



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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MEMO PERD #37-12

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TO: Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives

FROM: Lee-Ann Easton, Administrator *Lee-Ann Easton*
Division of Human Resource Management

SUBJECT: UNDERSTANDING THE GRIEVANCE PROCESS PUBLICATION AND
CONTACT INFORMATION FOR STAFF

The Division of Human Resource Management has updated the Understanding the Grievance Process publication in the forms and publications section of our website. The primary change to this document is that the Clerk to the Employee-Management Committee, Nancy Clark will be coordinating resolution conferences. Nancy can be reached at nclark@admin.nv.gov or (775) 684-0135.

The updated publication is attached and is also available on the Division of Human Resource Management website at <http://dop.nv.gov/Forms/UnderstandingGrievanceProcess.pdf>.

Attachment

****Please read this overview and instructions for using the NEATS system if you are thinking about filing a grievance or want to learn more about the grievance process.****

UNDERSTANDING THE GRIEVANCE PROCESS

State of Nevada policy seeks to ensure that employees receive fair and equitable treatment by supporting a positive work environment that encourages communication and reconciliation of work-related problems. Occasionally a situation may occur where an employee believes that fair and consistent application of policy has not been followed. The grievance process is available to permanent, classified State employees for expressing legitimate dissatisfaction about working conditions, discipline, a performance evaluation or the inconsistent application of policies and procedures. The goal of the grievance process is always to resolve an employee's concern at the lowest level possible. This usually produces the most effective and most timely solutions.

Nevada Revised Statute 284.384 defines a grievance as: "...an act, omission or occurrence which a permanent employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee...". The Nevada Administrative Code describes the process for filing a grievance. This can be found in the "Rules for State Personnel Administration" at: <http://dop.nv.gov/NAC.pdf> . It's a good idea to review these regulations so you understand the process.

The grievance process is not used to appeal a suspension, demotion, termination, involuntary transfer or to report retaliation based on disclosure of improper governmental action (whistleblower). These actions must be appealed to a hearing officer. If you're concerned about possible harassment or discrimination you should report your concern to the Sexual Harassment/Discrimination unit at 1- 800-767-7381. If you have been informed that you do not meet the minimum qualifications for a position, and you wish to appeal, you must direct your appeal to the Administrator of the Division of Human Resource Management. If at any time in the process you need additional information or help with filing your grievance, you may contact your agency personnel staff or the Division of Human Resource Management, at (775) 684-0135 or (775) 684-0149, for assistance. The fax number to submit information is (775) 684-0118.

An employee has 20 working days from the occurrence of a problem, or the date the employee learns of the problem, in which to file a grievance. In the case of a contested performance evaluation, it is 10 working days after the final decision on the review of the evaluation is received. Employees should make their concerns known to their supervisors and should make every effort to resolve the grievance through informal discussions within these time frames. If the employee then chooses to file a grievance, he or she can do so by using the NEATS Incident Tracking System or by submitting the grievance to their supervisor on a NPD-50 form. Submitting your grievance online ensures that the grievance does not get lost and the appropriate time lines are adhered to.

The grievance process is generally considered to have four “steps”, except in the case of a contested performance evaluation. The first three steps will usually fall within the employee’s agency for consideration. There are unique situations in which a grievance will be submitted outside of an employee’s agency, such as when there is a dispute about a job recruitment that was not conducted by the agency. The fourth step is the State Employee-Management Committee. The committee will consider holding a hearing if the grievance is unresolved and the employee submits it to Step 4.

The usual progression of grievance steps is as follows:

1. Submission of the grievance to the employee’s immediate supervisor.
2. Submission of the grievance to the head of the major division of the department.
**Check with your agency personnel staff if you need help determining who this is.
3. Submission of the grievance to the director of the department.
4. Submission of the grievance to the Employee-Management Committee.

During the steps in the grievance process 10 working days are allowed each party to discuss, consider and respond to the other. The 10 days begin for the agency to provide a response when the employee submits their grievance or escalates it to the next step. At each step, when a response is given, it is the employee’s responsibility to escalate the grievance within 10 working days if the response or resolution is not acceptable. Either party can request an extension of time from the other and there is a procedure for “skipping” steps in the process when it is appropriate to do so.

When a performance evaluation is the subject of a grievance the employee must first request a review of the evaluation. The request for review must include a description of the specific areas of disagreement. If the employee wishes to contest the evaluation after a final decision is received on the review, he or she may file a grievance. When this occurs the grievance will skip to the person at the next appropriate level in the grievance process that was not involved in preparing or reviewing the performance evaluation. Grievances on performance evaluations are only available to employees that have achieved permanent status.

