

## Grievance FAQ's

The following Frequently Asked Questions related to grievances are available. By clicking on the link you will find the answer.

### [What is a grievance?](#)

Although there are a variety of reasons an employee may file a grievance, there are several situations where the grievance process would not be used.

A “grievance” means an act, omission or occurrence that a permanent employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee. (NAC 284.658)

The term “grievance” does not include any grievance for which a hearing is provided for by federal law (e.g. Fair Labor Standards Act – FLSA), or is handled using another administrative process within the State. For example, there are specific avenues outside of the grievance process to address the following:

- Allegations of discrimination or sexual harassment
- A change in classification or the allocation of positions (NRS 284.165)
- Refusal to examine or certify an application for an open position (NRS 284.245)
- A denial of Catastrophic Leave (NRS 284.3629)
- An involuntary transfer (NRS 284.376)
- A dismissal, demotion or suspension (NRS 284.390)
- Reprisal or retaliatory action against a State officer or employee who discloses improper governmental action/Whistleblower (NRS 281.641)

For specific information on how to handle these types of issues, please continue reading the FAQ's below.

If you would like more information related to the grievance process, you may contact your agency personnel staff or the Division of Human Resource Management's Consultation & Accountability section at (775)684-0135 or (775)684-0149. Information can be requested or submitted to the Employee-Management Committee (EMC) Coordinator by email at [EMCCoordinator@admin.nv.gov](mailto:EMCCoordinator@admin.nv.gov).

### [Who is eligible to file a grievance?](#)

The grievance process is available to permanent, classified employees of the State of Nevada. A probationary or unclassified employee may request [Mediation](#) by dialing (775)684-0104.

### [Do I need to discuss my issue\(s\) with my supervisor prior to filing a grievance?](#)

Employees should make their concerns known to their supervisors and should make every effort to resolve the grievance through informal discussions within 20 working days after the occurrence of the incident or after the date he or she learned of the incident. An employee has 20 working days after the occurrence of the incident or the date he or she learned of the incident to file a grievance.

**Attention: If a grievance is related to an employee appraisal, the deadline is 10 working days after the final decision on the review of the appraisal is received.**

#### When should I file a grievance?

An employee has 20 working days after the occurrence of the incident or the date he or she learns of the incident to file a grievance. For a grievance related to an employee appraisal, the deadline is 10 working days after the final decision on the review of the appraisal is received.

Employees should make their concerns known to their supervisors and should make every effort to resolve the grievance through informal discussions within this 20 working days or 10 working days timeframe.

The appropriate timeframe to file a grievance may be extended upon agreement between the employee and the agency. Additionally, the response due dates may be extended if the employee and agency agree. In either situation, the [Agreement to Extend Grievance Filing Periods](#) (TS-145) must be signed by both parties and entered into the NEATS System or indicated on the [Formal Grievance](#) (NPD-50) form. Some situations where this may be appropriate are to allow time for an internal investigation, or if one of the parties is out of the office for a long of time.

The goal of the grievance process is always to resolve an employee's concern at the lowest level possible. This typically produces the most effective and most timely solutions. 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.

#### What is the definition of a "hostile work environment?"

A "hostile work environment" is defined as harassment, speech or conduct that is severe (harsh; unnecessarily extreme) or pervasive (spreading or spread throughout) enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive and is based on someone's race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, and/or gender identity and/or expression. In other words, having a "mean" or "bad supervisor" may not be the best for the morale of your office but it does not create a "hostile work environment" unless the conduct or speech is aimed at people who are in a protected class.

