



STATE OF NEVADA
EMPLOYEE-MANAGEMENT COMMITTEE
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Meeting Minutes of the Employee-Management Committee
July 27, 2017

Held at the Nevada State Library and Archives Building, 100 N. Stewart St., Board Room, Carson City, Nevada, and the Grant Sawyer Building, 555 E. Washington Ave., Room 1400, Las Vegas, Nevada, via videoconference and teleconference.

Committee Members:

Management Representatives	Present
Ms. Mandy Hagler–Chair	X
Ms. Pauline Beigel	
Mr. Guy Puglisi	
Ms. Sandie Ruybalid	
Mr. Ron Schreckengost	X
Ms. Jennifer Bauer	
Employee Representatives	
Ms. Donya Deleon	
Mr. Tracy DuPree	
Ms. Turessa Russell	X
Ms. Sherri Thompson	X

Staff Present:

Mr. Robert Whitney, EMC Counsel, Deputy Attorney General
Ms. Nora Johnson, EMC Coordinator
Ms. Kara Morris, 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 agenda.

BY: Member Sherri Thompson

SECOND: Member Ron Schreckengost

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

4. Approval of Minutes for May 11, 2017 – Action Item

Chair Hagler requested a motion to adopt the minutes.

MOTION: Moved to approve the minutes.

BY: Member Turessa Russell

SECOND: Member Sherri Thompson

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

5. Discussion and possible action related to Motion to Dismiss Grievance #4557 of Abdelqater Abuhantash, Department of Health and Human Services – Action Item

The above-referenced motion to dismiss was heard by the Committee¹ on July 27, 2017. Darren Squillante represented DHHS, while Mr. Abuhantash was represented by Jeanine Lake (“Ms. Lake”).

Mr. Squillante argued in substance that Mr. Abuhantash filed his grievance because he had been denied a promotional opportunity at DHHS. Mr. Squillante noted in substance that Grievant was interviewed for the position of Forensic Specialist IV on June 24, 2016, and that he was informed he was not selected for the position on July 11, 2016. Mr. Squillante also stated in substance that Grievant was told that DHHS could not provide him the specific reason as to why he was not selected for the Forensic Specialist IV position.

Mr. Squillante stated in substance that pursuant to NAC 284.678, Mr. Abuhantash had twenty days from July 11, 2016, the date Grievant was notified that he was not selected for the Forensic Specialist IV position, in which to file his grievance. Mr. Squillante noted in substance that Grievant did not file his grievance until August 16, 2016, which was past the twenty-day deadline, and so his grievance was untimely.

Mr. Squillante also stated in substance that throughout the grievance process Grievant had proposed two resolutions for his grievance: that any information which he had submitted in reference to the Forensic Specialist IV position be kept confidential, and that he be offered the promotional opportunity to the

¹ The Committee members present at the hearing representing a quorum were as follows: Chair Mandy Hagler (Rsk. Mgmt), who chaired the meeting; Turessa Russell (UNLV), Sherri Thompson (DETR) and Ronald Schreckengost (NDOC). EMC Coordinator, Nora Johnson and counsel for the EMC, Deputy Attorney General Robert A. Whitney, were also present.

Forensic Specialist IV position. Mr. Squillante noted in substance that Mr. Abuhantash had been told by DHHS that the information that he had submitted for the Forensic Specialist IV position would not be placed in his personnel file, but would be placed in a confidential recruitment file. Mr. Squillante also noted in substance, with respect to the second part of Grievant's proposed resolution that the Committee had held in its previous decisions that it had no authority to promote employees into positions.

Ms. Lake argued in substance that at each level of his grievance Mr. Abuhantash had brought forth concerns from discussions with Sergeants (David) Joseph and (Michelle) Mason, and that the reason Grievant was not offered the Forensic Specialist IV position was due to his background check, and that Grievant had no legal obligation to disclose the background information in question.

