



**STATE OF NEVADA**  
**EMPLOYEE-MANAGEMENT COMMITTEE**  
100 N. Stewart Street, Suite 200 | Carson City, Nevada 89701  
Phone: (775) 684-0135 | <http://hr.nv.gov> | Fax: (775) 684-0118

**Meeting Minutes of the Employee-Management Committee**  
**July 21, 2016**

Held at the Nevada State Library and Archives, 100 N. Stewart St., Conference Room C, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, Nevada, via videoconference.

**Committee Members:**

<b>Management Representatives</b>	<b>Present</b>
Ms. Mandy Hagler–Chair	X
Mr. Guy Puglisi	X
Ms. Claudia Stieber	
Ms. Allison Wall–Co-Vice-Chair	
Ms. Michelle Weyland	
Ms. Pauline Beigel	
<b>Employee Representatives</b>	
Ms. Stephanie Canter–Co-Vice-Chair	
Ms. Donya Deleon	X
Mr. Tracy DuPree	
Mr. David Flickinger	
Ms. Turessa Russell	X
Ms. Sherri Thompson	

**Staff Present:**

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General  
Ms. Carrie Lee, EMC Coordinator  
Ms. Jocelyn Zepeda, Hearing Clerk

- 1. Chair Mandy Hagler:** Called the meeting to order at approximately 9:00 a.m.
- 2. Public Comment**

There were no comments from the audience or Committee Members.

**3. Adoption of the Agenda – Action Item**

Chair Hagler requested a motion to adopt the agenda.

**MOTION:** Moved to approve the adoption of the agenda.  
**BY:** Committee Member Donya Deleon  
**SECOND:** Committee Member Turessa Russell  
**VOTE:** The vote was unanimous in favor of the motion.

**4. Approval of Minutes for June 2, 2016 – Action Item**

Chair Hagler requested a motion to adopt the minutes.

**MOTION:** Moved to approve the minutes.  
**BY:** Committee Member Deleon  
**SECOND:** Committee Member Russell  
**VOTE:** The vote was unanimous in favor of the motion.

**5. Discussion and possible action related to Motion to Dismiss of Grievance #4140 of Suzanne Suter, submitted by the Department of Agriculture, supporting documentation, and related oral argument, if any – Action Item**

A Motion to Dismiss was submitted to the Employee-Management Committee (“Committee”) by the agency employer Department of Agriculture (“Department”) which was represented by Senior Deputy Attorney General Cameron Vandenberg. Grievant Suzanne Suter (“Ms. Suter”) was represented by Teresa Horvath (“Ms. Horvath”).

The Department argued the Committee did not have jurisdiction to hear Ms. Suter’s grievance because the grievance had not been filed in a timely manner pursuant to NAC 284.695. In particular, the Department stated in substance that Ms. Suter had until April 6, 2016, to submit her grievance to the Committee, but did not submit her grievance to the Committee until April 13, 2016. The Department argued in substance that since the highest administrator for the Department had, on March 23, 2016, submitted his response, Ms. Suter was required by NAC 284.695 to submit her grievance to the Committee by April 6, 2016. The Department added in substance that Ms. Suter admitted she waited to escalate her grievance in the belief she would receive another response from the Department after she made comments to Lynn Hettrick’s (the Department’s representative at the third step in the grievance process) response. The Department argued that “NEATS” (the Nevada Employee Action and Timekeeping System) did not override the requirements set forth in the Nevada Administrative Code (“NAC”) concerning the submission of grievances to the Committee within 10 working days of the employee receiving the response from the highest administrator, and there was no provision in the NAC providing for late submission of grievances.

Ms. Horvath argued in substance that NEATS makes it impossible for a person to file a document on the wrong date, and that the failure by the Deputy Attorney General to file the Motion to Dismiss within 10 days of the grievance hearing

being scheduled was a fatal error. Ms. Horvath noted in substance that it was explained in the NEATS “Frequently Asked Questions” section that at every step when an agency responds it is the employee’s responsibility to escalate the grievance to the next step within 10 working days. This system, Ms. Horvath stated in substance, was designed to allow the parties to negotiate with each other for 10 days.

Ms. Horvath also argued in substance that the final action date for Ms. Suter was April 5, 2016, and that the final date to submit her grievance to the Committee was April 19, 2016. Ms. Horvath stated in substance that Ms. Suter escalated her grievance on April 13, 2016, that she had waited one week of the allowed two weeks to elapse to see if the Department would respond, and that the agency had until June 16, 2016, to respond. Ms. Horvath further stated in substance on April 6, 2016, Ms. Suter had another ten days left to escalate to the Committee in order to allow the parties to resolve their issues, that arbitration required time to work, and even the e-mail from [EMC Coordinator] Carrie Lee told Ms. Suter she had until April 19, 2016, to escalate her grievance to the Committee.

Michelle Garton (“Ms. Garton”), Supervisory Personnel Analyst with the State of Nevada, Division of Human Resource Management, was called by the Committee as a witness and sworn in over the objection of Ms. Horvath to explain NEATS and the submission dates in NEATS. Ms. Garton testified in substance there was what could be considered a “glitch” in NEATS, and that in fact NEATS did not mirror the NAC. Ms. Garton stated in substance NAC indicated when a grievant receives a response, the grievant has ten working days to escalate to the next step. However, NEATS would give a grievant an additional ten days to submit a grievance that was not appropriate. Ms. Garton also explained in substance there was a difference between escalated and submitted.

Ms. Horvath stated in substance the log notes in Ms. Suter’s exhibits indicated Ms. Suter’s grievance had been escalated, and not simply responded to. Ms. Garton responded in substance that Ms. Suter had escalated her grievance, but had not submitted it to the Committee. Ms. Garton, in response to questioning, testified in substance that although Ms. Suter did submit her grievance to the Department in a timely manner at the Step Three stage of her grievance, Ms. Suter did not timely submit her grievance at the Step Four stage of her grievance, although she did escalate her grievance to the Step Four stage in a timely manner. Ms. Horvath also stated in substance that NEATS at that stage waited ten days to allow the director to review the employee’s response and consider resolution of the grievance, that if a grievant was not satisfied the grievant could submit his or her grievance to the Committee, and that there was no “glitch.”

Ms. Horvath noted in substance she had made a motion for summary judgment, and the matter should be dismissed on the merits in favor of the grievant. Ms. Horvath also noted in substance that the Department’s Motion to Dismiss should not have been allowed because it was filed after June 16, 2016, which she indicated was the action date for the agency (Committee) to grant or deny Ms. Suter’s grievance.

The Committee, after having read and considered all of the documents filed in this matter and having heard oral arguments, deliberated on the issues presented. Committee Member Russell stated in substance she was concerned about the issues in NEATS, but Ms. Suter had followed the necessary steps of saving and submitting her grievance prior to Step Four, and that because of that she did not know on what grounds the Committee could deny the Department's Motion to Dismiss. Committee Member Guy Puglisi stated in substance Ms. Suter did not submit her grievance to the Committee within ten working days following receipt of the final response from the highest administrator or his designee at the Department and therefore NAC was not complied with.

**MOTION:** Moved to grant the Department of Agriculture's Motion to Dismiss as the grievance was not timely submitted pursuant to NAC 284.695.

**BY:** Committee Member Puglisi

**SECOND:** Committee Member Russell

**VOTE:** The motion passed unanimously.

**6. Public Comment**

There were no comments from the audience or Committee Members.

**7. Adjournment**

Chair Hagler stated if there were no objections the meeting would be adjourned. Hearing none, the meeting was adjourned at 10:46 a.m.