#### My grievance relates to:

##### Classification

The grievance process is not the appropriate venue for classification issues. If you wish to appeal a change in the classification of your position you may file a written appeal of the action with the designee of the Administrator of the Division of Human Resource Management within 20 working days after the date of receipt of written notice of the change. The decision of the Administrator may be appealed to the Personnel Commission within 30 days after receipt of the written notice of the decision. You may contact Human Resource Management at (775)684-0150 for further information. (NRS 284.165)

### Compensation

Compensation is typically a condition arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

### Conflict with agency management

A conflict with agency management is a condition arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

### Demotion

The grievance process is not the appropriate venue to appeal a demotion. If you wish to appeal a demotion, you must complete and submit the [Request for Hearing Regarding Dismissal, Suspension, Demotion or Involuntary Transfer](#) (NPD-54) form. Pursuant to NRS 284.390, an appeal is deemed timely if it is postmarked within 10 working days after the **proposed effective date of action.**

For more information regarding the appeals process, please contact the Division of Human Resource Management at [hearingclerk@admin.nv.gov](mailto:hearingclerk@admin.nv.gov) or (775)684-0135. (NRS 284.390)

### Did not meet minimum qualifications for an open position

The grievance process is not the appropriate venue for issues related to meeting the minimum qualifications for an open position. If you are informed that you do not meet the minimum qualifications for a position and you wish to appeal, you must direct your appeal to the designee of the Administrator of the Division of Human Resource Management. You may contact Human Resource Management at (775)684-0150. (NRS 284.245)

### Discipline – oral warning or written reprimand

Oral warnings and written reprimands are conditions arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns. There are different processes used to handle other types of discipline. Please see related sections of the FAQ's page to determine how to handle these situations.

### Dismissal

The grievance process is not the appropriate venue to appeal a dismissal. If you have been dismissed from employment and wish to appeal, you must complete and submit the [Request for Hearing Regarding Dismissal, Suspension, Demotion or Involuntary Transfer](#) (NPD-54) form. Pursuant to NRS 284.390, an appeal is deemed timely if it is postmarked within 10 working days after the **proposed effective date of action.**

For more information regarding the appeals process, please contact the Division of Human Resource Management at [hearingclerk@admin.nv.gov](mailto:hearingclerk@admin.nv.gov) or (775)684-0135. (NRS 284.390)  
[Employee Appraisal \(within 10 working days after final review of appraisal is received\)](#)

An employee appraisal is a condition arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns. **The deadline for filing a grievance related to an employee appraisal is 10 working days after the final decision on the review of an appraisal is received.**

#### Family Medical Leave Act (FMLA)

The grievance process is not the appropriate venue for FMLA issues. If you have a concern related to FMLA, contact Carrie Hughes, Personnel Analyst with the Division of Human Resource Management, for additional information. Carrie can be reached at (775)684-0111 or [chughes@admin.nv.gov](mailto:chughes@admin.nv.gov).

#### Improper governmental action/Whistleblower retaliation

The grievance process is not the appropriate venue to appeal possible Whistleblower retaliation. If you believe action was taken against you in retaliation for your disclosure of improper governmental action, you must complete and submit the [Appeal of “Whistleblower” Retaliation](#) (NPD-53) form. For more information regarding the appeals process, please contact the Division of Human Resource Management at [hearingclerk@admin.nv.gov](mailto:hearingclerk@admin.nv.gov) or (775)684-0135. (NRS 281.641)

#### Involuntary transfer

The grievance process is not the appropriate venue to appeal an involuntary transfer possibly based on retaliation. If you have been transferred and believe it was made for the purpose of harassing you, you must complete and submit the [Request for Hearing Regarding Dismissal, Suspension, Demotion or Involuntary Transfer](#) (NPD-54) form. Pursuant to NRS 284.390, an appeal is deemed timely if it is postmarked within 10 working days after the **proposed effective date of action.**

For more information regarding the appeals process, please contact the Division of Human Resource Management at [hearingclerk@admin.nv.gov](mailto:hearingclerk@admin.nv.gov) or (775)684-0135. (NRS 284.376)

#### Leave denial

The denial of leave is a condition arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

#### Letter of instruction

The letter of instruction is a tool that helps communicate agency management’s expectations for performance and behavior before it is necessary to pursue discipline, and is not part of the progressive discipline process. As such, a letter of instruction may not be grieved. If you have an issue with a letter of instruction you have received, you should contact your agency’s human resources office or the Division of Human Resource Management at (775)684-0149. Additionally, you may request [Mediation](#) by dialing (775)684-0104.

