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STATE OF NEVADA  
EMPLOYEE-MANAGEMENT COMMITTEE  
MEETING TRANSCRIPT  
JULY 14, 2022

UNKNOWN: Oh, yeah. (Inaudible)

UNKNOWN: Oh, there we are. We're down there on the bottom (Inaudible).

UNKNOWN: We tested it. (Inaudible)

UNKNOWN: Yeah. They -- they're probably still on mute.

UNKNOWN: Would -- should we bring ourselves closer?

MULTIPLE: (Inaudible)

UNKNOWN: We tested it before.

UNKNOWN: I can't hardly see him, but I can't see very well, anyway.

UNKNOWN: Well, I think the -- yeah. Cameras are (Inaudible).

UNKNOWN: There we are.

MULTIPLE: (Inaudible)

UNKNOWN: We're gonna need to turn it up. Yeah, we don't hear you very well, Tracy.

UNKNOWN: Can you turn up a little? We can't really hear you. Can you turn ours up? There you go.

UNKNOWN: It's still distant. Really distant.

1 UNKNOWN: It's also like, slightly garbled

2 (Inaudible).

3 DUPREE: I don't know why, but Ray can't hear me.

4 UNKNOWN: Did you turn (Inaudible).

5 DUPREE: Guys, how do you hear me now?

6 UNKNOWN: Better.

7 DEPREE: Sitting next (Inaudible) you're sitting

8 next to me. I'm about to be deaf. I'm sorry about that.

9 UNKNOWN: I -- I can't, yeah.

10 DUPREE: Okay. It is 9:00 and I'm gonna call this  
11 meeting to order. Um, first thing I'm gonna do is, uh, have  
12 committee members, uh, go around and introduce themselves and  
13 committee members and staff. Um, I'll start with me. My name  
14 is Tracy DuPree, and I work for the Department of Employment  
15 Training and Rehab., and I just surpassed my 28th year with  
16 the State of Nevada last week. (Inaudible) You're stuck with  
17 me now folks.

18 MERRILL: Good morning. I'm Mechelle Merrill. I'm  
19 with DETR's Vocational Rehabilitation.

20 EVANS: Uh, Lisa Evans, Attorney General's office.

21 HUSBANDS: Uh, Deputy Attorney General Scott  
22 Husbands, uh, Attorney General's office here on behalf of the  
23 Department of Business and Industry, and the mortgage lending  
24 division.

25 JOHNSON: Nora Johnson, interim EMC Coordinator,

1 DHRM, Consultation and Accountability.

2 DUPREE: That takes it to you down south if you're  
3 ready.

4 SCOTT: Mary Jo Scott, OPM, HR Manager.

5 RUSSELL: Turessa Russell, University Nevada Las  
6 Vegas.

7 WEISS: Todd Weiss, Deputy Attorney General

8 WRIGHT: Ivory Wright, EMC Admin and Court.

9 VIVOR: Rhonda Vivor, Personnel Officer

10 WILLIAMSON: Monique Williamson Personnel Officer.

11 DUPREE: Thank you. First thing I'd like to do is,  
12 uh, move for an adoption of the agenda.

13 UNKNOWN: What about public comments?

14 DUPREE: I was gonna get to that.

15 HUSBANDS: Excuse me chair?

16 DUPREE: There's a certain -- okay. At every  
17 meeting, there's public comment. Anybody wanting to make  
18 public comment is welcome to do that. We cannot, uh, vote  
19 on any actions raised during public comment, but anybody  
20 making public comment, I ask that you please -- you stand  
21 and state name and be recognized, and we'll hear you out.  
22 Are there any -- is there anyone here for public comment?  
23 Hearing none. Uh, I'll introduce a motion to adopt the  
24 agenda. Without objection we'll adopt the agenda. Uh,  
25 let's see. That brings us to item five on your agenda,

1 the grievance for Cody Chung. Is anyone here on behalf of  
2 the grievant? Real quick, does anybody have any  
3 objections to the packets submitted by either grievant or  
4 the state.

5 WEISS: Chair, we're -- we're -- we're getting a  
6 little ahead of ourselves. Let's, uh, let's get the  
7 grievant up to the table first and, uh, get everyone  
8 sworn in.

9 DUPREE: Mr. Chung, do you promise to tell us the  
10 truth to the best of your ability when you're up here  
11 before us?

12 CHUNG: Uh, I do.

13 DUPREE: Thank you. Does anyone have any objection  
14 to the packets either submitted by the grievant or the  
15 state in this matter? Hearing, uh, Mr. Chung, please go  
16 ahead with your case.

17 CHUNG: Um, I just -- I just start with the --  
18 Okay. Uh, members of the Employee Management Committee.  
19 Good morning. I'm here today seeking a clearer  
20 understanding of the October 5th, 2021, internal  
21 investigation finding, as well as the opportunity to  
22 examine specific information that was evaluated by  
23 Department of Business and Industry Director Terry  
24 Reynolds, to substantiate the allegations indicated on  
25 the October 25th, 2021, investigation closeout letter. I

1 feel that neither Director Reynolds nor former Deputy  
2 Director Vincent Bud Milazzo, have provided a  
3 satisfactory explanation in their responses to my emails  
4 or throughout this eight-month grievance process to  
5 adequately justify the very serious allegation of  
6 insubordination and the harmful permanent future  
7 implications, Director Reynolds' determination and  
8 inclusion of that determination in my personnel record  
9 maintained by human resources will have on my  
10 professional reputation and career opportunities moving  
11 forward. I appreciate the opportunity to appear before  
12 the Employee Management Committee today, to have my  
13 questions addressed and arrive at an amicable resolution  
14 to this matter. That's it.

15 DUPREE: We'll call now on an opening statement.  
16 Does the state have an opening statement in response?

17 HUSBANDS: Yes. Thank you, Mr. Chair. Just a brief  
18 statement. Um, I am reviewing the packet. It was my  
19 understanding that Mr. Chung would be addressing, um,  
20 that his -- today's hearing would be limited to whether  
21 or not he would be entitled to receive a copy of the  
22 findings from the internal investigation. Uh, he is not  
23 entitled to receive a copy of those findings pursuant to  
24 NRS 284.3 0. There was never any discipline imposed on  
25 him as a result of those findings. He did in fact,

1 receive the findings. The findings were that the  
2 investigation was included and that the findings could be  
3 -- and that the allegations could be substantiated. There  
4 was never any discipline that occurred as a result of  
5 that. So therefore, he is not entitled to receive the  
6 investigation findings. And I think that's all we're here  
7 to discuss. And he got -- he got the letter, which  
8 constituted the findings. To the extent he's seeking  
9 access to the investigation file. He is legally precluded  
10 from having any access to that file.

11 DUPREE: Mr. Chung, Do you -- how do you respond?  
12 Uh, (inaudible), has asked you, how do you respond to  
13 that?

14 CHUNG: Um, uh, I -- I guess I'm -- I guess I'm  
15 just seeking a clear understanding, so I was just hoping  
16 I could ask, uh, some -- some questions regarding, uh, I  
17 guess the investigation process. This is the first time  
18 I've experienced disciplinary action in my, uh, nine-year  
19 career with the state of Nevada. So, I guess, um, I -- I  
20 just want some further clarification and, uh, to -- to, I  
21 -- I guess, uh, have an opportunity to ask questions of  
22 what -- what feels like my accusers, but, uh, um, I do  
23 feel like this is a -- a determination of insubordination  
24 is a pretty serious, uh, pretty serious, uh, charge as  
25 far as I'm concerned. And, uh, I just wanted to get the

1 record set straight in terms of the details. Maybe --  
2 maybe I won't be entitled to the investigation, uh,  
3 specifics, but, uh, that -- that is what I'm kind of  
4 curious to -- to learn more about today.

