

Personnel Commission

Additional Items Requested:

1. The operating budget of the board or commission.

Personnel Commission ⁽¹⁾					
Category	Description	G/L	FY16 ⁽²⁾		FY17
			Budgeted	Expenses	Budgeted
01	Board and Commission Pay	5860	\$ 1,120	\$ 960	\$ 1,120
03	Personal Vehicle In-State	6240	\$ 325	\$ 184	\$ 325
04	Contracts (Transcription Services)	7063	\$ 563	\$ 198	\$ 563
04	Professional Services -E (Regulation Drafting Fees)	7435	\$ 1,250	\$ 1,900	\$ 1,250
Total			\$ 3,258	\$ 3,242	\$ 3,258

Notes:

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

(2) Expenses posted as of 1/13/2016.

2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.

Personnel Commission ⁽¹⁾								
Category	Description	G/L	FY13		FY14		FY15	
			Budgeted	Expenses	Budgeted	Expenses	Budgeted	Expenses
01	Board and Commission Pay	5860	\$ 2,000	\$ 1,600	\$ 1,840	\$ 1,120	\$ 1,840	\$ 1,520
03	Personal Vehicle In-State	6240	\$ 648	\$ 634	\$ 584	\$ 325	\$ 584	\$ 561
04	Contracts (Transcription Services)	7063		\$ 653		\$ 563		\$ 675
04	Professional Services -E (Regulation Drafting Fees)	7435	\$ 655	\$ 600	\$ 3,275	\$ 1,150	\$ 1,738	\$ -
Total			\$ 3,303	\$ 3,487	\$ 5,699	\$ 3,158	\$ 4,162	\$ 2,756

Notes:

(1) Additional costs of staff, office supplies, postage, etc. are not tracked and are absorbed in the Division of Human Resource Management's overall budget.

3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.

None

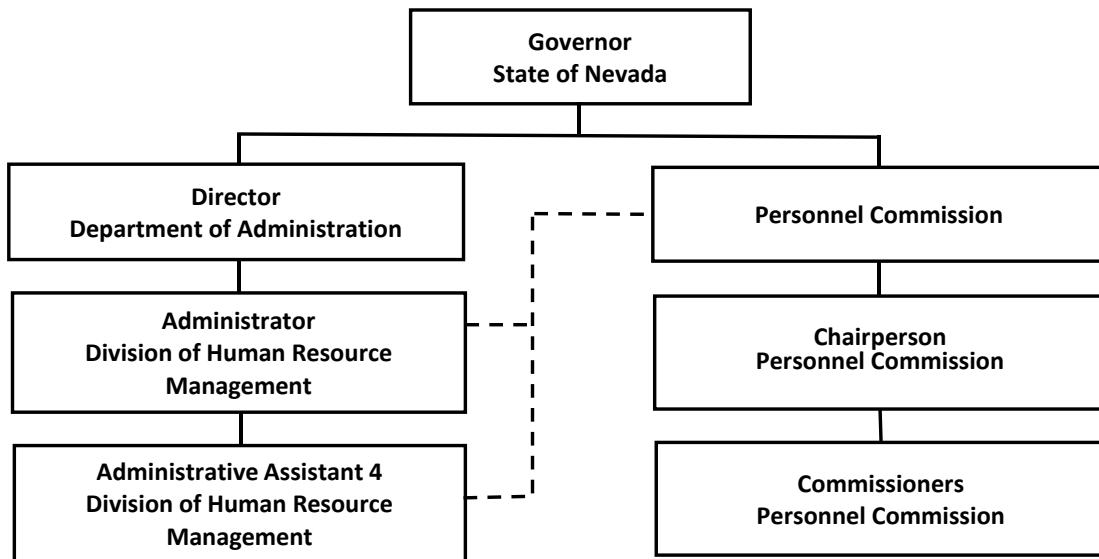
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.

The Division of Human Resource Management submitted the most recent 10-year review of regulations, required by NRS 233B.050(1)(e), to Brenda Erdoes, Legislative Counsel on May 3, 2013 and the 3-year review required by NRS 233.050(1)(a) and (d) to Ross Miller, Secretary of State, on May 28, 2013.

5. Copies of the minutes of the immediately preceding six meetings of the board or commission.

Will be provided to the Sunset Subcommittee when submitted.

6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.



7. A copy of the most recent strategic plan of the board or commission.

None

General Provisions

NAC	Statutory Authority
284.010	284.065
284.021	284.065
284.022	284.065
284.023	284.065
284.025	284.065
284.026	284.065
284.027	Supplied in codification
284.028	284.065
284.030	284.065
284.034	284.065
284.036	284.065
284.038	284.065
284.042	284.065
284.050	284.065
284.051	Supplied in codification
284.0525	284.065
284.053	284.065
284.0533	284.065
284.0535	284.065
284.054	284.065
284.055	284.065
284.057	Supplied in codification
284.058	284.065
284.062	284.065
284.063	284.065
284.0637	284.065
284.0638	284.065
284.0639	284.065
284.064	284.065
284.065	284.065
284.0655	284.065
284.066	284.065
284.0663	284.065
284.0665	284.065
284.067	284.065
284.068	284.065
284.069	284.065
284.070	284.065
284.071	284.065
284.072	284.065
284.0725	284.065
284.073	284.065

