

Employee-Management Committee

Rules of Practice

Date Revised

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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 ViceChair	Pg. 2
EMC Meeting Scheduling	Pg. 3
Grievances and Hearings	Pg. 3
Previous Committee Decisions	Pg. 3
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 284.071 – 284.0745 and for portions of NAC 284.

The Committee serves in an advisory capacity to the Governor, the Commission, and the Division with respect to matters of personnel administration and relations between management and employees not covered under a collective bargaining agreement. 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 issues. 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-biased, 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 (DHRM) Consultation, Accountability and Regulations (CAR) unit lends administration and administrative support to the Committee. The staffing of administration and administrative support (EMC Administration and Support) consists of the Supervisory Human Resource Analyst, Human Resource Analyst III-Employee Relations, and Administrative Assistant IV-EMC Clerk to the Committee (EMC Clerk). 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 ViceChair, Deputy Attorney General (DAG) assigned to the Committee, employees, and agencies.
- Open communication with the Committee Chair and ViceChair on topics affecting the Committee, Committee business and grievances.
- Providing orientation 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 CAR when creating the Committee agenda and scheduling grievances to be heard.
- 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 shall adopt rules for its own management.

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 DHRM SharePoint for reference.

EMC Committee Member Orientation

EMC Administration and Support, along with the assistance of the DAG, will provide new Members with 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-Chair

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 ViceChair 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 the Committee, through consultation with EMC Administration and Support, deem necessary.

EMC Administration and Support will provide the Committee 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 for 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 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 the ViceChair to preside over the hearing. The Chairperson may also designate the ViceChair to preside over a hearing when the parties to the grievance, or a substantial number of witnesses, will be located at the distant location. Members from the same agency as the scheduled grievances will not be selected for that agenda.

Grievances scheduled for 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 a 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.
- Ordering an employee or the employer to apologize to the grievant or someone else.
- Requesting an employee, supervisor, or management to attend training.
- Disciplining employees, supervisors, or managers.
- Ordering an investigation.

Requiring DHRM to adjust holiday pay and overtime calculations based upon a legal interpretation of the Fair Labor Standards Act. The Committee does not have jurisdiction over issues where relief may be provided for in another venue. It is the responsibility of the employee or their representative to research and determine the proper venue for filing grievances/complaints of these types:

- Grievances or portions of a grievance alleging unlawful discrimination based upon any State or Federal law or regulation.
- Grievances or portions of a grievance regarding harassment, retaliation and/or hostile work environment.

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.

Grievances submitted to Step 4, and scheduled for hearing, that do not meet the definition of a grievance pursuant to NAC 284.658 may be summarily dismissed.

EMC Best Practice

- The intent of the grievance process and the EMC is to provide an informal, non-court venue for issues arising out of the employee/employer relationship to be resolved at the lowest level possible.
- All grievance documents and correspondence are to be submitted to and through the EMC Clerk. All requests and documents will be sent to required/relevant parties via the EMC Clerk 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, but is not limited to 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 DAGs. Therefore, requests and/or documents submitted outside those deadlines may not be accepted or considered.
- Parties are not to contact the Chairperson or EMC's DAG directly regarding administrative procedure, requests, or information. All requests must be made through the EMC Clerk and the request will be sent to the appropriate party, with the response sent via the EMC Clerk.
- While some requests need to be reviewed and approved by the Chairperson, other decisions based on internal administrative procedures and historical best practice will be made by the EMC Clerk and EMC Administrative and Support staff.
- Per NAC 284.662, the EMC Clerk and DHRM staff are unbiased and offer support and guidance equally to the employees, agencies and personnel DAGs.

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 the 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.