5 DUPREE: Okay. Um, do you want to list your  
6 questions one by one?

7 CHUNG: Um, uh, sure. If, uh, I -- I didn't know  
8 timing wise, if I -- if I'm able to do that or if, uh --

9 DUPREE: Well, what would you do -- this is an  
10 informal process. You get to present your case and the  
11 state can rebut or question you about it, and, uh, then  
12 the state gets to present its response, and then we'll  
13 deliberate. So why don't you go ahead and present your  
14 case and you can ask questions while you're doing that.

15 CHUNG: Okay. Uh, will I -- will I be offered a  
16 chance to ask questions of the other party?

17 DUPREE: Yeah, you can do that.

18 CHUNG: Okay. Um, then I guess I'll just, uh, go  
19 into, uh, I guess I'll go into this part, but, uh, on --  
20 on the February 18th, 2022, uh, order scheduling hearing  
21 for grievance 8582, it says that all parties must be  
22 present at the hearing regardless of whether they're  
23 represented by counsel. Uh, I've named director Terry  
24 Reynolds, former Deputy Director Vincent Bud Milazzo and  
25 Rhonda Vivor, personnel Officer three in the grievance

1 for which this hearing is being held. And I would like it  
2 noted that, uh, two of those people are not here today.

3 HUSBANDS: I just would like to clarify. Yes, this is  
4 Deputy Attorney General Scott Husbands, Mr. Chung had  
5 requested subpoenas for those three individuals, and the  
6 committee specifically denied issuing those subpoenas.  
7 So, nobody -- those people are not here in an attempt to  
8 subvert anything Mr. Chung is doing. They were not  
9 ordered to be here. Um, and we specifically requested  
10 that they be here, and the committee denied that I  
11 believe.

12 JOHNSON: Nora Johnson for the record, um, for the  
13 purposes of the scheduling orders by what is typically  
14 meant by both parties is a representative from the agency  
15 to be determined by the agency and the employee and or  
16 their representative. Right, It's -- that manual.

17 CHUNG: Understood. Um, okay. Uh, as I've  
18 expressed in my opening statement, I'm here seeking a  
19 better understanding of the specific information that was  
20 evaluated by Director Reynolds to substantiate the  
21 allegations indicated in his October 25th, 2021,  
22 investigation closeout letter. Uh, Director Reynolds  
23 indicates that, uh, it has been determined that one or  
24 more of the allegations could be substantiated. I would  
25 like to know if one or both of the allegations considered



1 during the internal investigation were substantiated. Um,  
2 and, uh, Director Reynolds statement, any type of  
3 retaliation may subject you to discipline up to and  
4 including termination. This line, uh, causes me anxiety  
5 as despite my direct request to Director Reynolds for his  
6 clarification of the statement. I was not made aware of  
7 what conduct would be seen as retaliation by the  
8 department that would subject me to additional harsher  
9 discipline. Um, and, uh, Director Reynolds circumvention  
10 of my request for clarification regarding his statements  
11 caused me to believe that, um, yeah -- uh, I'm just kind  
12 of confused about that whole part of the process. Um, uh,  
13 so since the witnesses I've referenced are not at the  
14 hearing today, if it is all right with the committee, I  
15 will reserve the remainder of my time to ask for  
16 clarification of the in -- investigation and its findings  
17 when I'm allowed to ask my questions.

18 DUPREE: Counsel for the department, uh, what,  
19 sorry, sir, what's your name?

20 HUSBANDS: Uh, Scott Husbands.

21 DUPREE: Scott, can you state your name for the  
22 record, please?

23 HUSBANDS: Yes. Uh, Deputy Attorney General Scott  
24 Husbands, Nevada, Attorney General. I am the personnel  
25 attorney for the Department of Business and Industry and

1 the Mortgage Lending division.

2 DUPREE: All right, sir. Thank you. Sorry about  
3 that make sure (inaudible).

4 HUSBANDS: So, I have, um, one witness who can speak  
5 to some of the exhibits in terms of when Mr. Chung was  
6 noticed and when the findings were issued. And -- and  
7 perhaps that witness can also answer whatever questions  
8 Mr. Chung has that would be relevant to what we're doing  
9 here today. Again, I think that what we're doing is  
10 basically a moot issue because there was never any  
11 discipline imposed on him as a result of the  
12 investigation that was commenced on September 30th, 2021.  
13 There is -- despite his comment in his opening statements  
14 about something being maintained in his personnel file,  
15 uh, there is nothing maintained in his personal file and  
16 was never issued any discipline. Yeah. So.

17 DUPREE: All right. Um, Mr. Chung, does that make  
18 you feel any better? That there's nothing in your  
19 personal file and there's never any discipline? Do you  
20 feel better about --

21 CHUNG: Um, that that does answer a few of my  
22 questions? Yes, I do feel better about that.

23 DUPREE: Do you have any objections to the state  
24 presenting their witness so that you can get -- further  
25 questions answered, or are you done with your case, or do

1           you want -- usually let you present and then they  
2           present, and then, how do you want to do it?

3           CHUNG:            Sure. Um, yeah, I'm -- I'm prepared. Uh,  
4           uh, yeah, I'm -- I'm ready.

5           EVANS:            Lisa Evans, Attorney General's office.  
6           Just, uh, point of clarification, so we are not rehearing  
7           Mr. Chung's case.

8           DUPREE:            No.

9           EVANS:            Mr. Chung has questions, uh, that he  
10          requires some clarification about, right?

11          DUPREE:            So far you got a lot of -- he's got a  
12          couple of these issues clarified and --

13          EVANS:            Okay. Just wanted to make sure that we're  
14          not rehearing --

15          DUPREE:            You don't wanna hear the whole thing  
16          again. We've been -- we've been down that road. Um, if  
17          you have a witness sir, could I -- bring them.

18          HUSBANDS:          Uh, yes. My witness would be Ms. Monique  
19          Williamson, uh, personnel officer. Um, and she is a  
20          personnel officer for the Department of Business and  
21          Industry.

22          DUPREE:            All right. Is she with us today or?

23          WILLIAMSON:         Yes. Yes.

24          DUPREE:            Ms. Williamson, uh, while you're  
25          testifying before the committee, you -- you intend to

1 tell the truth to the best of your ability?

2 WILLIAMSON: I do.

3 DUPREE: Thank you. Please state your name for the  
4 record.

5 WILLIAMSON: Monique Williamson, personnel Officer for  
6 Agency HR Services.

7 DUPREE: Thank you.

8 HUSBANDS: Good morning, Ms. Williamson. How are you?

9 WILLIAMSON: I'm doing well, thank you.

10 HUSBANDS: Can you hear me, okay?

11 WILLIAMSON: I can.

12 HUSBANDS: So, I just briefly, um, you were you -- as  
13 you stated at the beginning, uh, during your  
14 introduction, you are a personnel officer with Agency HR  
15 Services, is that correct?

16 WILLIAMSON: That is correct.

17 CHUNG: And one of the clients or employers that  
18 you handle personnel issues for is the Department of  
19 Business and Industry?

20 WILLIAMSON: That is correct.

21 CHUNG: And the Mortgage Lending division is, uh,  
22 a division under Department of Business Industry, right?

23 WILLIAMSON: Correct.

24 CHUNG: And the Mortgage Lending Division is the  
25 division that employs Mr. Chung, correct?

1 WILLIAMSON: Correct.

2 CHUNG: Correct. And in your work as a personnel  
3 officer, were you involved in issuing the notice in this  
4 that's in the packet as Exhibit A2, it's the notice dated  
5 September 30th, 2021?

6 WILLIAMSON: Uh, no, I was not part of Agency HR  
7 Services at that time.

8 HUSBANDS: Okay. But this, uh, exhibit A1 or A2, uh,  
9 was a notice of employee rights issued to Mr. Chung that  
10 is relevant to Exhibit A3, which was essentially the  
11 conclusion of that investigation, is that right?