284.0735	284.065, 284.155
284.0742	284.065
284.0745	284.065
284.0746	284.065
284.0748	284.065
284.075	284.065
284.076	284.065
284.078	284.065
284.086	284.065
284.087	284.065
284.0875	284.065
284.088	284.065
284.0915	284.065
284.092	284.065
284.093	284.065
284.094	284.065
284.095	284.065
284.0955	284.065
284.096	284.065
284.097	284.065
284.0975	Supplied in codification
284.099	284.065
284.0995	284.065
284.100	284.065
284.102	284.065
284.104	284.065
284.106	284.065
284.108	284.065
284.110	284.065
284.112	284.065
284.1125	284.065
284.113	284.065, 284.155, 284.345
284.114	284.065
284.116	284.065
284.120	284.065
284.122	284.065

Classification

NAC	Statutory Authority
284.126	284.065, 284.155
284.130	284.065, 284.155
284.132	284.065, 284.155, 284.175
284.134	284.065, 284.155, 284.175
284.138	284.065, 284.155, 284.175

284.140	284.065, 284.155, 284.175
284.150	284.065, 284.155, 284.384
284.152	284.065, 284.155, 284.384

Compensation

NAC	Statutory Authority
284.158	284.065, 284.155, 284.175
284.170	284.065, 284.155, 284.175
284.171	284.065, 284.155, 284.175
284.172	284.065, 284.155, 284.175
284.173	284.065, 284.155, 284.175
284.175	284.065, 284.155, 284.175
284.176	284.065, 284.155, 284.175
284.177	284.065, 284.155, 284.175
284.179	284.065, 284.155, 284.175
284.180	284.065, 284.155, 284.175
284.182	284.065, 284.155, 284.175
284.186	284.065, 284.155, 284.175
284.194	284.065, 284.155, 284.175, 284.335
284.196	284.065, 284.155, 284.175
284.204	284.065, 284.155, 284.175
284.206	284.065, 284.155, 284.175, 284.340, 284.384
284.208	284.065, 284.155, 284.175
284.210	284.065, 284.155, 284.175
284.214	284.065, 284.155, 284.175
284.218	284.065, 284.155, 284.175
284.220	284.065, 284.155, 284.175
284.228	284.065, 284.155, 284.175, 284.345
284.242	284.065, 284.155, 284.175
284.245	284.065, 284.155, 284.175
284.248	284.065, 284.155, 284.175
284.250	284.065, 284.155, 284.175
284.2508	284.065, 284.155, 284.175, 284.345
284.252	284.065, 284.155, 284.175
284.253	284.065, 284.155, 284.175
284.2535	284.065, 284.155, 284.175, 284.180
284.254	284.065, 284.155, 284.175
284.255	284.065, 284.155, 284.175, 284.180, 284.345
284.256	284.065, 284.155, 284.175, 284.180
284.257	284.065, 284.155, 284.175
284.258	284.065, 284.155, 284.175
284.290	284.065, 284.155, 284.175
284.292	284.065, 284.155, 284.175
284.294	284.065, 284.155, 284.175

Filling Vacancies in Employment

NAC	Statutory Authority
284.295	284.065, 284.155, 284.295
284.297	284.065, 284.155, 284.295
284.2975	284.065, 284.250, 284.295
284.301	284.065, 284.155
284.305	284.065, 284.155, 284.205, 284.250
284.309	284.065, 284.155
284.313	284.065, 284.155, 284.295
284.317	284.065, 284.155, 284.295
284.321	284.065, 284.155, 284.295
284.325	284.065, 284.155, 284.205, 284.250
284.329	284.065, 284.155, 284.205, 284.384
284.333	284.065, 284.155, 284.205, 284.210
284.338	284.065, 284.155, 284.205, 284.250
284.341	284.065, 284.155, 284.205, 284.384
284.345	284.065, 284.155, 284.205, 284.250
284.349	284.065, 284.155, 284.205
284.353	284.065, 284.155, 284.345
284.358	284.065, 284.155, 284.250, 284.327
284.360	284.065, 284.155, 284.250
284.361	284.065, 284.155, 284.250
284.364	284.065, 284.155, 284.250, 284.327
284.367	284.065, 284.155, 284.250
284.370	284.065, 284.155, 284.250
284.371	284.065, 284.155, 284.250
284.373	284.065, 284.155, 284.250
284.374	284.065, 284.155, 284.250, 284.295
284.375	284.065, 284.155
284.377	284.065, 284.155
284.386	284.065, 284.155, 284.305
284.390	284.065, 284.155, 284.375
284.394	284.065, 284.155, 284.375
284.398	284.065, 284.155, 284.375
284.400	284.065, 284.155
284.402	284.065, 284.155, 284.305
284.404	284.065, 284.155, 284.305
284.406	284.065, 284.155
284.410	284.065, 284.155
284.414	284.065, 284.155, 284.175, 284.325, 284.345
284.416	284.065, 284.155, 284.327
284.425	284.065, 284.155
284.434	284.065, 284.155
284.436	284.065, 284.155, 284.340, 284.384

284.437	284.065, 284.155, 284.305
284.4375	284.065, 284.155, 284.175
284.439	284.065, 284.121, 284.155

Essential Functions of Positions

NAC	Statutory Authority
284.441	284.065, 284.155

Probationary Periods

NAC	Statutory Authority
284.442	284.065, 284.155, 284.290
284.444	284.065, 284.155, 284.290
284.446	284.065, 284.155, 284.290
284.448	284.065, 284.155, 284.290
284.450	284.065, 284.155, 284.290
284.458	284.065, 284.155, 284.290
284.462	284.065, 284.155, 284.290

