

Employee-Management Committee

Rules of Practice

Date Revised March 10, 2023

Date Adopted March 23, 2023

Contents

Introduction	Pg. 1
EMC Administration and Support	Pg. 1
Creating, Updating and Adopting Rules of Practice	Pg. 2
EMC Committee Member Orientation	Pg. 2
Selection of Chairperson and Vice-Chairpersons	Pg. 2
EMC Meeting Scheduling	Pg. 3
Grievances and Hearings	Pg. 3
Previous Committee Decisions	Pg. 4
EMC Best Practice	Pg. 4
Emergency Changes to Practice and Procedure	Pg. 5

Introduction

The Employee-Management Committee (“Committee”) is created in NRS 284.068 and is responsible for NRS 284.017 – 284.0745 and for portions of NAC 284.

The Committee serves in advisory capacity to the Governor, the Commission, and the Division with respect to all matter of personal administration and relations between management and employees. The Members of the Committee (“Members”) are appointed by the Governor.

The primary duty of the Committee is to provide a forum for the hearing of employees’ suggestions, complaints, or disciplinary problems. Additionally, the Committee is to hold hearings, when requested, make final decisions for the adjustment of grievances as provided by the regulations of the Commission and submit recommendations to the Office of the Governor as necessary.

Committee Members agree to be non-bias, abide by NRS and NAC, Rules of Practice, Open Meeting Law, and Roberts Rules of Order.

EMC Administration and Support

The Division of Human Resource Management’s Consultation & Accountability unit lends administration and administrative support to the Committee. The staffing of administration and administrative support (“EMC Administration and Support”) consists of the Supervisory Personnel Analyst, Personal Analyst III-Employee Relations, and Administrative Assistant III-EMC Coordinator. The administration and administrative support services include but are not limited to:

- Provide administrative oversight of the Committee.

- Act as communications liaison between the Chair and Co-Vice-Chairs, Deputy Attorney General (“DAG”) assigned to the Committee, employees, and agencies.
- Open communication with the Committee Chair and Co-Vice Chairs on topics affecting the Committee, Committee business and grievances.
- Providing training to current and new Committee Members regarding Committee processes, grievance and hearing procedures, Open Meeting Laws, and Robert’s Rules of Order.
- Review, audit, and schedule pending grievances to be determined by the Committee.
- Use established best practices of Consultation & Accountability when creating the Committee agenda and scheduling grievances to be heard or agendaized for discussion.
- Receive, proof, and send for Committee review hearing decisions provided by the DAG.
- Schedule and provide a list of annual meeting dates to the Members.

Creating, Updating and Adopting Rules of Practice

In accordance with NRS 284.071, the Committee is required to adopt rules for its own management.

Consultation & Accountability EMC Administration and Support creates, drafts, and submits to the Committee for review and adoption Rules of Practice which are in alignment with current NRS and NAC governing the Committee.

Rules of Practice will be reviewed annually, and changes presented for adoption if necessary. Any changes to NRS or NAC which directly affect the governing of the Committee will be reviewed by EMC Administration and Support. Should updates be required, EMC Administration and Support will provide updated Rules of Practice for Committee adoption.

EMC Administration and Support will provide Members with the most up-to-date Rules of Practice electronically and upload the Rules to the Employee-Management Committee website for reference.

EMC Committee Member Orientation

EMC Administration and Support, along with the assistance of the DAG, will provide new Members an orientation as soon as practicable after being appointed to the Committee and will be provided annually for current Members.

Selection of Chairperson and Vice-Chairpersons

Statute requires the Chairperson of the Employee-Management Committee to be chosen by a majority vote of all persons appointed to serve as Members pursuant to NRS 284.068, including, without limitation, the persons appointed to serve as alternates. (NRS 284.071)

The Committee has determined that there will be two Co-Vice-Chairpersons, with one located in Las Vegas and one located in Carson City. The Co-Vice-Chairpersons will be selected in the same manner as the Chairperson of the Committee.

EMC Meetings and Scheduling

As provided in NRS 284.071(3), the Committee shall meet once every 3 months and at other times as EMC Administration and Support deem necessary.

EMC Administration and Support will provide the Committee for review a list of potential meeting dates for the following calendar year. Committee Members will communicate with EMC Administration and Support as to their availability and will apprise EMC Administration and Support any changes affecting their availability.

Determination of the day of the week a meeting is to be held will be based on the consensus of the Committee Members and the availability of rooms and video-conferencing equipment.

Unless deemed otherwise, meetings will be held in-person with video conferencing between Carson City and Las Vegas. Additional locations may be accommodated, however not guaranteed, dependent upon the availability of rooms, equipment, and the location of Committee Members and parties to the grievance and/or their witnesses. Reasonable accommodations will be provided to individuals with disabilities as directed by Open Meeting Law.

All meetings will be noticed and conducted in accordance with Open Meeting Law and Robert's Rules of Order.