12 WILLIAMSON: Correct. Yes, it is part of the  
13 disciplinary process.

14 HUSBANDS: Could you explain, uh, it -- it sounds  
15 like Mr. Chung has some questions about how the process  
16 works from issuance of the notice as exhibit A2 to the  
17 letter of findings as Exhibit A3. Can you just briefly  
18 explain for Mr. Chung and the committee how that process  
19 works at Agency HR services?

20 WILLIAMSON: Yes. So, um, essentially the agency has 90  
21 days from the issuance of the HR32 to actually present,  
22 um, or to conclude with the investigative findings  
23 letter.

24 HUSBANDS: Mm-hmm. <affirmative>

25 WILLIAMSON: And so, uh, what happens is you -- or in

1 this case, you were issued HR32, letting you know that  
2 there was an upcoming investigation. The investigation  
3 has been scheduled. It takes place and an investigative,  
4 um, report or summaries created, that is presented to the  
5 department, and then the department issues the  
6 investigative findings letter.

7 HUSBANDS: And that ex -- uh, investigative findings  
8 letter is Exhibit A3, the letter dated October 25th of  
9 2021.

10 WILLIAMSON: Yes, that is correct.

11 HUSBANDS: And if we go back to Exhibit A2, it  
12 appears that this investigation involved allegations of  
13 Mr. Chung's failure to test consistent with the state's  
14 covid testing policy. Is that right?

15 WILLIAMSON: That is correct.

16 HUSBANDS: And the letter included as Exhibit A3  
17 indicates that one or more of the allegations could be  
18 substantiated. Can you explain, um, what that means in  
19 terms of the investigation process?

20 WILLIAMSON: Uh, yeah. So, in this case, uh, that first  
21 bullet item, it really describes two separate matters or  
22 two separate allegations. So, one is that there was no  
23 record of Mr. Chung, um, having been tested during the  
24 work week of September 20th, 2021. And then the second  
25 is, um, Mr. Chung had not provided proof of having

1 completed any testing to date. And so, um, ultimately,  
2 and again, I do think the letter could probably be a  
3 little clearer, but that, um, is supposed to capture the  
4 -- the one or more that is being described. So, nothing  
5 outside of what's in this letter is actually being  
6 discussed in the -- in the further paragraphs. So, the  
7 one or more is both of these allegations in the first  
8 bullet item.

9 HUSBANDS: In the first bullet item?

10 WILLIAMSON: Yes. And so, then the conclusion and the  
11 second bullet item is, this is actually what is, um,  
12 alleged to have been committed, or the violation that is  
13 alleged to have been committed according to the PMPs and  
14 everything that binds the department.

15 HUSBANDS: Okay. And then lastly, once this letter,  
16 um, this October 25 -- what happens after this letter?  
17 This letter was signed by Director Terry Reynolds, who's  
18 the director of Nevada's Department of Business and  
19 Industry. It was sent to Mr. Chung. In your experience as  
20 a personnel officer, what happens with the process after  
21 the issuance of this letter?

22 WILLIAMSON: So, typically further discipline would  
23 take place, um, based on where the agency wanted to go  
24 with it. Um, could be, you know, suspension up to  
25 separation. In this case, uh, the department had reached

1 the threshold regarding testing, and so they decided that  
2 they really didn't wanna pursue this any longer. And so,  
3 in this case, it -- it ended with this letter.

4 HUSBANDS: Okay. So, there was no -- Mr. Chung  
5 actually suffered no discipline as a result of the  
6 investigation that began on September 30th, 2021?

7 WILLIAMSON: That is correct.

8 HUSBANDS: I have no further questions.

9 DUPREE: Mr. Chung, do you have any further  
10 questions for the witness?

11 CHUNG: Uh, yes, I do. Okay. Um, first of all,  
12 thank you very much for, um, being here to help clarify  
13 this matter for us today.

14 WILLIAMSON: Yes

15 CHUNG: Um, did you prepare the employer's, uh,  
16 pre-hearing statement you presented here today?

17 WILLIAMSON: I did.

18 CHUNG: Okay. Did you prepare the employer's pre-  
19 hearing statement under the guidance or direction of  
20 Director Reynolds who you are representing at this  
21 hearing?

22 WILLIAMSON: Not under the guidance of, but of course,  
23 um, he is privy to the packet before it's disseminated.

24 CHUNG: Understood. Um, on what date did Director  
25 Reynolds place the internal investigation results and the



1 investigation closeout letter in my personnel folder that  
2 is maintained by human resources?

3 WILLIAMSON: So, uh, the date of the letter -- so the  
4 date of the letter is both when it is disseminated to the  
5 employee and also when it is provided to agency HR  
6 services.

7 CHUNG: Okay. So, October 25th. Okay. And, uh, is  
8 it -- is Exhibit two and, uh, A3, um, so in employees'  
9 packet A2, I'm sorry. And, uh, employers' packet, uh, A3.  
10 Exhibit A3, is that a standard human resources form used  
11 to disclose the findings from an internal investigation  
12 that could lead to further disciplinary action after the  
13 investigation has been closed out?

14 WILLIAMSON: It is.

15 CHUNG: Okay. Um, now in your pre-hearing  
16 statement, you state that, uh, leadership over the  
17 division complied with the process described in NAC 284  
18 655, and standard practice when sending Mr. Chung, a  
19 letter of investigative findings to his home. Can you  
20 show me what part of NAC 284 655 outlines that  
21 investigative findings letters are to go to the home of  
22 the investigative employee?

23 WILLIAMSON: So, while not explicitly stated there,  
24 that has been interpreted in the past by agency HR  
25 services and is -- it has become part of the standardized

1 process.

2 CHUNG: Okay. Um, are State of Nevada employees  
3 provided any other information at the conclusion of  
4 internal investigations? Specifically, the information on  
5 which the determinations indicated on the standard  
6 closeout letter remain?

7 WILLIAMSON: So, the intent actually, of the HR32 is to  
8 let the employee know what is being alleged and what is  
9 going to be investigated. And then the findings letter  
10 just summarizes that.

11 CHUNG: Okay. And, um, is it any different if the  
12 employee specifically requested detailed information  
13 leading to the determination in writing?

14 WILLIAMSON: So, um, I can tell you again, standard  
15 practice is that the letter is that final determination.  
16 And so, if any other employee were to question it, we  
17 would refer back to the findings letter.

18 CHUNG: Okay. Now, um, what did Director Reynolds  
19 mean when he wrote in his investigation closeout letter  
20 that it has been determined that one or more of the  
21 allegations could be substantiated?

22 WILLIAMSON: Again, I mean, without being inside his  
23 head, um --

24 CHUNG: Mm-hmm. <affirmative>

25 WILLIAMSON: And this being a standardized template, I

1 believe that the one or more that is being referenced is,  
2 um, back -- I'll reference you back to the first bullet  
3 item, which has actually two allegations in one.

4 CHUNG: Gotcha. Um, so was he referring  
5 specifically to insubordination?

6 WILLIAMSON: Um, ultimately, yes. That was the  
7 conclusive finding, yes.

8 CHUNG: That it could be substantiated, correct?

9 WILLIAMSON: Mm-hmm. <affirmative>

10 CHUNG: Okay. Um, let's see. So, what were the  
11 specifics of the investigation that -- that Director  
12 Reynolds relied upon and evaluated to substantiate that  
13 determination that I had in fact committed  
14 insubordination?

15 WILLIAMSON: So again, I'll just reference exhibit A3.

16 CHUNG: Okay.

17 WILLIAMSON: And so that, um, that was what was  
18 investigated, those facts regarding testing and a record  
19 of testing and not being able to, um, of course find a  
20 record of testing that was substantiated. And so, that  
21 being substantiated insubordination, right. Failure to  
22 comply with instructions, directives, rules, regulations,  
23 policies, all that safety policies. So, that's back, or  
24 I'm sorry, that's referencing again the memo from, uh, I  
25 believe it was July 30th from the governor's office.