Ms. Lake acknowledged that Mr. Abuhantash had been notified that he had not been selected for the Forensic Specialist IV position on July 11, 2016, and that he went to Human Resources, who directed Grievant to speak with Sergeant Mason. Ms. Lake noted in substance that Grievant was unable to speak with Sergeant Mason until July 19, 2017, when he was told in substance by Sergeant Mason that he could not be given specific reasons about why he was not offered the Forensic Specialist IV position, but that there had been concerns about Grievant's prior background check.

Ms. Lake noted in substance that Mr. Abuhantash attempted to work with DHHS to correct misinformation that appeared to be in his file, and that he sent an e-mail on August 2, 2016, to Ms. (Jackie) Arellano. However, when Grievant received no response to his August 2, 2016 e-mail he filed his grievance on August 16, 2016.

Ms. Lake also argued in substance that although Grievant had been told by DHHS that the information he had submitted during the Forensic Specialist IV position application process would be kept confidential by that time the damage had already been done.

Grievant also spoke briefly. Grievant stated in substance that he had been told multiple times that he was qualified for the Forensic Specialist IV, and that Sergeant Mason would not tell him specifically why he was not offered the Forensic Specialist IV position, but that he had been directed to background issues. Grievant also noted in substance that he did not feel entitled to the Forensic Specialist IV position, but that everyone expected to have the chance to be considered for the position fairly and without bias, and that bias and prejudice had taken place during the selection process.

The Committee, after having read and considered all of the documents filed in this matter, and after having heard oral arguments, deliberated on the issues presented. Committee member Sherri Thompson stated in substance that the grievance should be heard, due to the fact that Mr. Abuhantash may have been denied the Forensic Specialist IV position due to his background, and that he did not become aware of this possibility until July 19, 2016, and so the grievance should be heard because it was timely filed. Committee members Schreckengost

and Russell both stated in substance that they agreed with Committee member Thompson.

Chair Hagler stated in substance that she disagreed with the other Committee members because Mr. Abuhantash was grieving the fact that he had not been given the Forensic Specialist IV position, which he learned of on July 11, 2016, and so consequently his grievance was not timely filed. Chair Hagler noted in substance that Grievant was now trying to change the original contention in his grievance to saying that his grievance was based on the reason that he was not hired for the Forensic Specialist IV position. Chair Hagler added in substance that the Committee had no authority to grant Mr. Abuhantash's proposed resolution.

On July 27, 2017, the Committee voted² to deny the motion to dismiss based on the grievance not being timely filed within twenty days of the Grievant learning of the reason for the denial of his promotion to the Forensic Specialist IV position.

MOTION: Moved to deny Motion to Dismiss based on timely filing from the date the Grievant learned of the denial of the promotion.

BY: Member Turessa Russell

SECOND: Member Sherri Thompson

VOTE: The vote was carried by a three to one vote; Chair Mandy Hagler voted against the motion.

6. Discussion and possible action related to Grievance #5023 of Kevin Vaughn, Department of Health and Human Services – Action Item

Chair Hagler opened the Committee for discussion.

Member Russell stated she would like to move the grievance forward to a hearing. Member Russell stated, regarding the FMLA and the circumstances relating to leave, she did not feel there was enough information to make a decision.

Member Thompson stated that based on the grievant complaint about being treated differently and filing a complaint with the EEOC, she feels the grievance is out of the jurisdiction of the EMC.

Chair Hagler stated it had been determined that the FMLA procedure had been followed correctly and agreed with Member Thompson.

Member Schreckengost also agreed, stating the EMC lacked jurisdiction because of the Federal avenue the grievant chose.

Member Thompson made a motion to deny the grievance, due to lack of jurisdiction, as there is a Federal avenue for relief.

² Turessa Russell's motion was seconded by Sherri Thompson and carried by a three to one vote; Chair Mandy Hagler voted against the motion.

MOTION: Moved to deny grievance based on lack of jurisdiction, per NAC 284.695 (1) as well as NAC 284.658 (2), which may provide relief by Federal law.
BY: Member Sherri Thompson
SECOND: Member Ron Schreckengost
VOTE: The vote was carried by a three to one vote; Member Turessa Russell voted against the motion.

7. Public Comment

There were no comments from the audience or Committee Members.

8. Adjournment

Chair Hagler adjourned the meeting at approximately 9:42 am.