Each grievance that has reached step 4 in the grievance process, and that has not been previously resolved, will be set as an agenda item for a future Committee meeting. The Committee members at said meeting will discuss and then vote on the disposition of the grievance, either approving or declining to advance the grievance to a full hearing. The Committee may decline to advance a hearing based on its' lack of jurisdiction (e.g., Doesn't meet statutory definition of a "grievance", the matter should be properly heard in a different venue, Committee does not have authority to grant the relief requested, etc.). The Committee should also consider whether it lacks jurisdiction to hear a grievance at a full hearing as a result of precedential prior decisions in substantially similar matters.

If, after discussion and vote of the Committee, a grievance is denied hearing, the employee will receive a decision letter regarding the denial. A tie-vote will result in the grievance being advanced to hearing. If advanced to hearing, the grievance will be scheduled for the soonest hearing practical based on:

- The minimum of 21 working days required for scheduling orders;
- Committee member availability; and/or
- Potential agency/member conflict.

Grievances and Hearings

Per NRS 284.071, the Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of Members representing management and employees attend the hearing and take part in the final decision. Quorum of the Committee is a minimum of four Members comprised of 2 Members from each side of the Committee. Should one side of the Committee outnumber the other side, EMC Administration and Support will request a member to step down for the current meeting.

The Chairperson will preside over a grievance hearing unless the Chairperson is employed by the same agency as the grievant, or the Chairperson feels he or she must recuse himself or herself, in which case the

Chairperson will designate one of the Co-Vice-Chairpersons to preside over the hearing. The Chairperson may also designate one of the Co-Vice-Chairpersons to preside over a hearing when the parties to the grievance, or a substantial number of witnesses, will be located at the distant location. Committee Members from the same agency as the agendized grievances will not be scheduled for that agenda.

Grievances moved to hearing will be required to abide by NRS and NAC guidelines and time limits. Employees and employers will be required to abide by Committee practices, each will be given approximately one hour to provide summary of the grievance, present their case to include questioning of witnesses and provided a closing statement.

The Chairperson will monitor the proceedings and determine if latitude be granted regarding the hearing timeline and may limit the number of witnesses if testimony becomes redundant.

Previous Committee Decisions and Committee Jurisdiction

Previous Committees have determined non-authority over:

- Striking down or rewriting regulation and policies.
- Order an employee or the employer to apologize to the grievant or someone else.
- Request an employee, supervisor, or management to attend trainings.
- Discipline employees, supervisors, or managers.
- Order an investigation.
- Require the Division of Human Resource Management to adjust holiday pay and overtime calculations based upon a legal interpretation of the Fair Labor Standards Act.

The Committees does not have jurisdiction over:

- Grievances or portion of a grievance alleging unlawful discrimination based upon any State or Federal law or regulation and will refer the grievant to the appropriate venue.

Per NRS 284.073(2), the Committee shall not promulgate regulations, nor shall the Committee interfere with the authority of elective officers and heads of departments to conduct and manage the affairs of their departments as they see fit pursuant to NRS 284.020.

EMC Best Practice

- The intent of the grievance process and the EMC is to provide an informal, non-court venue for personnel issues between the employee and the employer to be resolved at the lowest level possible.
- All grievance documents and correspondence are to be submitted to and through the EMC Coordinator. All requests and documents will be sent to required/relevant parties via the EMC Coordinator as processes, procedures and internal administrative deadlines dictate.
- All forms and documents must be submitted on a form prescribed by DHRM, as long as said form exists; alternate, internally drafted documents will not be accepted in lieu of an existing form. This includes motions to dismiss and subpoenas.
- Unless specifically designated otherwise in statute or regulation, all deadlines noted within current correspondence are to be followed. In accordance with NRS 284.071 section 2 "*The Committee shall adopt such rules as it deems necessary for its own management.*" Deadlines are drafted by Administration and Support based on established EMC procedures and are reviewed and approved by EMC DAG's.

Therefore, requests and/or documents submitted outside those deadlines may not be accepted or considered.

- Parties are not to contact the Chair or EMC DAG's directly regarding administrative procedure, requests, or information. All requests must be made through the EMC Coordinator and the request will be sent to the appropriate party, with the response sent via the EMC Coordinator.
- While some requests need to be reviewed and approved by the Chair, other decisions based on internal administrative procedures and historical best practice will be made by the EMC Coordinator and Administrative and Support staff.
- The EMC Coordinator and DRHM staff are unbiased and offer support and guidance equally to the employees, agencies and personnel DAG's.

Emergency Changes to Practice and Procedure

In specific instances, EMC Administration and Support may change or cease any prior established procedures, or develop new procedures in the event of, but not limited to:

- Declaration of State of Emergency at any level (Federal, State or County/City).
- Governor's mandate or directive.
- Sustained natural disasters.

These changes will apply to EMC Rules of Practice not mandated by regulation and may include, but are not limited to:

- Document submission timelines.
- Method of document submission.
- Method of document or information distribution.
- Location and method of conducting meetings.

Any changes necessary for the functionality of the EMC will be drafted by EMC Administration and Support, voted on by the Committee if required and distributed as soon as practical based on available distribution methods at the time.