1 CHUNG: Gotcha. Okay. Um, why does director  
2 Reynolds's investigation closeout letter indicate that  
3 one or more of the allegations could be substantiated,  
4 but your pre-hearing statement states that both of the  
5 allegations could be substantiated?

6 WILLIAMSON: So, in this case, again, I was working off  
7 the actual letter

8 CHUNG: Mm-hmm. <affirmative>

9 WILLIAMSON: And so, one or more, but in this case,  
10 both were substantiated. So --

11 CHUNG: Both of the first bullet points?

12 WILLIAMSON: Well, the first bullet point, so that is -  
13 - so those are the facts that lead to the conclusive  
14 statement in the second bullet point.

15 CHUNG: Okay. I gotcha. I'm -- I'm picking that  
16 up. Okay. Um, uh, is it standard procedure for the  
17 results of an internal investigation to be disclosed in a  
18 pre-hearing statement to a grievance hearing instead of  
19 an investigation closeout letter?

20 WILLIAMSON: Sorry, can you repeat that one more time?

21 CHUNG: Yeah. Is -- is it standard procedure --  
22 standard human resource procedure for the results of an  
23 internal investigation to be disclosed in a pre-hearing  
24 statement to a grievance hearing instead of an  
25 investigation closeout letter?

1 WILLIAMSON: So, if I'm understanding correctly, No.  
2 So, the -- in this case, the employee would've received  
3 the closeout letter and then --

4 CHUNG: And that's the final word?

5 WILLIAMSON: That's, well, that -- yes, that is the  
6 final step in your case.

7 CHUNG: Okay.

8 WILLIAMSON: Regarding what took place.

9 CHUNG: Gotcha. Okay. Uh, thank you. While we're  
10 still looking at exhibit 2 and, uh, A3, please tell us  
11 what did director Reynolds mean when he further wrote  
12 that any type of retaliation may subject you to  
13 discipline up to and including termination?

14 WILLIAMSON: So, again -- so, this is actually a  
15 template letter.

16 CHUNG: Okay.

17 WILLIAMSON: That we utilize, um, upon further  
18 inspection, and, uh, thanks to your questioning, we do  
19 believe that probably this letter should be revised and,  
20 um, that that statement should either be clarified or  
21 perhaps even that last sentence.

22 CHUNG: Okay. If -- if it were to be clarified,  
23 how would it -- how would it be reworded? I'm just trying  
24 to understand.

25 WILLIAMSON: The intent

1 CHUNG: Yeah. Behind it.

2 WILLIAMSON: So, ultimately, it just means that if you,  
3 so, I guess if you continue, right, to engage in whatever  
4 behavior has led to these alleged violations, then of  
5 course, further discipline may come from that. That's  
6 really what that means. Is if you continue this behavior,  
7 we'll continue with this discipline. That's not the way  
8 that it's worded. And we agree with that. And so, we are  
9 taking a look at that.

10 CHUNG: Sounds good. Uh, thank you. Um, so the --  
11 the retaliatory behavior mentioned in the findings  
12 letter, um, exhibit two and exhibit A3, uh, in that, um,  
13 in that pre-hearing statement, you -- you state that the  
14 retaliatory behavior mentioned in your findings letter  
15 referred to continued insubordination by the employee,  
16 which will lead to further discipline and pursuit. Now,  
17 um, please explain what Director Reynolds meant by this  
18 statement. Um, specifically, please clarify the phrase,  
19 if pursued. Is -- is Director Reynolds suggesting that I  
20 would be pursuing continued insubordination, or that  
21 Director Reynolds himself will pursue further discipline  
22 against me in the future.

23 WILLIAMSON: So, it would be the second.

24 CHUNG: Okay.

25 WILLIAMSON: And again, that's because typically,

1 right, this letter then leads to further discipline.

2 CHUNG: Okay.

3 WILLIAMSON: Um, again, in your case, we decided to  
4 halt everything due to the unique circumstances, the  
5 threshold, that being taken into account.

6 CHUNG: Gotcha. Okay. Um, now in Ms. Vivor's,  
7 November 3rd, 2021, response to my direct email to  
8 Director Reynolds, she refers to Director Reynolds'  
9 October 25th, 2021, letter as an investigation closeout  
10 letter. However, in your pre-hearing statement, you refer  
11 to the same letter as both an investigative findings  
12 letter and a final investigative findings letter. Now, to  
13 add to the confusion, former Deputy Director Milazzo and  
14 Director Reynolds have denied my proposed resolution for  
15 a copy of the findings of the October 5th, 2021, internal  
16 investigation stating that this will be addressed through  
17 the investigation process. Um, for the record, this  
18 investigation is closed as of October 25th, 2021. Am I  
19 understanding that correctly?

20 WILLIAMSON: Correct. Yes. And so, this -- it is a  
21 findings letter, but again, in your situation, it was  
22 also a closeout letter. Yes.

23 CHUNG: Okay. I gotcha. Will I receive any further  
24 correspondence regarding this particular investigation?

25 WILLIAMSON: No, it is closed.

1 CHUNG: Okay. And just for the sake of  
2 completeness, uh, will I receive a final closeout letter  
3 for the October 5th, 2021, internal investigation from  
4 Human Resources?

5 WILLIAMSON: No, the letter one is and the same, and  
6 it's closed out.

7 CHUNG: Cool. All right. Um, next, uh, what do you  
8 mean by disciplinary actions against Mr. Chung have thus  
9 far paused?

10 WILLIAMSON: So, again, right now, of course, regarding  
11 covid, everything has -- has stopped. Um, we don't know  
12 what's going to happen in the future. And so, ultimately  
13 for those previous disciplinary, um, matters, so the --  
14 the written reprimand, the oral warning and all that,  
15 everything that is currently on file regarding covid is  
16 on file. And so, should covid ramp up again, should there  
17 be all of these mandates? Should all of that take place  
18 again? Technically, we could start not from scratch, but  
19 from where we left off and continue from there.

20 CHUNG: Okay. So -- so if disciplinary actions  
21 against me are currently paused, as you say, uh, what is  
22 the context and timing of when discipline would result?

23 WILLIAMSON: So, it would only resume if once again, it  
24 had been proven and substantiated that you were being  
25 insubordinate.



1 CHUNG: Okay. I guess my biggest fear is -- is  
2 let's say that's on the record. Um, and, uh, I'm five  
3 minutes late in for work the next day, you know, that's  
4 my biggest fear is, you know, you just mess up this one  
5 little bit and you're outta here. And that's -- that's  
6 what I need to clarify today.

7 WILLIAMSON: Okay.

8 CHUNG: Like, how -- how cause it -- it feels like  
9 that's a setup, you know?

10 WILLIAMSON: Okay. So, basically this discipline and  
11 everything that took place pertained solely to covid, the  
12 process, everything you've received pertained to the  
13 testing, the -- the vaccination mandate and all of that.  
14 If anything else were to take place regarding your work  
15 or your attendance or anything like that, that is a  
16 completely separate issue. And that would be handled  
17 completely separately. They wouldn't be able to -- I just  
18 piggyback off of this and then say, now we're at stage  
19 five.

20 CHUNG: Exactly. Okay. Um, so I would be afforded  
21 the same due process, meaning the LOI.

22 WILLIAMSON: Yes.

23 CHUNG: The -- the written and then for whatever  
24 that next thing was.

25 WILLIAMSON: That's a separate issue.

1 CHUNG: Okay. Thank you for that.

2 WILLAMSON: Yes.

3 CHUNG: Um, now if I could ask on what date did  
4 Director Reynolds consult with the Attorney General  
5 regarding possibly pursuing further discipline with  
6 regards to this?