Reports on Performance

NAC	Statutory Authority
284.468	284.065, 284.155, 284.335
284.470	284.065, 284.155, 284.340, 284.383, 284.384
284.474	284.065, 284.155, 284.340
284.478	284.065, 284.155, 284.340

Training and Education

NAC	Statutory Authority
284.482	284.065, 284.155, 284.343
284.484	284.065, 284.155, 284.343, 284.345
284.485	284.065, 284.155, 284.343
284.486	284.065, 284.155, 284.343
284.490	284.065, 284.155, 284.343
284.494	284.065, 284.155, 284.343
284.496	284.065, 284.155, 284.343
284.498	284.065, 284.155, 284.343
284.504	284.065, 284.155, 284.343
284.506	284.065, 284.155, 284.343
284.510	284.065, 284.155, 284.343
284.514	284.065, 284.155, 284.175, 284.343, 284.345
284.518	284.065, 284.155, 284.175, 284.343, 284.345

284.522	284.065, 284.155, 284.343, 284.384
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Attendance and Leaves

NAC	Statutory Authority
284.523	284.065, 284.155, 284.345
284.5231	284.065, 284.155, 284.345
284.52315	284.065, 284.155, 284.345
284.52345	284.065, 284.155, 284.345
284.5235	284.065, 284.155, 284.345
284.5237	284.065, 284.155, 284.345
284.52375	284.065, 284.155, 284.345
284.524	284.065, 284.155, 284.345
284.525	284.065, 284.155, 284.345
284.5255	284.065, 284.155, 284.175, 284.345
284.538	284.065, 284.155, 284.345, 284.350
284.5385	284.065, 284.155, 284.345, 284.350
284.539	284.065, 284.155, 284.345, 284.350
284.5395	284.065, 284.155, 284.175, 284.350
284.540	284.065, 284.155, 284.345
284.5405	284.065, 284.155, 284.345, 284.350
284.541	284.065, 284.155, 284.345, 284.350
284.5415	284.065, 284.155, 284.180, 284.345, 284.350, 284.355
284.542	284.065, 284.155, 284.345, 284.355
284.544	284.065, 284.155, 284.345, 284.355
284.546	284.065, 284.155, 284.345, 284.355
284.548	284.065, 284.155, 284.175, 284.345, 284.355
284.550	284.065, 284.155, 284.345, 284.355
284.551	284.065, 284.155, 284.345, 284.355
284.552	284.065, 284.155, 284.345, 284.355
284.554	284.065, 284.155, 284.345, 284.355
284.558	284.065, 284.155, 284.345, 284.355
284.562	284.065, 284.155, 284.345, 284.355, 284.3626
284.566	284.065, 284.155, 284.345, 284.355
284.568	284.065, 284.155, 284.345, 284.355
284.575	284.065, 284.155, 284.362, 284.3626
284.576	284.065, 284.155, 284.362, 284.3626
284.577	284.065, 284.155, 284.175, 284.345, 284.3626
284.5775	284.065, 284.155, 284.345, 284.350, 284.355, 284.3626
284.5777	284.065, 284.155, 284.175, 284.345
284.578	284.065, 284.155, 284.345, 284.360

284.580	284.065, 284.155, 284.175, 284.345, 284.360
284.581	284.065, 284.155, 284.345
284.5811	284.065, 284.155, 284.345, 284.350, 284.355, 284.3626
284.5813	284.065, 284.155, 284.345
284.582	284.065, 284.155, 284.175, 284.345
284.586	284.065, 284.155, 284.345
284.587	284.065, 284.155, 284.345
284.5875	281.145, 284.065, 284.345
284.589	284.065, 284.155, 284.345, 284.383, 284.385, 284.390
284.5895	284.065, 284.155, 284.345
284.594	284.065, 284.155, 284.175, 284.345
284.598	284.065, 284.155

Work-Related Injuries and Occupational Diseases

NAC	Statutory Authority
284.600	284.065, 284.155
284.6002	284.065, 284.155
284.6004	284.065, 284.155, 284.327
284.6008	284.065, 284.155, 284.175, 284.327
284.6012	284.065, 284.155, 284.327, 284.345
284.6013	284.065, 284.155
284.6014	284.065, 284.155, 284.305
284.6015	284.065, 284.155
284.6017	284.065, 284.155, 284.250, 284.305
284.6018	284.065, 284.155, 284.305
284.6019	284.065, 284.155, 284.305

Separations From Service

NAC	Statutory Authority
284.602	284.065, 284.155
284.608	284.065, 284.155
284.611	284.065, 284.155, 284.355, 284.383, 284.385, 284.390
284.612	284.065, 284.155, 284.380
284.614	284.065, 284.155, 284.380
284.618	284.065, 284.155, 284.175, 284.380
284.626	284.065, 284.155, 284.380
284.630	284.065, 284.155, 284.250, 284.380
284.632	284.065, 284.155, 284.335, 284.380

