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Human Resources (Exempt & Non-Exempt) Board

CONTACT INFORMATION

For the person completing this report.

Name Patricia Leyba

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INFORMATION ABOUT THE BOARD

Official Name of the Board Human Resources (Exempt & Non-Exempt) Board

Effective date of establishment

01/2001

Authorized by

Administrative Rules and Procedures (ARP)

Board Reports To (if applicable)

Director, Employee and Labor Relations

Scope of Impact

System

Type of Board

Standing

ARP 10.20: The Human Resources Board may be convened to address: terminations, suspensions, demotions, and related issues resulting in reduction/loss of wages and/or appeals of overall unsatisfactory, needs improvement, or does not meet expectations performance evaluation ratings for regular non-probationary staff employees.]

Purpose

If the complainant does not agree with the assistant vice president for human resource service decision in STAGE TWO, a request to convene the Human Resources Board may be submitted in writing to the Office of Employee Management Services within 5 working days of receiving the decision from the assistant vice president of human resource services. The complainant and party charged will be required to provide all documentation to be reviewed by the Human Resources Board according to procedures cited herein. The Human Resources Board will hold a hearing and issue a recommendation to the executive vice president and provost (or designee) within 5 working days of said hearing. Should the Human Resources Board require additional time, the chair will notify the complainant, party charged, and executive vice president and provost. The executive vice president and provost (or designee) will issue a final decision in writing to both complainant and party charged within 5 working days of receiving the Human Resources Board's recommendation. STAGE THREE concludes the appeal process for non-probationary staff employees at the university.

Authority

Decision-making

MEMBERSHIP

What is the process for selecting a chair?

Chair: Dean selected by the executive vice president and provost to serve for 3 years. The previous chair will serve as alternate and assume all duties of the chair in case of absence. [Note: The same chair will serve on both nonexempt and exempt boards.]

Chair for 2018-19 Academic Year

Name Miriam Chaiken

Email mchaiken@nmsu.edu

Co-Chair for 2018-19 Academic Year

Co-chair Name Enrico Pontelli

Co-chair Email epontell@nmsu.edu

Additional Membership Details

**Members are appointed
by**

Combination

**Position appointment
description**

F. Nonexempt Human Resources Board: The Nonexempt Human Resources Board members are restricted to two consecutive terms of 3 years each. The Nonexempt Human Resources Board will hear grievances from nonexempt employees only. Representatives include:

1. Chair: Dean selected by the executive vice president and provost to serve for 3 years. The previous chair will serve as alternate and assume all duties of the chair in case of absence. [Note: The same chair will serve on both nonexempt and exempt boards.]
2. Member: Nonexempt employee and alternate selected from and by the NMSU Employee Council to serve for 3 years.
3. Member: Nonexempt employee and alternate selected from and by the Institutional Equity/EEO Advisory Committee to serve for 3 years.
4. Member: Nonexempt employee and alternate appointed by the Chancellor to serve for 3 years.
5. Member: The Office of Employee Management Services (or designee), permanent, ex officio member.
6. Member: Assistant Vice President for Human Resource Services permanent, ex officio member.

G. Exempt Human Resources Board: Exempt Human Resources Board members are restricted to two consecutive terms of 3 years each. The Exempt Human Resources Board will hear grievances from exempt employees only. Representatives include:

1. Chair: Dean selected by the executive vice president and provost to serve for 3 years. The previous chair will serve as

alternate. [Note: The same chair will serve on both nonexempt and exempt boards.]

2. Member: Exempt employee and alternate selected from and by the NMSU Employee Council to serve for 3 years

3. Member: Exempt employee and alternate selected from and by the Office of Institutional Equity/EEO Advisory Committee to serve for 3 years.

4. Member: Exempt employee and alternate appointed by the Chancellor to serve for 3 years.

5. Member: The Office of Employee Management Services (or designee), permanent, ex officio member.

6. Member: Assistant vice president for human resource services, ex officio member.

The Office of Employee & Labor Relations (or Designee) is responsible for ensuring that:

1. The Human Resources Board has been notified in writing of the hearing.

2. The parties charged, complainant(s) and Human Resources Board members are advised in writing of the date, time, and location of the hearing.

3. The complainant and party charged are informed in writing of time constraints of 2 hours each to present material, including witness testimony and rebuttal. (Additional time may be considered, if requested).

4. Grievance procedures and exchange of statements are provided to both the complainant and party charged at least 48 hours prior to the hearing.

5. A pre-hearing orientation is provided to the Human Resources Board for purposes of receiving documents, instructions, and appropriate policies and procedures.

6. An agenda is prepared for the hearing and time constraints are monitored.

7. An official tape recording of the hearing is available, upon written request, to the complainant and/or party charged.

8. Reasonable accommodations are made, upon request.

D. The Chair is Responsible for ensuring that:

1. An open or closed hearing is stated for the record during the hearing.

2. Instructions at the hearing are recorded for the record.

3. The nature of the charge is clearly understood.

4. All issues presented during testimony are relevant to the

charge. It is the chair's prerogative to determine when issues have been clarified and may terminate the process accordingly.

5. Additional documentation (if provided by either party after documents have been submitted) is pertinent and reasonable.

6. Both parties are extended an opportunity for an executive Session at the end of the Human Resources Board hearing (not recorded). An executive session provides the complainant and party charged with an opportunity to present any relevant extenuating or mitigating matters after closing statements, not to exceed 5 minutes each. During an executive session, only the voting board members and party requesting executive session will be present.

E. The Human Resources Board is responsible for ensuring that:

1. An open or closed hearing is designated after considering the sensitivity of the issues, in conjunction with any specific requests from the complainant or party charged.

2. A conflict of interest situation is called any time a Human Resources Board member's relationship or association (personal or business) with either the complainant or party charged may interfere with the process.

3. A written Human Resources Board recommendation is forwarded to the executive vice president and provost within 5 working days following the hearing.

Are terms staggered?

No

Are members subject to reappointment?

No

What is the process for filling vacant positions?

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5. Member: The Office of Employee Management Services (or designee), permanent, ex officio member.

6. Member: Assistant Vice President for Human Resource Services permanent, ex officio member.

G. Exempt Human Resources Board: Exempt Human Resources Board members are restricted to two consecutive terms of 3 years each. The Exempt Human Resources Board will hear grievances from exempt employees only.

Representatives include:

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2. Member: Exempt employee and alternate selected from and by the NMSU Employee Council to serve for 3 years

3. Member: Exempt employee and alternate selected from and by the Office of Institutional Equity/EEO Advisory Committee to serve for 3 years.

4. Member: Exempt employee and alternate appointed by the Chancellor to serve for 3 years.

5. Member: The Office of Employee Management Services (or designee), permanent, ex officio member.

6. Member: Assistant vice president for human resource services, ex officio member.

	Name	Title	Member Type
	Monica Dunivan	Admin Assistant Senior	Voting Member
	Augustin Diaz	Equity Officer/Investigator	Voting Member
	Rosie Martinez	HR Ops Unit Coordinator	Voting Member
Member List	Laura Castille (Alternate)	Executive Director	Voting Member
	Patricia Leyba	Senior Employee Relations Specialist	Non-voting Member
	Dr. Gena Jones	Assistant Vice President for HRS	Non-voting Member

MEETINGS & ADMINISTRATIVE SUPPORT

What university office/function provides administrative support to this board?

Employee and Labor Relations Office

What are the requirements for the number of meetings to be held annually?

Meetings held as needed

Was the requirement for the number of meetings met?

Yes

List of Meeting Dates

June 20, 2018

Major Accomplishments

The Board heard a post-action appeal on June 20, 2018.

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