7 HUSBANDS: I'm gonna go ahead and object to that  
8 question possible disclosure of attorney client  
9 information.

10 DUPREE: Uh, I'm gonna sustain that objection. Uh,  
11 um, I -- you don't really need to know what date he  
12 consulted his Attorney General. I see -- you've got the  
13 results of it in front of you.

14 UNKNOWN: (Inaudible)

15 UNKNOWN: We're having a hard time hearing.

16 DUPREE: I sustained the objection that, uh, the  
17 Deputy Attorney General made, uh, you don't really need  
18 to know what date he consulted his Deputy AG. You have  
19 the results of that consultation in front of you. That's  
20 why we're here. So, uh, if you could move on from that,  
21 please.

22 CHUNG: Understood. Okay. Um, now my Covid related  
23 questions that you presented in Exhibit A5, uh, pertains  
24 to Covid 19 testing and not vaccinations. Uh, in your  
25 pre-hearing statement, you say that, uh, nurses will be

1 available to educate employees about the vaccine. And to  
2 answer my question -- and answer any questions. Is this a  
3 paraphrasing of what was actually in the July 30th, 2021,  
4 memorandum?

5 HUSBANDS: I'm gonna object at this point. I think  
6 we're going far field from what we're doing here today,  
7 that this is not to discuss -- We're going back to what  
8 we were doing in June. Where we're discussing now the  
9 state's operational issues around covid testing. We're  
10 not here to do that.

11 DUPREE: We just established that the Covid  
12 determinations -- everything Covid is on pause for now  
13 and may be revisited when Covid -- if Covid spins back up  
14 and we have to do this again, God forbid. So, until that  
15 happens, uh, I don't think this is the proper venue for  
16 that discussion.

17 CHUNG: Okay. Um, okay. So, I -- I guess I -- I'm,  
18 I'm curious about certain statements in this pre-hearing  
19 statement, so, I think that's why I'm asking the  
20 questions in the order that I am. Um, but like you said,  
21 you -- you, it was a paraphrasing and, um, the actual  
22 memorandum reads at the bottom of page two that nurses  
23 will be available to agencies that would like to hold  
24 informational town halls to educate employees about the  
25 vaccine and to answer any questions about the vaccine.

1 Now, for the record, uh, a lot of my questions submitted  
2 in, uh, exhibit A5 pertained to Covid 19 testing and not  
3 vaccination specifically. Now, if you could, please tell  
4 me the dates and locations that either the Division of  
5 Mortgage Lending or the Department of Business and  
6 Industry arranged for the nurse led informational town  
7 halls to obtain that information.

8 HUSBANDS: And I'll object. Again, the issue is  
9 whether -- the issue is the nature of the findings when  
10 he received those, what those constituted and the due  
11 process that was supported to him up until the point of  
12 October 25th, 2021. We're not here to question those  
13 findings. We're not here to discuss the state's Covid  
14 policies. And that's far outside the scope of what was  
15 noted in his employee's packet as the focus of today's  
16 hearing, which would be a copy of the findings from the  
17 internal investigation conducted on October 5th, 2021.  
18 Ms. Williamson has already established, and he's  
19 essentially agreed that he received those in the form of  
20 that letter dated October 25th, 2021.

21 DUPREE: I'm gonna sustain that objection. Mr.  
22 Chung, uh, we can't -- we're not really equipped to re-  
23 litigate the Governor's Covid policy, uh, in this venue,  
24 nor would I want to. Um, so do you have any concerns, uh,  
25 do -- have all of your concerns relating to your, uh,

1 disciplinary situation been addressed?

2 CHUNG: Um, I -- I -- I do have two more questions  
3 and then I'm completely -- completely done.

4 DUPREE: Okay.

5 CHUNG: They're not -- I will take out this next  
6 one about, I mean, it's peripherally about the COVID  
7 policy. I just wanna know where I can locate a copy of --  
8 of it online because, uh, I -- I tried to find it on the  
9 Governor's website, the Department of Administration's  
10 website, the Department of Administration, Human Resource  
11 Management website, or even the Department of Business  
12 and Industries. And, um, I can't locate it on any of  
13 these publicly available websites. So, I was just  
14 wondering where I or other state of Nevada employees  
15 could locate this policy that mandates weekly  
16 asymptomatic COVID 19 testing.

17 DUPREE: I'm pretty sure you can probably get a  
18 copy of it from somebody at the Governor's office if you  
19 try to give them a call.

20 CHUNG: Okay. I know that that stuff was available  
21 while we had the Covid policy in place, but now that the  
22 Covid policy is not in place, it made sense to take it  
23 down. But it is -- it was available when it -- when Covid  
24 was -- was the hot topic. And when we were shut down, God  
25 forbid, we don't wanna do that again. Uh

1 CHUNG: Mm-hmm. <affirmative>

2 DUPREE: As far as nurses being available, there  
3 were all kinds of information lines about the Covid, uh,  
4 testing and vaccine. And -- and you can call your local  
5 health department, but, uh, again, we can't address what  
6 is -- is or is not available on somebody's website in  
7 this venue.

8 CHUNG: Okay. Um, two more questions and then I'm  
9 done. Um, I -- I just happened to -- I can't help it. I,  
10 you know, I -- I stare at this thing when -- when it  
11 involves me directly. So, um, could you offer some  
12 clarification in terms of the difference between your --  
13 you're calling this a state policy and procedure versus,  
14 uh, a memorandum four times elsewhere in -- in the pre-  
15 hearing statement (inaudible). So, is the document  
16 provided as Exhibit A1 a state policy and procedure, or  
17 the Governor's memorandum or --

18 HUSBANDS: Object again.

19 CHUNG: What relationship --

20 HUSBANDS: (Inaudible) knows that this is a policy  
21 that was issued by the Governor's office, which was  
22 accepted -- has been accepted as valid by the EMC? So, to  
23 question it again -- is -- it's something we're -- I just  
24 don't think we should be re-litigating that. It's already  
25 been established that this policy is valid and that

1 people who don't follow the policy can be disciplined.  
2 Because the committee affirmed a written reprimand based  
3 on Mr. Chung's noncompliance with the policy, um, and a  
4 hearing in June. So, that question, I think, is far  
5 beyond the scope of what's in his employee's packet. And  
6 it's essentially issues that have already been litigated,  
7 decided as --

8 DUPREE: I'm gonna sustain that objection and ask  
9 Mr. Chung to move on.

10 CHUNG: Okay. Last -- last question and then I'm  
11 done. Uh, on June 14th, Ms. Williamson, you emailed me  
12 regarding today's hearing. And, uh, did you -- did you  
13 send me an email on June 14th asking me if I'd like to  
14 withdraw my grievance one month before today?

15 WILLIAMSON: I did. I don't remember the exact date,  
16 but.

17 CHUNG: Okay. But in that email, you do recall,  
18 um, asking me if I would like to withdraw grievance?

19 WILLIAMSON: Yes.

20 CHUNG: Okay. Thank you very much for your  
21 consideration and your assistance and answering my  
22 questions despite the objections and, uh, and, uh, yeah,  
23 just answering my questions regarding the investigation  
24 and the closeout letter. I -- I really appreciate it.

25 DUPREE: Okay. I'm glad Mr. Chung got his, uh,

1 (inaudible) answer, um, the committee can work with me on  
2 this. I don't really see anything that this committee can  
3 do for Mr. Chung because he's had no negative (inaudible)  
4 as a result of the Covid thing. And, uh, so, there's  
5 nothing really, we can do for him, unless I'm wrong about  
6 that. Anybody want to talk about that?

7 UNKNOWN: I see he wanted to have answers to  
8 questions which he received.

9 DUPREE: Yeah. He wanted his answers, and we hope  
10 he got 'em. Uh, beyond that, I dunno what -- what we can  
11 do.