#### Military leave – Uniformed Services Employment & Reemployment Rights Act (USERRA)

The grievance process is not the appropriate venue for military leave issues. If you have a concern related to Military Leave or USERRA, contact Carrie Hughes, Personnel Analyst with the Division of Human Resources, for additional information. Carrie can be reached at (775)684-0111 or [chughes@admin.nv.gov](mailto:chughes@admin.nv.gov).

#### [Nursing Mother Request or Retaliation](#)

The grievance process is not the appropriate venue for an employee who is unsatisfied with an agency response to the request for reasonable break times and/or a place to express breast milk, or by an employee who alleges retaliation by the agency. A complaint of this nature is submitted to the Employee-Management Committee on [the Complaint – Nursing Mother Request or Retaliation paper form \(HR-88.\)](#) If you have a concern related to this issue, contact Carrie Hughes, Personnel Analyst with the Division of Human Resource Management, at (775)684-0111 or [chughes@admin.nv.gov](mailto:chughes@admin.nv.gov).

#### [Personal conflict with a co-worker](#)

The grievance process is not the appropriate venue for conflict with a co-worker. If you have a personal 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. You may however request [Mediation](#) by dialing (775)684-0104.

#### [Possible discrimination based on age \(over 40 years old\)](#)

The grievance process is not the appropriate venue to address possible discrimination based on age. If you're concerned about possible discrimination based on your age (40+ years old), you may file a complaint by clicking on "File a Sexual Harassment or Discrimination Complaint" under the "Personal Tasks" section on your NEATS home tab. You may also report your concern to the [Sexual Harassment/Discrimination Investigation Unit](#) by calling (800)767-7381 or the State of Nevada's Equal Employment Opportunity Office at (775)684-0104. You may also contact the Nevada Equal Rights Commission at (775)823-6690 or (702)486-7161, or the Equal Employment Opportunity Commission at (800)669-4000 or [info@eeoc.gov](mailto:info@eeoc.gov). If there are other areas in which you have a concern, you may choose to file a grievance to have them addressed.

#### [Possible discrimination based on genetic information](#)

The grievance process is not the appropriate venue to address possible discrimination based on genetic information. If you feel that you been discriminated against, harassed, or retaliated against based on genetic information. You may file a complaint by clicking on "File a Sexual Harassment or Discrimination Complaint" under the "Personal Tasks" section on your NEATS home tab. You may also report your concern to the [Sexual Harassment/Discrimination Investigation Unit](#) by calling (800)767-7381 or the State of Nevada's Equal Employment Opportunity Office at (775)684-0104. You may also contact the Nevada Equal Rights Commission at (775)823-6690 or (702)486-7161, or the Equal Employment Opportunity Commission at (800)669-4000 or [info@eeoc.gov](mailto:info@eeoc.gov). If there are other areas in which you have a concern, you may choose to file a grievance to have them addressed.

#### [Possible discrimination based on the American's with Disabilities Act \(ADA\)](#)

The grievance process is not the appropriate venue to address possible discrimination based on a disability. If you're concerned about possible discrimination based on a disability, you may file a complaint by clicking on "File a Sexual Harassment or Discrimination Complaint" under the "Personal Tasks" section on your NEATS home tab. You may also report your concern to the [Sexual Harassment/Discrimination Investigation Unit](#) by calling (800)767-7381 or the State of Nevada's Equal Employment Opportunity Office at (775)684-0104. You may also contact the Nevada Equal Rights Commission at (775)823-6690 or (702)486-7161, or the Equal Employment Opportunity Commission at (800)669-4000 or [info@eeoc.gov](mailto:info@eeoc.gov). If there are other areas in which you have a concern, you may choose to file a grievance to have them addressed.