Disciplinary Procedures

NAC	Statutory Authority
284.638	284.065, 284.155, 284.383
284.642	284.065, 284.155, 284.383, 284.385, 284.390
284.646	284.065, 284.155, 284.383, 284.385, 284.390
284.650	284.065, 284.155, 284.383
284.653	284.065, 284.155, 284.383, 284.385, 284.407
284.655	284.065, 284.155, 284.387
284.656	284.065, 284.155, 284.383, 284.385, 284.390
284.6561	284.065, 284.155, 284.383, 284.385, 284.390
284.6563	284.065, 284.155, 284.383, 284.385, 284.390

Adjustment of Grievances

NAC	Statutory Authority
284.658	284.065, 284.155, 284.340, 284.384
284.662	284.065, 284.155, 284.384
284.678	284.065, 284.155, 284.340, 284.384
284.680	284.065, 284.155, 284.384
284.682	284.065, 284.155, 284.384
284.686	284.065, 284.155, 284.384
284.690	284.065, 284.155, 284.340, 284.384
284.692	284.065, 284.155, 284.384
284.695	284.065, 284.155, 284.340, 284.384
284.6952	284.065, 284.155, 284.384
284.6955	284.065, 284.155, 284.384
284.6957	284.065, 284.155, 284.384
284.696	284.065, 284.155, 284.384
284.697	284.065, 284.155, 284.384

Personnel Records

NAC	Statutory Authority
284.702	284.065, 284.155, 284.175
284.710	284.065, 284.155, 284.175
284.714	284.065, 284.155
284.718	284.065, 284.155, 284.355, 284.407
284.726	284.065, 284.155, 284.335, 284.407
284.730	284.065
284.734	284.065, 284.155

Prohibitions and Offenses

NAC	Statutory Authority
284.738	284.065, 284.155
284.742	284.065, 284.155, 284.383
284.746	284.065, 284.155
284.750	284.065, 284.155
284.754	284.065, 284.155
284.758	284.065, 284.155
284.762	284.065, 284.155
284.766	284.065, 284.155
284.770	284.065, 284.155
284.771	284.065, 284.155

Practice Before Division of Human Resource Management

NAC	Statutory Authority
284.774	281.641, 284.065, 284.155, 284.376, 284.390
284.778	281.641, 284.065, 284.155, 284.376, 284.390
284.780	284.065, 284.155, 284.376, 284.390
284.782	284.065, 284.155, 284.376, 284.390
284.786	281.641, 284.065, 284.155, 284.376, 284.390
284.788	284.065, 284.155, 284.376, 284.390
284.794	284.065, 284.155, 284.376, 284.390
284.798	284.065, 284.155, 284.376, 284.390
284.802	284.065, 284.155, 284.376, 284.390
284.806	284.065, 284.155, 284.376, 284.390
284.814	284.065, 284.155, 284.376, 284.390
284.818	284.065, 284.155, 284.376, 284.390
284.826	284.065
284.830	284.065
284.834	284.065
284.838	284.065
284.850	284.065
284.854	284.065
284.858	284.065
284.862	284.065
284.866	284.065
284.870	284.065
284.874	284.065

Use of Alcohol or Drugs

NAC	Statutory Authority
284.880	284.065, 284.155, 284.407
284.882	284.065, 284.155, 284.4065, 284.407

284.884	284.065, 284.155, 284.407
284.886	284.065, 284.155, 284.407
284.888	284.065, 284.155, 284.407
284.890	284.065, 284.155, 284.407
284.892	284.065, 284.155, 284.407
284.893	284.065, 284.155, 284.407
284.894	284.065, 284.155, 284.407

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in
Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue

**MEETING MINUTES
Friday, March 20, 2015**

COMMISSIONERS PRESENT

IN CARSON CITY: Katherine Fox, Chairperson
David Read, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Lee-Ann Easton, Administrator, DHRM
Shane Chesney, Senior Deputy Attorney General
Tawny Polito, Executive Assistant, DHRM
Peter Long, Deputy Administrator, DHRM
Shelley Blotter, Deputy Administrator, DHRM

COMMISSIONERS PRESENT

IN LAS VEGAS: David Sanchez, Commissioner
Gary Mauger, Commissioner
Andreas Spurlock, Commissioner

**STAFF PRESENT IN
LAS VEGAS:**

Heather Dapice, DHRM
Jocelyn Zepeda, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Katherine Fox: Opened the meeting. She welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox:**

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person, and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there was any public comment. There was none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED DECEMBER 12, 2014
Action Item

Chairperson Fox: Recognized that Commissioner Sanchez was not present at the December 12, 2014 meeting

MOTION: Motion to approve the minutes of the meeting dated December 12, 2014.
BY: Commissioner Read

SECOND: Commissioner Fox
VOTE: The vote passed in favor of the motion with Commissioner Sanchez abstaining.

IV. PROHIBITIONS AND PENALTIES: DISCUSSION AND APPROVAL OF POLICIES THAT DESCRIBE ACTIVITIES CONSIDERED INCONSISTENT, INCOMPATIBLE OR IN CONFLICT WITH EMPLOYEES' DUTIES AND THE PROCESS OF PROGRESSIVE DISCIPLINE

Action Item

A. Department of Agriculture

Denise Woo-Seymour, Personnel Analyst, Division of Human Resource Management (DHRM): Stated that in accordance with NAC 284.742, an agency shall develop policies that describe activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These policies are subject to the approval of the Personnel Commission. The Department of Agriculture has updated the prohibitions and penalties previously approved by the Personnel Commission and in effect since March 21, 2008. The proposed new version reflects a revised format more consistent with other agencies and incorporates comments and suggestions submitted and reviewed by department employees and approved by the Board of Agriculture. The DHRM has reviewed the revisions and recommends approval. Genevieve Hudson from Agency Human Resource Services (AHRS) and Kathleen Kirkland are present on behalf of the Department of Agriculture to answer questions.