12 HUSBANDS: I did have, uh, Mr. Chair, if -- if I may,  
13 I did have one or two --

14 DUPREE: Okay.

15 HUSBANDS: Clarifying questions for Ms. Williamson.

16 DUPREE: Go ahead.

17 HUSBANDS: Um, based on her answers to Mr. Chung's  
18 questions.

19 DUPREE: All right.

20 HUSBANDS: I'm sorry.

21 DUPREE: Sorry, I -- I stepped on you. I'm sorry.

22 HUSBANDS: That's okay. No, I just wanted to make  
23 sure cause we are on the record. I did wanna make sure,  
24 uh, that thing clarified.

25 DUPREE: Yes, sir. Go ahead.



1 HUSBANDS: Good morning again, Ms. Williamson. How  
2 are you?

3 WILLIAMSON: Yes, good morning.

4 HUSBANDS: So, there was some reference, I think, in  
5 terms of, um, the October 25th, 2021, letter. And it was  
6 either Mr. Chung or perhaps you that used the phrase  
7 "further disciplinary action". And I just wanted to  
8 clarify, the letter dated October 25th, 2021, is not --  
9 is not discipline in and of itself, right?

10 WILLIAMSON: That is correct.

11 HUSBANDS: It's simply a letter indicating that an  
12 investigation has been completed and that the  
13 allegations, uh, on which Mr. Chung was noticed --  
14 essentially there's evidence to support those allegations  
15 and that it would be up to the appointing authority to  
16 determine what discipline would be appropriate. Is that  
17 right?

18 WILLIAMSON: Correct.

19 HUSBANDS: And then just one last clarifying  
20 question. Mr. Chung received no discipline as a result of  
21 this September 30th, 2021, investigation, right?

22 WILLIAMSON: That is correct.

23 HUSBANDS: But he did receive discipline in the form  
24 of a written reprimand that was affirmed by the EMC back  
25 in June of this year. Is that right?

1 WILLIAMSON: Yes, that is correct.

2 HUSBANDS: And that written reprimand is in his  
3 personnel packet with central records?

4 WILLIAMSON: That is correct.

5 HUSBANDS: And the -- the question I wanted to --  
6 issue I wanted to clarify was that, uh, regarding  
7 progressive discipline, Mr. Chung, I think tried to  
8 insinuate that if there was another issue related to the  
9 same violations of policies and procedures in that  
10 written reprimand, that Business and Industry would have  
11 to go back essentially to square one, um, in the  
12 progressive discipline matrix. But there could be a  
13 situation where if Mr. Chung refused to abide by another  
14 policy and the investigation substantiated any  
15 allegations related to that; that is failure to follow  
16 the Covid policy could potentially be used as a predicate  
17 for further discipline, um, insubordination. Is that  
18 possible?

19 WILLIAMSON: So, they could pursue the same issue, but  
20 if it were a separate matter entirely, that would be a  
21 separate process that would have to start from square  
22 one.

23 Husbands: Okay. And that would essentially be a  
24 legal issue to determine whether or not, if Mr. Chung was  
25 challenging the discipline based on progressive

1 discipline, whether Business and Industry had complied  
2 with the state's regulation on progressive discipline.  
3 Correct?

4 WILLIAMSON: Correct.

5 HUSBANDS: Okay. That was all I wanted to clarify.  
6 Thank you. I have no further questions.

7 DUPREE: Okay. Uh, honestly, I don't think we --  
8 I'm glad we got Mr. Chung's question answered. I don't  
9 know that there's more the committee can do for you. So,  
10 uh, I cannot bring any motions to the chair, but I think  
11 I'd like to entertain a motion that we deny this  
12 grievance.

13 CHUNG: Um, am I afforded a chance to make a  
14 closing statement before you guys do that? Or?

15 DUPREE: Uh, yeah.

16 WEISS: Chair, let's -- let -- let's -- let the  
17 parties make a closing statements as well, just so we're  
18 following the process.

19 DUPREE: Absolutely.

20 CHUNG: Okay. Uh, in closing, I'm grateful for the  
21 opportunity to be heard today as to the reasons why I  
22 feel that Director Reynolds determination of  
23 insubordination as a result of October 20 -- of the  
24 October 25th, 2021, uh, closeout letter is -- is  
25 inappropriate. Um, for the record, I did not refuse or

1 fail to comply with the July 30th, 2021, memorandum from  
2 the office of Governor Steve Sisolak. Rather, I have  
3 stated verbally and in writing my reasons why the  
4 Governor's memorandums, mandatory weekly testing  
5 requirements created a personal conflict for me. Then I  
6 requested accommodation to reconcile the memorandums  
7 requirements with my personal conflicts, twice. My  
8 requests were both denied by the former Deputy Director  
9 on behalf of the department. I maintained that I feel  
10 that the mandatory weekly asymptomatic COVID 19 testing  
11 requirements outlined in the Governor's memorandum were  
12 not lawfully unenforceful, and that I had a lawful right to  
13 decline part -- participating in a testing program that I  
14 feel would've forced me to endanger my personal safety  
15 and or participated in a -- in an unlawful practice.  
16 Moreover, I had relevant questions about the Department  
17 of Business and industry's Covid 19 testing since October  
18 2021, submitted as Exhibit A four, which were summarily  
19 de dismissed, and therefore, I was not provided enough  
20 information for me to have granted my informed consent. I  
21 remain aggrieved that Director Reynolds can state that  
22 the allegation of insubordination had been substantiated  
23 without having to appear for the hearing to take the oath  
24 of honesty as we did, and make those claims under oath,  
25 thus depriving me the opportunity to confront my accuser

1 on the statements that I feel will have detrimental  
2 career implications for me if the insubordination finding  
3 is not retracted from my investigation closeout letter.  
4 While I appreciate Ms. Williamson's presence here today  
5 and her answers to my many questions, I'm afraid her  
6 answers as to the thoughts and actions of Director  
7 Reynolds, former Deputy Director Milazzo and Ms. Vivor  
8 are hearsay evidence at best. Given these facts, the  
9 Employee Management Committee faces, um, a -- a challenge  
10 of having to defend the Department of Business and  
11 Industry's written determination of my subordination. Uh,  
12 as of September of this year, I will be moving on to step  
13 10 in my pay grade, and I will have capped out  
14 compensation wise by September of next year. I feel that  
15 I've been unfairly found to be insubordinate for sharing  
16 my personal conflicts with the man -- with the mandatory  
17 weekly COVID testing requirements. And I would like the  
18 record set straight and my honor and reputation restored  
19 in the event that I decide to pursue future employment  
20 opportunities either within the state of Nevada or in  
21 private industry. Therefore, I would like to respectfully  
22 request that the EMC amend the statements made in the  
23 investigation findings letter and indicate that I was not  
24 insubordinate for declining to participate in the  
25 mandatory weekly asymptomatic Covid 19 testing

1 requirements outlined in the July 30th, 2021, memorandum  
2 from the office of Governor Steve Sisolak. I feel that  
3 the internal investigation on October 5th, 2021, was  
4 wrongfully initiated. Thank you very much for your time  
5 and consideration for this matter.

6 DUPREE: Okay, thank you. (Inaudible) we feel about  
7 deliberations?

8 HUSBANDS: If I may just briefly address Mr. Chung's  
9 formal closing? So, Mr. Chung has been advised that we're  
10 not here to litigate the Governor's policy. We're not  
11 here to litigate the written reprimand that was affirmed  
12 by the EMC back in June. Yet during his closing, he's  
13 attempting to litigate to find those findings. He's  
14 asking the EMC to do something that the EMC has no  
15 authority to do, which is to amend the findings that were  
16 in the October 25th, 2021, letter. So, there was never  
17 any discipline that was imposed on him as a result of  
18 that. And I don't think there's really anything that the  
19 committee can do. He had some questions about how the  
20 process worked. Uh, it was essentially communicated to  
21 him that there was an investigation that was started. The  
22 investigation was concluded, um, about 25 days after it  
23 started. And the determination was that the allegations -  
24 - there was evidence to support the allegations. It was  
25 then the decision of the appointing authority, whether or

1 not to pursue any notice (inaudible) discipline was  
2 pursued. There is no adverse consequence or employment  
3 consequence to Mr. Chung. And really there isn't anything  
4 that can be done. You cannot go back and re-litigate the  
5 issues with the written reprimand that stands in this  
6 file, um, pursuant to the committee's June decision. So,  
7 I would ask that his grievance be denied because there  
8 simply isn't anything you can do.