After a grievance has been submitted to Step 4, either the grievant or the agency may choose to request a resolution conference. A resolution conference is an informal meeting between the parties with the assistance of a neutral facilitator, provided by the Division of Human Resource Management, who is not affiliated with either of the parties. The resolution conference option provides an additional opportunity for a grievance issue to be discussed and for possible solutions to be considered. A resolution conference can be requested up to 15 days prior to a scheduled EMC hearing by contacting Nancy Clark, Clerk to the Employee-Management Committee, at (775) 684-0135 or nclark@admin.nv.gov.

USING THE NEATS SYSTEM

NEATS is programmed to logoff users after 30 minutes of inactivity. To avoid losing your entered data, please make sure you click the SAVE button frequently.

1. From your NEATS home page click on the “Employee” tab at the top then click on the small arrows on the left of the screen. This opens a menu of choices that includes “File a Grievance”.
2. Enter the information about your grievance on the “Details” page. Be sure to include a succinct description of what you are grieving and what you would consider to be a fair resolution. You can add relevant attachments to this screen. **Attachments must not contain confidential information that pertains to other parties (e.g. Social Security numbers, birthdates, medical information). Please remove this information by covering it with black marker or whiteout. Attachments which contain confidential information regarding other parties that has not been redacted will be removed.**
3. When you have entered all of the information about your grievance click the “Save” button at the bottom and go to the “Step 1” tab.
4. On the Step 1 tab you must submit your grievance to your supervisor by selecting their name, clicking the “Save” button and then clicking “Submit”. At the top of the screen you will now see the date by which your supervisor has to respond, “Response Due Date”.
 - There are a few instances where you can skip your supervisor and submit your grievance to a higher level, such as in the case of a contested performance evaluation, or if you and your agency appointing authority, or the Division of Human Resource Management, agree that it would be appropriate. Contact your agency personnel staff or the Division of Human Resource Management for assistance with these situations.
 - You and the agency may agree to an extension of the grievance deadlines by using an extension agreement form (TS-145) found on the Division of Human Resource Management website <http://dop.nv.gov/forms.html#GRIEVANCE> . Once this agreement is signed both you and the agency must check the grievance extension box at the appropriate step in the NEATS screen. The system requires the grievant check and save the box first before it will allow the agency to check and save their box.
 - The status of your grievance is visible on your NEATS home page, on the left side in the “Personnel” section. The system is set up to send an e-mail to all parties whenever an action has been taken on a grievance however it is your responsibility to track your grievance and know when your deadlines are.
5. If your grievance is not resolved at the first step, and you wish to proceed to Step 2, you should select “Escalate to Next Step” in the “Grievant Response Action” area of Step 1. You must enter any information you wish to include or attach a document, click the “Save” button, click the “Submit” button and proceed to the Step 2 tab to assign the grievance to your division administrator. This process will remain the same for every step of your grievance. Step 4 is automatically assigned to the Employee-Management Committee (EMC) however you must save and submit in order to complete Step 4.

THINGS TO REMEMBER:

- Please click “Save” and then “Submit” at each step, then proceed to the next tab to assign your grievance to the appropriate person.
- You are allowed to skip your grievance to a higher level of management if your appointing authority or the Division of Human Resource Management agree with you that correction is beyond a particular level of supervision. You will need to discuss this option with your agency personnel staff or the Division of Human Resource Management.
- If your grievance concerns a performance evaluation, it is expected that you will skip steps if the responding party was involved in writing or reviewing the evaluation. Regulations require that your agency director have an opportunity to respond to your grievance before it can be submitted to the EMC.
- If a respondent has offered a resolution or explanation and you choose to escalate your grievance to the next step, it is helpful to explain why their resolution does not solve your grievance.
- If your grievance is resolved or you choose not to escalate it, please select and save the corresponding choice from the drop down menu under “Grievant Response Action” to close your grievance.
- The EMC hears grievances where the proposed resolution is within their ability to make a determination or direct the agency to take action. Examples of resolutions that the EMC can provide include upholding or reducing disciplinary actions; enforcing application of policy, procedure or regulation; or considering performance evaluation ratings. It does not fall within the EMC’s authority to enact discipline, require particular working conditions, change work duties, order an apology, or require mediation.
- If you have a conflict with a co-worker you will need to handle the resolution through means other than a grievance. Relationships between co-workers do not arise out of the relationship between an employer and an employee. The State has a very successful mediation program that is voluntary and free of charge. Please contact (775) 684-0104 for more information.
- If you do not have access to the NEATS system, you may file your grievance using the NPD-50 form found on the Division of Human Resource Management website: <http://dop.nv.gov/forms.html#GRIEVANCE>