Chairperson Fox: Asked if there were questions from the Commissioners. There were none. She asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve the prohibitions and penalties for the Department of Agriculture.
BY: Commissioner Sanchez
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

B. Commission on Peace Officer Standards and Training

Denise Woo-Seymour: Stated that the Commission on Peace Officer Standards and Training (POST) has updated the prohibitions and penalties previously approved by the Personnel Commission and in effect since June 4, 2008. The DHRM has reviewed the proposed revisions and recommends approval. No items in the proposal are unique to the agency, and all items are consistent with those previously approved for other agencies. Tim Bunting, Interim Executive Director POST, is present on behalf of POST to answer any questions.

Chairperson Fox: Asked if there were any questions from the Commissioners.

Commissioner Read: Pointed out what seemed to be a typographical error in the prohibition and penalty for C6. **Denise Woo-Seymour:** Stated that it was actually a strikethrough, denoting a deletion in the final draft, but it did not appear clearly in the document copy. The correct number is three, not two.

Commissioner Fox: Asked for clarification on the language for Item F6, cashing a paycheck before the state's designated payday. **An unidentified person:** Said that some paychecks are still paper driven. **Commissioner Fox:** Asked if Item F7 referred to receiving of a gift that is not in accordance with department's policies. **Tim Bunting:** Answered that the regulations allow acceptance of some gifts, but all gifts must be approved by the commission.

Chairperson Fox: Asked if there were any other questions from the Commissioners. There were none. Asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve the prohibitions and penalties of the Commission on Peace Officer Standards and Training.
BY: Commissioner Read
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS

Action Item

- A. The Department of Health and Human Services, Division of Child and Family Services, requests the addition of classes to the list approved for pre-employment screening for controlled substances and requests approval of a class-specification change to include a pre-employment testing requirement.
1. Classes and positions requested for approval of pre-employment screening for controlled substances:
10.146 Treatment Home Supervisor, PCN: All
10.148 Treatment Home Provider, PCN: All

Carrie Hughes, Personnel Analyst, DHRM: She stated that statute requires the appointing authority to identify specific positions that affect public safety, subject to the approval of the Personnel Commission. Additionally, federal courts have indicated that pre-employment testing by public entities may constitute a search within the Fourth Amendment and, if so, must be justified by a special need that outweighs a reasonable expectation of privacy. The DHRM is recommending approval of the above-noted classes, as the duties of these positions include parental-type responsibilities. Darren Squillante, Personnel Officer, from the Division of Child and Family Services (DCFS) is available to answer questions.

Chairperson Fox: Noted that the positions in this series provide care, training and treatment to children and adolescents with behavior and emotional disturbances in a 24-hour/7-day-a-week treatment home setting.

Chairperson Fox: Asked if there were any questions from the Commissioners. There were none. She asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve the positions listed above, in Agenda Item V.A.1., to the list approved for pre-employment screening for controlled substance and motion to revise the class specification accordingly.
BY: Chairperson Fox
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

- B. The Department of Public Safety (DPS), General Services Division (GSD), requests the addition of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification changes to include a pre-employment testing requirement.

1. Positions requested for approval of pre-employment screening for controlled substances:
 - 2.210 Administrative Assistant IV, PCN: 4709-1009, 4709-8018, 4709-9013, 4702-322
 - 2.211 Administrative Assistant III, PCN: 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11003, 4702-705, 4702-871, 4702-11003, 4702-11034, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012
 - 2.212 Administrative Assistant II, PCN: 4709-9003, 4709-9004, 4709-9005, 4709-9006, 4709-9007, 4709-9008, 4709-9009, 4709-9010
 - 2.301 Accounting Assistant III, PCN: 4709-8022
 - 7.624 Management Analyst III, PCN: 4709-3, 4709-200
 - 7.643 Program Officer III, PCN: 4702-0086
 - 7.647 Program Officer II, PCN 4709-35
 - 7.655 Business Process Analyst III, PCN: 4709-8023
 - 7.656 Business Process Analyst III, PCN: 4709-8024, 4709-8025, 4702-0046
 - 11.128 N.C.J.I.S. Program Specialist Supervisor, PCN: 4709-13
 - 11.129 N.C.J.I.S. Program Specialist, PCN: 4709-64

2. Request for approval of class specification changes to include pre-employment screening for controlled substances for some positions:
 - a. Accounting Assistant series
 - b. Business Process Analyst series

Carrie Hughes: Stated that the DPS, GSD, has requested approval of pre-employment screening of the above-listed positions. The DHRM is recommending approval of these positions as the GSD has indicated that these positions are authorized to directly access confidential information from the criminal justice data systems. Mindy McKay and Mavis Affo from the DPS are available to answer questions.

Chairperson Fox: Asked if there were any questions from the Commissioners.