9 DUPREE: Thank you. What Mr. Chung does not seem to  
10 understand, and I understand that it's very confusing,  
11 but we -- those of us who serve in the executive branch,  
12 serve as the pledge of the Governor. When the Governor  
13 says, thou shall get a vaccine or suffer the consequences  
14 thereof not getting a vaccine being insubordinate by not  
15 getting a vaccine or getting tested, that's  
16 insubordination. It's not -- it may not be what he  
17 considers fairly, uh, applied, but it's basically that's  
18 the Governor's stick, you need to get this vaccine. So,  
19 I'm gonna put serious consequences forward to make sure  
20 you do it and that the insubordination is the consequence  
21 of that. Um, I, again, I cannot put a, uh, uh, a decision  
22 forward. I can -- as a chair, I can vote on it. I can  
23 call for the vote, but, um, I need somebody to move us  
24 forward on this. Who wants to? Hello?

25 RUSSELL: Teresa Russell for the record.

1 DUPREE: Thank you, Teresa. Yes.

2 RUSSELL: I'd like to, um, hear the other committee  
3 members' thoughts on this hearing before we move forward  
4 with a motion. Please.

5 DUPREE: I'd be ok for that too.

6 MERRILL: Hi, Teresa, it's Mechelle Merrill for the  
7 record. I would, uh, be inclined to say that the  
8 grievance should be denied based on the fact that the  
9 10/25/21 letter was not retaliatory and there was no  
10 discipline.

11 DUPREE: Ms. Merrill, is that a, uh, uh, motion to  
12 deny the grievance. Is that what I heard?

13 MERRILL: Mr. Dupree, I think it certainly could be,  
14 but I was answering.

15 DUPREE: I know, I just --

16 MERRILL: If, um, if my -- peers would like it to  
17 be. If anybody else doesn't have anything to say.

18 DUPREE: Yeah, I want everybody to say something if  
19 they feel like they need to. Don't all hurry at once.  
20 You're killing me over here.

21 RUSSELL: Teresa Russell for the record.

22 DUPREE: Yes, ma'am. Go ahead, Teresa.

23 RUSSELL: I'm running into a little bit of a -- I  
24 guess you'd say heartburn when it comes to flat out  
25 denying the grievance due to the fact that -- I'm trying



1 to find an appropriate way to word this. I would like to  
2 note in the findings that had the employer held some  
3 informational sessions by medical staff, it may have gone  
4 a long way to alleviating some of these issues with the  
5 questions relating to the vaccinations and testing. My  
6 observation even in the hearing today, is the process has  
7 come across very adversarial. I'm not seeing any or much  
8 attempt to sit and resolve questions. So, that's why I'm  
9 running into an issue because through the process of  
10 going through this hearing and having the conversations,  
11 I do believe that a good portion of the questions that  
12 were asked by the grievant have finally been resolved.  
13 And I'm not fully understanding why we have to get to  
14 this point between the two parties to solve an issue that  
15 a non-adversarial conversation could have taken place.  
16 That's where I'm running into an issue.

17 MERRILL: Teresa, this is Mechelle Merrill. Are you  
18 -- are you meaning that -- that conversation should have  
19 happened at the agency level with Mr. Chung? Or you mean  
20 here?

21 RUSSELL: Had this taken place at either a  
22 department level or an agency level? I -- I understand  
23 funding that the specific smaller departments don't have  
24 the funding for the informational session that w -- that  
25 was indeed brought up in the employer's pre-hearing

1 statement. So, in my opinion, that opened the door to  
2 that conversation in this hearing. But instead of trying  
3 to have a civil conversation to resolve a point, my  
4 observation is that there is an appearance of defending  
5 their position instead of trying to explain it for a  
6 better understanding on a grievance or an employee's part  
7 to move them closer to complying with policy. That may  
8 have resolved a lot of these issues sooner. That's where  
9 I'm running into heartburn.

10 MERRILL: So, this is Mechelle Merrill again. So, as  
11 a citizen of Nevada, you feel at the time, when we were  
12 in -- in deep covid and you're -- you don't feel as a  
13 citizen of Nevada, that you had opportunities for  
14 information to be shared? I know as a state employee, I  
15 did. Um, from the state level, um, there was a lot of  
16 information out there. You think that the agency should  
17 have gone above and beyond?

18 RUSSELL: Not trying to turn myself into a wi --  
19 Teresa Russell for the record, not trying to turn myself  
20 into a witness, but to explain my thought process. If I  
21 were a supervisor and I have employees coming to me  
22 asking for clarification, if I cannot personally provide  
23 it through my expertise, either we need to, uh, show or  
24 tell the employee where that information is at or find a  
25 way to help provide it to them. And with my multiple

1 years on being on the committee and being an employee of  
2 the state of Nevada, not all of the employees that have  
3 questions will come forward. It's a small percentage of  
4 those -- those employees that will come -- be brave  
5 enough to come forward. So, if you have employees  
6 questioning and the employee gets faced with an  
7 adversarial, and that's what it feels like to me, that's  
8 my observation, a defensive adversarial response, it  
9 turns it into an adversarial process instead of the calm  
10 conversation that we had here today. And I do agree with  
11 statements made earlier that the written documentation  
12 does need to be clarified. As far as trying to remember  
13 the exact wording, retaliation. Whose retaliation is  
14 going to lead to further disciplinary processes. So, no,  
15 as a committee, we cannot tell the Department of Human  
16 Resources that you have to change your wording, but we  
17 can let them know -- they've already identified where  
18 there's issues that, yes, it would be benefit a lot of  
19 people to clarify the word -- the retaliation wording and  
20 question, or be more clear in their communication on  
21 their templates, on what is actually being -- charges  
22 that are actually being found substantiated.

23 EVANS: So, uh, Lisa Evans, Attorney General's  
24 office, just for clarification of process. So, for the  
25 pur -- for the purposes of the EMC today, um, there was a

1 discussion about this grievance, but this grievance has  
2 already been adjudicated. So, for the -- for the purposes  
3 of, uh, resolving, uh, today's presentation, I do not  
4 believe that this is a grievance, at this point. This has  
5 been adjudicated, um, and by the EMC already. So, um, I  
6 would defer to DAG Weiss, uh, further on this. But, uh,  
7 it appears to me that for your process today, you're not  
8 in a position to approve or deny a grievance because that  
9 has already been done. I suppose you can affirm your gre  
10 -- your decision from last time, but this does not seem  
11 definitionally to be a grievance at this point since it  
12 has already been adjudicated.

13 DUPREE: DAG Weiss, any thoughts?

14 WEISS: Yeah, I mean, so, when it comes down to  
15 it, the -- the investigation is not discipline. And that  
16 is -- that is where our line of jurisdiction ends is --  
17 is discipline. So, if what we're talking about is not  
18 discipline, then I would agree with DAG Evans that, um,  
19 any action we would take on, you know, on the  
20 investigation findings, that's outside our jurisdiction,  
21 cause that's not discipline under the statute.

22 EVANS: So, you -- are you ready?

23 MERRILL: Sure. So, Mechelle Merrill, for the  
24 record. I will make the motion that the grievance is  
25 denied based on the fact that the October 25th, 2021,

1 letter was not retaliatory and there was no discipline.

