has already filed an EEO complaint with the federal government.

Chair Puglisi indicated that because this matter had been referred to and provided relief from another venue, in this case federal, then that is where the matter needs to remain rather than coming before the Committee.

Turessa Russell noted that page 4 of the complaint alleges that policies and procedures are not clearly written and new rules are being made without being put into writing. Ms. Russell noted that the Committee has jurisdiction to ensure that policies and procedures are being followed.

Dana Novotny indicated that due to the timing of the transport, the inmate's release from UMC Hospital, and the fact that the file was transported only a couple of hours later, it does not appear that any regulations were violated.

Pauline Beigel indicated that without all the facts and hearing each side, it is difficult to discern whether or not regulations were violated and suggested moving forward with the hearing at this point for that reason.

Chair Puglisi informed the Committee that this particular grievant has four grievances before the Committee, including the one denied earlier in the hearing.

Pauline Beigel indicated that the reasoning on page 3 or 4 suggests that after reviewing the grievance, the issue would be addressed with the warden to ensure clear understanding of the policy.

Dana Novotny asked if the file in question was a medical file that would fall under some sort of HIPAA law to ensure that files are not confused with that of another inmate.

Chair Puglisi indicated his belief that the file was an inmate file, not a medical file given that the regulation states that all institutional records will be updated and transferred simultaneously when the inmate is move between DOC institutions or facilities.

Dana Novotny asked if the regulations stated that files cannot be transported with another inmate and indicated that the basis of this complaint is that files were transferred alongside another inmate.

Turessa Russell suggested moving this item forward for hearing given that the Committee does not have all the facts at this time.

Chair Puglisi indicated his concern with this given that the Committee likely has all relevant information and the fact that there are many grievances filed by this particular complainant. Chair Puglisi reiterated the fact that a federal complaint was filed and indicated again that he did not see an injustice occurring in this case.

Pauline Beigel indicated that the injustice is noted where the complainant requests to stop having officers put in reports about her.

Chair Puglisi indicated that if this item moves forward for hearing, it is important for the Committee to ensure that it gets scheduled with the rest of her complaints that go up for hearing. Chair Puglisi indicated that Ms. Kassebaum's grievances, 6882 and 7011, are moving forward to hearing. Chair Puglisi indicated that there are two additional complaints that have already been decided to advance to hearing and encouraged the Committee to calendar this complaint, should it move forward to hearing, to be calendared with the other two so that all allegations could be heard at the same time.

Turessa Russell clarified that grievance 7001 was denied due to lack of jurisdiction and previous decision.

Chair Puglisi clarified that the grievance being advanced was 7011.

Jennelle Keith indicated her support for a hearing for this grievance, as well. Ms. Keith explained that if, in fact, the Inspector General's system is being undermined, hearing all Ms. Kassebaum's complaints together is a good idea in case a conversation needs to begin between Ms. Kassebaum, HR, and the leaders at NDOC.

Chair Puglisi indicated that he would like to entertain a motion to send this to hearing

with the understanding that any additional of Ms. Kassebaum's grievances be heard at the same time.

Member Russell made a motion that Grievance No. 7033 move forward for hearing with the hopes of being scheduled at the same time as any additional grievances from Ms. Kassebaum.

Member Novotny stated she seconded motion. Motion carries unanimously.

MOTION: Moved to advance grievance No. 7033
BY: Member Russell
SECOND: Member Novotny
VOTE: The vote was unanimous in favor of the motion.

15. Discussion and Possible Action Related to Grievance #7079 Daniel Tracy, Department of Corrections - For Possible Action

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi indicated that possible action for this grievance 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.

Chair Puglisi explained that the grievance at hand indicates that the individual left their motorcycle at their work facility overnight, where it was then damaged through vandalism. The individual is asking the Committee to have the facility install security cameras. Chair Puglisi stated his initial belief that the Committee does not have the jurisdiction to do so, and confirmed this by looking in the State Administrative Manual, Section 504, Subsection 1D, which states that "State employees' personal property kept or maintained on state property will be considered to be at their own risk and to be covered by their own personal insurance."

Jennelle Keith suggested that the complainant move toward a tort claim rather than a grievance given that the Committee will be unable to decide upon compensation for the motorcycle, but compensation for a tort claim can be decided by the State of Nevada.

Chair Puglisi concurred.

Pauline Beigel concurred that the Committee does not appear to have jurisdiction regarding this case as the Committee cannot force the workplace to get cameras, particularly in a time of budgetary cutbacks.

Jennelle Keith indicated that the response, in Step 2, indicates that High Desert Prison did make this request, but it was not approved.

Tori Sundheim suggested not mentioning other roads to recourse as part of the

motion.

Member Beigel made a motion that Grievance No. 7079 be denied as the Committee lacks jurisdiction on this matter per NAC 284.695.

Member Novotny stated she seconded motion. The motion carries unanimously.

MOTION: Moved to deny grievance 7079 due to lack of jurisdiction per NAC 284.695.
BY: Member Beigel
SECOND: Member Novotny
VOTE: The vote was unanimous in favor of the motion.

16. Discussion and Possible Action Related to Grievance #7084 Eric Boardman, and Grievance #7109, Jeremiah Hall, Department of Corrections - For Possible Action

This matter came on for hearing before the Employee-Management Committee on June 25, 2020.

Chair Puglisi added item 13, grievance #7109, Jeremiah Hall, to this agenda item. Chair Puglisi explained that this item is in regards to a dispute about voluntary versus involuntary overtime and allegations that other correctional officers are manipulating the mandatory overtime. Chair Puglisi explained that if COs work voluntary overtime, they then receive a reprieve from the mandatory overtime, but if the COs call in sick, they are then pulled from the mandatory overtime list. The agency sent out a memo to their staff indicating that this issue was brought to the attention of the Commission and informing staff that time sheets would be audited to identify violations of system manipulation. Chair Puglisi explained that despite these steps, the grievants are alleging that this practice is still taking place and being gotten away with.

Turessa Russell suggested moving this agenda item forward to hearing in order to find out whether or not the documented procedures in the administrative regulations are actually being followed.

Jennelle Keith concurred with Member Russell's suggestion, indicating that both complaints question the consistency in following the policy, and as such, moving it to hearing might clear up some inconsistencies and clarify the policy.

Dana Novotny concurred.

Member Russell made a motion that grievance Nos. 7084 and 7109 move forward to hearing and be placed on the same agenda.

Member Keith stated she seconded motion. The motion carried unanimously.

MOTION: Move grievance Ns. 7094 and 7109 forward to hearing and place them on the same agenda
BY: Member Russell

SECOND: Member Keith

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

17. Public Comment

Chair Puglisi opened the floor to public comment.

There was no public comment.

18. Adjournment

Chair Puglisi adjourned the June 25, 2020 meeting of the Employee Management Committee.