Commissioner Spurlock: Asked for clarification on what level informational access qualifies for inclusion on the list of recommended positions. **Mindy McKay:** Answered that most people in her department have direct access through the computer system and the ability to manipulate the data. **Commissioner Spurlock:** Asked if the primary concern was either access to or ability to manipulate the data. **Mindy McKay:** Answered that access is also a concern because of the possibility that a person could provide confidential information to unauthorized people. **Commissioner Spurlock:** Asked if the concern was regarding personal information such as Social Security numbers or criminal justice information. **Ms. Mindy McKay:** Stated that both are a concern and should be protected.

Chairperson Fox: Asked what is the mission of the GSD of the DPS. **Ms. McKay:** Stated that the GSD mission is to support Nevada's criminal justice community and its citizens by providing complete, timely and accurate information in a manner that balances the need for public safety and individuals' rights to privacy and ensures a positive customer service experience. **Chairperson Fox:** Asked if the DPS has a primary duty of recordkeeping of criminal justice data. **Ms. McKay:** Confirmed that is correct; the GSD is the records bureau.

Commissioner Spurlock: Asked if there was a representative from the DPS present. **Chairperson Fox:** Confirmed there was. **Commissioner Spurlock:** Asked if the same policy applies to those who do payroll for the state, since they also have access to Social Security numbers. **Carrie Hughes:** Stated that there are no specifically identified personnel positions currently approved for pre-employment testing.

Commissioner Spurlock: Asked about the status of centralized payroll personnel. **Ms. Hughes:** Stated that her understanding is that they are not approved for pre-employment testing. She further stated that she reviewed a Supreme Court decision that provided criteria to determine whether employees' access to classified or sensitive information was enough to justify pre-employment testing, including the level of supervision of the employees and whether other practices lowered the employees' expectation such as a background check. DPS said these positions do require a background check.

Chairperson Fox: Asked if the Commissioners had any further questions. They had none. She asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve the positions listed above, in Agenda Items V.B.1. and V.B.2, to the list approved for pre-employment screening for controlled substances and motion to revise the class specifications accordingly.

BY: Commissioner Read

SECOND: Chairperson Fox

VOTE: Motion passed unanimously.

- C. The Department of Business and Industry (B & I), Nevada Taxicab Authority (NTA), requests the addition of positions to the list approved for pre-employment screening for controlled substances and requests approval of a class specification change to include a pre-employment testing requirement
1. Positions requested for approval of pre-employment screening for controlled substances:
 - 2.153 Legal Secretary II, PCN: 0038
 - 2.210 Administrative Assistant IV, PCN: 0023
 - 2.211 Administrative Assistant III, PCN: 0011, 0061
 - 2.212 Administrative Assistant II, PCN: 0003, 0013, 0020, 0043, 0046, 0066, 0074, 0075, 0092, 0095
 - 7.625 Management Analyst II, PCN: 0002, 0078
 - U4103 Division Administrator, Taxicab Authority, PCN: 0001
 - U4141 Deputy Division Administrator, Taxicab Authority, PCN: 0091
 2. Request for approval of class specification change to include pre-employment screening for controlled substances for some positions:
 - a. Legal Office Manager, Supervisor & Secretary series

Carrie Hughes: Stated that B & I, NTA, has requested approval of pre-employment screening of the above-listed positions. Jennifer DeRose from the NTA is available in Las Vegas to answer questions.

Chairperson Fox: Asked if there were any questions from the Commissioners.

Commissioner Sanchez: Asked what the mission is of the NTA and what is its role in accessing criminal justice data.

Jennifer DeRose, Deputy Administrator, NTA: Stated that the mission of the NTA is the safety for the riding public. The NTA has a Licensing Division that performs background and fingerprint checks on taxicab drivers. On the enforcement side, investigators who do regulatory traffic stops run checks on the taxicab drivers. Everyone in the agency has either direct or indirect access to the data.

Commissioner Sanchez: Asked if the NTA performs the fingerprinting itself. **Ms. DeRose:** Stated that they do. **Commissioner Sanchez:** Asked who trains the staff to do that. **Ms. DeRose:** Stated that it is a position called TAC that is trained to take fingerprints. **Commissioner Spurlock:** Stated that he

believes TAC stands for Terminal Agency Coordinator. He asked whether every one of these positions is accessing this information. **Ms. DeRose:** Stated that every position on the list has some type of access.

Chairperson Fox: Asked if the Commissioners had any further questions. They had none. She asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve the positions listed above, in Agenda Items V.C.1. and V.C.2., to the list approved for pre-employment screening for controlled substances and motion to revise the class specifications accordingly.

BY: Chairperson Fox

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

VI. DISCUSSION AND APPROVAL OR DENIAL OF INDIVIDUAL CLASSIFICATION APPEAL

Action Item

A. Patrick Curley, DMV Services Technician IV

Chairperson Fox: Explained the hearing process.

Kevin Ranft, AFSCME Representative: Stated he is representing Patrick Curley for this appeal. He thanked the chair and the Commissioners for their time and stated that Christina Schlosser, Field Service Manager from the DMV, is present and would like a few moments to speak. Ms. Kathy Hanlon, Mr. Curley's direct supervisor, is also present and available to answer questions.

Patrick Curley, DMV Services Technician IV, DMV: Thanked the Commission for their time. Since 2006, he has managed the third-party program in the north. He requested a reclassification of his position to a Program Officer I, just as the position is classified in the southern program. The reclassification was denied for the reason that the changes in his duties could reasonably be based on natural growth and because adding or increasing duties and responsibilities in a similar manner is not enough to reclassify the position. He stated his argument. When he took responsibility for the third-party program, his responsibilities changed overnight and not through natural growth. There is some overlap with his duties as a Tech IV, but the magnitude of his current duties are specific and focused entirely on one program.