2 DUPREE: Tracy Dupree, I'll second that motion for  
3 the record.

4 WEISS: Uh, Ms. Merrill, the only thing I would  
5 ask is get rid of the language about retaliation --  
6 retaliatory cause we don't -- we don't get into stuff  
7 about retaliation. Um, I think we could just deny it is,  
8 uh, or the -- the second part of your motion is fine.  
9 Just the part about retaliation probably I would  
10 recommend dropping.

11 MERRILL: Um, okay.

12 DUPREE: Read the amended version for the record.

13 MERRILL: Sure. Amended version for the record. Um,  
14 Mechelle Merrill, uh, the grievance is denied based on  
15 the fact that the October 25th, 2021, letter, uh,  
16 resulted in no discipline.

17 DUPREE: Second for the record, Tracy Dupree.

18 SCOTT: Mary Jo Scott for the record. I'll second  
19 that motion.

20 DUPREE: All right, let's do all in favor of  
21 motion, say aye.

22 MULTIPLE: Aye.

23 DUPREE: Okay. That's three aye, at least.

24 RUSSELL: I vote nay. I'm not comfortable with  
25 wording on it, but I don't know how to better word it.

1 DUPREE: Okay, thank you. That bring us to item  
2 six, which is discussion of action. Uh, believe it's, um,  
3 WEISS: I'm sorry, Chair. Was it -- was that --  
4 the motion was approved. The last one?  
5 DUPREE: Motion approved. Three one.  
6 WEISS: Okay, thank you.  
7 DUPREE: Sorry about that.  
8 UNKNOWN: Um, uh, point of order.  
9 DUPREE: Yep.  
10 RUSSELL: Are we going to inform the parties on when  
11 they can expect their decision in writing, please?  
12 DUPREE: Parties can expect a decision, uh, in  
13 writing within 45 days.  
14 CHUNG: Understood.  
15 RUSSELL: Sorry, I don't mean to step on you.  
16 UNKNOWN: No, you're good. You're good.  
17 DUPREE: Thank for keeping me honest. I appreciate  
18 you for that.  
19 RUSSELL: You're welcome.  
20 DUPREE: Make me look good over here.  
21 CHUNG: Thank you guys.  
22 RUSSELL: You're welcome.  
23 DUPREE: (Inaudible) Break. Um, moving on. Item  
24 six, discussion recollection (inaudible) 6552, no 8552  
25 Yep. Uh, uh, (inaudible), uh, anybody there for that

1 business?

2 UNKNOWN: I dunno what she said.

3 UNKNOWN: No one is here in the south for this  
4 grievance.

5 DUPREE: Okay.

6 UNKNOWN: Here, it's just an agendas discussion.

7 DUPREE: If there is a discussion then they need to  
8 be here. Um, she is objecting to the fact that the -- the  
9 notices were sent to her home as the last agreement was,  
10 which is standard personal preference and um, it's more  
11 covid stuff. Um, you don't have be -- jurisdiction to  
12 talk about the Governor's policy that is no longer in  
13 effect, but even when it was in effect, we as committee  
14 cannot say, we're not gonna do your policy. If you did as  
15 a member of the committee (Inaudible) real fast.

16 RUSSELL: Turessa Russell for the record.

17 DUPREE: Yes ma'am.

18 RUSSELL: Uh, can we check with Nora? I could have  
19 sworn we have previously heard a grievance from uh, Gina  
20 -- Gina Ringwald

21 DUPREE: We have.

22 JOHNSON: Nora Johnson. This one is sounding quite  
23 similar to it, so I'm not sure if I'm getting my cases  
24 confused.

25 RUSSELL: Same number

1           JOHNSON:           Nora Johnson for the record, um, we did  
2           hear a grievance from Ms. Ringwald on June 9th. It was  
3           grievance number 8419, I believe. Um, this is a separate  
4           grievance, a separate event date, uh, although similar,  
5           um, it is separate for the committee to discuss.  
6           Unfortunately, not all grievances come in at the same  
7           time where we can bundle them together. So, sometimes  
8           after hearing one from one employee, you may see another  
9           one on -- on the table.

10          DUPREE:           But it's similar in substance to the one  
11          we denied on the 9th of June. Right.

12          JOHNSON:           That's not my per (inaudible). In looking  
13          at the documentation, I think it is, um, exhibit B in the  
14          grievance itself, it states, um, Ms. Ringwald states, "I  
15          would like -- I wish to receive the findings of the  
16          investigation", which I think is the heart of her matter.

17          DUPREE:           And we established in the last grievance  
18          that that is grievance is not entitled to that.

19          JOHNSON:           Correct.

20          DUPREE:           So, since the agreement is not legally  
21          entitled to that, and we cannot override that.

22          RUSSELL:           So, can it be answered without hearing is  
23          the question.

24          JOHNSON:           Nora Johnson for the record, um, if the  
25          committee through discussion determines that the



1 grievance can't be answered with a hearing, you can base  
2 that on the decision for, uh, agenda item number five.  
3 Um, and that can be cited as the reasoning behind the  
4 option to not move into hearing. I don't have  
5 jurisdiction and that was just fine.

6 DUPREE: (Inaudible)

7 RUSSELL: Can I ask you a question?

8 DUPREE: Yeah.

9 RUSSELL: Can we use the decision that we just made  
10 and refer to this specifically as what agreement to is  
11 entitled to?

12 WEISS: I mean, I think that's what Nora was just  
13 saying is, uh, because this is kind of an identical issue  
14 to what we just decided that we could deny without a  
15 hearing and then cite too the decision that was just made  
16 in the previous matter. So, is the --

17 RUSSELL: But can we direct the grievance to this  
18 document specifically that this is the final  
19 determination?

20 WEISS: I mean, I think we could, I mean if that's  
21 the way the committee was leaning, I think that, um, it  
22 could be denied without hearing on the basis that the,  
23 you know, the -- the investigations are not disciplined  
24 just like we -- previous just --

25 RUSSELL: Mm-hmm. <affirmative>

1 WEISS: Like we just decided with the previous  
2 grievance. I think that would be totally appropriate.

3 RUSSELL: Okay. I just don't wanna cross lines.

4 WEISS: Yeah.

5 RUSSELL: Who -- get the committee into issues.

6 WEISS: No, I think that would be totally fine.  
7 Appropriate.

8 DUPREE: I get the feeling that there are -- there  
9 is a motion being written here. I dunno why I get that  
10 feeling. But anybody have any motions?

11 RUSSELL: Turessa for the record, I'm drafting one  
12 and I'd like to have it clearly in my head before I  
13 propose it to the committee.

14 DUPREE: Excellent, thank you.

15 RUSSELL: Can you read my hands, my chicken scratch?  
16 I mean I have a (inaudible).

17 WEISS: Uh, the only thing I would recommend  
18 changing is, oh no, that's -- that's a discussion. So,  
19 yeah, that's perfect.

20 RUSSELL: Okay. Turessa for the record.

21 DUPREE: Yes. Turessa.

22 RUSSELL: I would like to make a motion to deny  
23 grievance 8552 per the previous decision and reference  
24 the one that was just made, as of the -- as the October  
25 22nd, 2021. I'm not -- is this a -- a report or a -- a

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WEISS: Letter.

RUSSELL: What the -- okay, I'll start over. Motion to deny grievance 8552 per the previous decision as the October 22nd, 2021, letter is the final report of the investigation and is not a form of discipline.

DUPREE: You have a second in that motion. I'll second it. All in favor of the -- of said motion.

MULTIPLE: Aye.

DUPREE: Definitely heard an "aye" from member Merrill. I saw her raise her hand and said aye. So, there's all of us. Any opposed? Motion carries. That brings us to any other public comment. Hearing none. Without objection the chair moves to adjourn. We are adjourned at 10:15.

\*\*\* END OF MEETING \*\*\*