#### Possible discrimination based on the Civil Rights Act of 1964 (race, color, religion, sex, national origin)

The grievance process is not the appropriate venue to address possible discrimination related to these factors. If you're concerned about possible discrimination based on the Civil Rights Act of 1964, you may file a complaint by clicking on "File a Sexual Harassment or Discrimination Complaint" under the "Personal Tasks" section on your NEATS home tab. You may also report your concern to the [Sexual Harassment/Discrimination Investigation Unit](#) by calling (800)767-7381 or the State of Nevada's Equal Employment Opportunity Office at (775)684-0104. You may also contact the Nevada Equal Rights Commission at (775)823-6690 or (702)486-7161, or the Equal Employment Opportunity Commission at (800)669-4000 or [info@eeoc.gov](mailto:info@eeoc.gov). If there are other areas in which you have a concern, you may choose to file a grievance to have them addressed.

#### Possible sexual harassment

The grievance process is not the appropriate venue to address possible sexual harassment. If you're concerned about possible sexual harassment, you may file a complaint by clicking on "File a Sexual Harassment or Discrimination Complaint" under the "Personal Tasks" section on your NEATS home tab. You may also report your concern to the [Sexual Harassment/Discrimination Investigation Unit](#) by calling (800)767-7381 or the State of Nevada's Equal Employment Opportunity Office at (775)684-0104. You may also contact the Nevada Equal Rights Commission at (775)823-6690 or (702)486-7161, or the Equal Employment Opportunity Commission at (800)669-4000 or [info@eeoc.gov](mailto:info@eeoc.gov). If there are other areas in which you have a concern, you may choose to file a grievance to have them addressed.

#### Recruitment dispute

A recruitment dispute may or may not be an appropriate issue for the grievance process.

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 designee of the Administrator of the Division of Human Resource Management, rather than file a grievance. You may contact Human Resource Management at (775)684-0150. (NRS 284.245)

If you received notification that you **do meet** the minimum qualifications for a position and you wish to appeal that you were *not granted an interview or you were not selected for the position following an interview*, the grievance process would be the appropriate way to address

these types of concerns. These are conditions arising out of the relationship between an employer and an employee.

### Specificity of Charges

The Specificity of Charges form is the designated form used to communicate allegations to an employee. This form also informs an employee of the date, time, and location of the pre-disciplinary hearing. The pre-disciplinary hearing process is an informal proceeding between an employee and the appointing authority or his or her designee. Because the Specificity of Charges form is a communication tool, it may not be grieved. If disciplinary action (dismissal, demotion, or suspension) is taken against you and you wish to appeal, you should complete the [Request for Hearing Regarding Dismissal, Suspension, Demotion or Involuntary Transfer](#) (NPD-54) form.

### Suspension

The grievance process is not the appropriate venue to appeal a suspension. If you wish to appeal a suspension, you must complete and submit the [Request for Hearing Regarding Dismissal, Suspension, Demotion or Involuntary Transfer](#) (NPD-54) form. Pursuant to NRS 284.390, an appeal is deemed timely if it is postmarked within 10 working days after the **proposed effective date of action**.

For more information regarding the appeals process, please contact the Division of Human Resource Management at [hearingclerk@admin.nv.gov](mailto:hearingclerk@admin.nv.gov) or (775)684-0135. (NRS 284.390)

### Work duties

Work duties are conditions arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

### Workers' compensation

The grievance process is not the appropriate venue for workers' compensation issues. If you have a concern related to workers' compensation, you should contact your agency's Human Resources section, or the Department of Administration's [Risk Management Division](#) at (775)687-3187.