From the inception of the program in 1990 to 2006, the management of the third-party program was the responsibility of a DMV Supervisor I with specialized training in CDL in three state offices. The third-party program grew with the federal CDL. In 2006, the position was moved to DMV Field Services in the southern part of the state, but the north was not given a Program Officer position to manage the third-party program, despite program expansion to include the Elko area.

He stated that documentation has been provided to the Commission and brought attention to some specific portions. Mr. Curley explained the areas covered by both the southern and northern programs. Mr. Curley pointed out his areas of disagreement with the classification determination letter. The jobs are the same and include audits, teaching classes to state employees or third-party program participants, and evaluation of compliance of third-party programs.

Chairperson Fox: Asked if the Commissioners had any questions for the appellant.

Commissioner Mauger: Asked whether the job has changed since 2006 and whether this was the first time Mr. Curley asked for reclassification. **Mr. Curley:** Answered that this is the first time he has asked

for reclassification. In the beginning, he was advised that it would likely be denied; after the recession, there was no budget available. Now the demands of the job are increasing. He stated that in the south, they have three people to handle the program, and in the north, it is only him with some help from the office. **Commissioner Mauger:** Asked another question that was inaudible. **Chairperson Fox:** Replied that the question would be addressed by DHRM. **Mr. Ranft:** Introduced Christina Schlosser, who may also want to answer the question.

Christina Schlosser: Praised Mr. Curley's performance as the administrator of the northern third-party certifier program. The program is important and creates revenue. She addressed the concern that was raised with having two managers of the program, stating that the program already essentially has two managers, herself and Shawanna Washington in the south. Mr. Curley is responsible for training truck companies, bus companies, county personnel and state firemen to conduct CDL examinations. This training accounts for between 85 and 90 percent of Mr. Curley's time. He audits the performance of the certifiers and audits and trains the DMV Tech IVs in the smaller northern offices so that they are competent to certify commercial drivers, and he audits the test yards to ensure that the configurations meet the federal requirements. She addressed the concern that was raised that Mr. Curley does not write evaluations, stating that she is familiar with a Program Officer 3 who is not involved with writing evaluations of any kind.

Commissioner Mauger: Asked for clarification of the speaker's name and job title. **Ms. Schlosser:** Responded that she is a Field Services Manager III, and her function is branch manager over Galetti, CDL office in Sparks and seven rural offices that have limited DMV transactions.

Commissioner Mauger: Asked for clarification that Mr. Curley has been working at this level since 2006. **Mr. Curley:** Confirmed.

Commissioner Read: Stated for the record that Ms. Schlosser is a personal friend and fellow Rotarian, but he believes that relationship would not affect his decision.

Kevin Ranft: Stated that there was no program position given to the north, but Mr. Curley has done an exemplary job administering the program. He thanked the Commission for their time and asked for approval of Mr. Curley's reclassification appeal.

Denyse Bandettini, Personnel Analyst, DHRM: Outlined the duties of the third-party certifier program and a DMV Services Tech IV. She stated that Mr. Curley believes his position should be reclassified because his duties are identical to his southern counterpart. At the time of the classification of the Program Officer I position in the south, the position had additional responsibilities for the management of the motor vehicle inspection and motor vehicle appraiser programs. Over time these programs evolved into the management of the CDL program. An NPD-19 has been requested to ensure proper classification of both positions as DMV Services Tech IV. Ms. Bandettini described the class concepts for a Program Officer I which include administrative work in planning, coordinating and directing a comprehensive program. In short the Program Officer I has sole responsibility for the program they administer and set the policies and procedures for the program for which they are assigned. It appears that responsibilities of the program in the south have changed since the last review. A Management Analyst I is currently the manager of this program. She stated it is not appropriate to change the classification of a position, which continues to meet the series and class concepts of the job class to which it is currently classified. Therefore, DMV Services Tech IV remains the most appropriate class for the position. Ms. Bandettini respectfully requested that the determination of the Division of Human Resource Management be upheld. In addition, DMV is not in support of this request. She added that Shawanna Washington, Field Services Manager, is available in Las Vegas to answer questions or concerns.

Commissioner Spurlock: Referred to a particular paragraph in the determination letter, but not in the class specification. He asked whether that language is codified in a regulation or anything official. **Ms. Bandettini:** Said her understanding is that it is not.

Chairperson Fox: Asked for clarification that the Program Officer class is no longer used for similar work performed, and it is now the Management Analyst that is doing this work. **Ms. Bandettini:** Answered that there is a Management Services unit and a Management Analyst within that unit who drafts policy and procedures and deals directly with the federal government with regard to the program. **Chairperson Fox:** Asked if the Management Analyst position has responsibility for the entire state's coordination and rollout effort in compliance with federal requirements. **Ms. Bandettini:** Confirmed that is the case, as well as some other positions, for example, some auditing is coordinated with another position. **Chairperson Fox:** Asked for clarification that comparable work is performed in southern Nevada by a DMV Services Technician IV. **Ms. Bandettini:** Answered yes. **Chairperson Fox:** Asked about supervisory activities in the description of a Program Officer. **Mr. Peter Long:** Answered that there are likely some Program Officers I who do not supervise for various reasons, but the wording of the specification and the intent is that Program Officers I should supervise lower-level technical and clerical personnel who perform the day-to-day functions of implementation of the program, and supervision means hiring, firing, approving leave, conducting performance appraisals, et cetera.