### Working conditions

Working conditions are conditions arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

### Working hours/shifts

Working hours and shifts are conditions arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

### Work performance standards

Working performance standards are conditions arising out of the relationship between an employer and an employee. Therefore, the grievance process would be the appropriate way to address these types of concerns.

**What happens once a grievance is filed that is not related to an employee appraisal?**

The grievance process is generally considered to have 4 “Steps,” except in the case of a contested employee appraisal. The first 3 Steps will usually fall within the employee’s agency for consideration. The 4<sup>th</sup> Step is the State Employee-Management Committee (EMC). The EMC will hold a hearing if the grievance is unresolved and the employee submits it to Step 4.

The usual progression of a grievance is as follows:

- Step 1.** Submission of the grievance to the employee’s immediate supervisor.
- Step 2.** Submission of the grievance to the head of the major division of the employee’s agency.
- Step 3.** Submission of the grievance to the director or the highest administrator of the employee’s agency. Check with your agency personnel staff if you need help determining who this is.

At each Step in the grievance process, each party is allowed 10 working days to discuss, consider and respond to the other. The 10 working days for the employee’s agency to provide a response begins when the employee initially submits the grievance or escalates it to the next Step. At every Step, when the employee’s agency responds, it is the employee’s responsibility to escalate the grievance within 10 working days if the employee considers the response or resolution unacceptable or if no response is received.

**Step 4.** Submission of the grievance to the Employee-Management Committee (EMC).

**Next step.** Resolution Conference – Conducted if requested by the employee or the employee’s agency.

**Next step.** Hearing before the EMC.

**What happens once a grievance is filed that is related to an employee appraisal?**

When an employee appraisal is the subject of a grievance the employee must first request a review of the employee appraisal by his or her appointing authority on the employee appraisal report. The request for review must include a description of the specific areas of disagreement. If the employee wishes to contest his or her appointing authority’s final decision of the appraisal review, he or she may file a grievance within 10 working days after receiving the appointing authority’s final decision. 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 employee appraisal. Grievances on employee appraisals are only available to employees that have achieved permanent status.



### What is a resolution conference?

After a grievance has been submitted to Step 4, upon the request of the employee **OR** the employee's agency, a resolution conference will be conducted, mandating participation from both parties. A resolution conference is an informal meeting between the parties with the assistance of a facilitator, provided by the Division of Human Resource Management, who is not affiliated with either of the parties (neutral). The resolution conference provides an additional opportunity for a grievance 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 the EMC Coordinator, at [EMCCoordinator@admin.nv.gov](mailto:EMCCoordinator@admin.nv.gov) or (775) 684-0135.

### How can I track my grievance?

The status of your grievance is visible in the "Personnel" section on the left side of your NEATS home page. 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 the deadline timeframes**.

### What if I want to submit my grievance to a higher level than my supervisor?

There are a few instances where skipping your supervisor and submitting it to a higher level would be appropriate. For example, this would be appropriate for a grievance related to an employee appraisal, 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 EMC Coordinator at (775)684-0135 or [EMCCoordinator@admin.nv.gov](mailto:EMCCoordinator@admin.nv.gov) for assistance.

### How do I file a grievance?

An eligible employee may file a grievance using the NEATS Incident Tracking System or by submitting the grievance to his or her supervisor using the [Formal Grievance](#) (NPD-50) form. Submitting your grievance online ensures that the grievance is electronically routed through the NEATS System and adheres to appropriate timelines.

### How can I withdraw my grievance?

To withdraw your grievance, log into the NEATS system and locate the grievance on the "Home" tab in the "Personnel" task bar. If your grievance is in a pending status, click on the gray "Withdraw" box at the bottom of the grievance. If your grievance is in a responded status, select "Withdraw" in the drop down menu under "Grievant Response Action" then click the gray "Submit" button. Your grievance status at the top right hand side of the grievance will now show the current step and "Withdrawn."

### How do I use NEATS to file a grievance?

To get a .pdf copy of these instructions, click here: [\[Link\]](#)