Commissioner Sanchez: Asked how many Program Officer I positions exist in the south. **Ms. Washington:** Answered that there is one in her office, and she supervises a Technician IV.

Commissioner Spurlock: Asked whether the incumbent is believed to be doing at least 50 percent of the DMV Services Tech IV duties. **Ms. Bandettini:** Answered yes because the class specification description for a DMV Services Tech IV specifically states that positions at this level act as a subject-matter expert in the program in which he ensures compliance.

Commissioner Mauger: Asked for clarification pertaining to a letter from Katherine Hanlon. **Mr. Long:** Answered that the 46 companies for which Mr. Curley is responsible for ensuring that they are following the criteria set up for the CDL. He is not responsible for actual supervision.

Commissioner Read: Said he does not understand the reluctance to satisfy long-term employees who are doing an excellent job and believes it does not make sense. He further pointed out that in the current situation, it seems the only way to give Mr. Curley a raise is to hire more people.

Patrick Curley: Clarified some of the companies involved in the third-party program. The companies ask for their employees to be trained to do the job of a basic Tech IV for their company.

Alys Dobel, HR administrator, DMV: She apologized that Nancy Wojcik, Administrator for the Field Services Division, was unable to attend the meeting due to legislative responsibilities. **Ms. Dobel** stated this is a difficult case, in part because many changes are occurring with commercial driver's licenses. The program is currently being re-evaluated. One proposal is to have all of the CDL be placed under Shawanna Washington. They are rearranging how CDLs will be processed internally. **Ms. Washington:** Agreed with Ms. Dobel and outlined some of the anticipated changes. **Chairperson Fox:** Asked whether the changes would increase the regulatory role of DMV. **Ms. Washington:** Said that may be the case. **Mr. Curley:** Agreed with Ms. Washington that there may be a decrease in certifiers and companies, but there will be an increase in the process of auditing the companies.

Alys Dobel: Stated that at this time, Administrator Wojcik believes that Mr. Curley is correctly classified. However, the position will be re-evaluated after implementation of the proposed changes.

Kevin Ranft: Thanked the Commission for their time and again asked for Mr. Curley's position to be reclassified.

Commissioner Sanchez: Asked about a letter written on November 20, 2014, from Administrator Easton. **Kathy Hanlon:** Introduced herself as the supervisor with the Sparks CDL office. She stated that Mr. Curley only advises her but does not ask for approval. **Mr. Curley:** Stated that he is a source of information, but he also is an auditor and a trainer for those companies and for the state.

Chairperson Fox: Asked for any public comment related to this item. There was none. She entertained a motion and asked for discussion. She stated she is struggling because Mr. Curley seems to be a highly functioning DMV Technician IV, and some of his duties may be better classified into a different job class.

MOTION: Motion that the Commission deny the appeal of Patrick Curley from DMV Technician IV to Program Officer I for the Department of Motor Vehicles.

BY: Commissioner Sanchez

SECOND: Commissioner Spurlock

VOTE: Commissioners Spurlock and Sanchez voted Yea and Commissioners Fox, Read and Mauger voted Nay. Motion failed.

MOTION: Motion that the Commission approve the appeal of Patrick Curley from DMV Services Technician IV to Program Officer I

BY: Commissioner Read

SECOND: Chairperson Fox

VOTE: Commissioner Fox, Read, and Mauger voted Yea. Commissioners Sanchez and Spurlock voted Nay. Motion passed

Chairperson Fox: Advised Mr. Curley that she would like an update at a future meeting regarding the regulatory changes and the impact to the role of the DMV.

Commissioner Spurlock: Added that classification decisions should not be based upon personal performance of an incumbent but should be determined by the duties assigned as if the position was vacant. **Commissioner Spurlock** requested that the Division look at the class specifications for the Program Officer series. He noted this is the fourth or fifth time since he has been on the Commission there has been an appeal that the appellant was comparing their duties to the Program Officer series. He would like to see more clarifying language in the class specification, otherwise another such appeal is likely to be heard again by the Commission.

VII. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT

Action Item

- A. Mechanical & Constructional Trades
 - 1. Subgroup: Road Construction and Maintenance
 - a. 9.103 Highway Maintenance Manager
- B. Medical, Health & Related Services
 - 1. Subgroup: Health & Support Services
 - a. 10.341 Consumer Services Assistant Series
 - 2. Subgroup: Allied Therapies
 - a. 10.615 Speech Pathologist Series

Denyse Bandettini: Presented the recommendation for changes to the class specification for the class listed in Item VII.A.1.a. These revisions include minor changes to the minimum qualifications, specifically under Special Requirements. Additionally, minor changes to the entry level knowledge, skills and abilities were made. Department of Transportation management participated in the process and are in support of the changes recommended.

Denyse Bandettini: Presented the recommendation for the changes to the class specification listed in Item VII.B.1.a., minor revisions were made to the specifications to update the duty statements based on language required to make the agency compliant with federal regulations. Further, the knowledge skills and abilities were amended to reflect those changes. Management participated in the process and are in support of the changes recommended.

Heather Dapice, Personnel Analyst, DHRM: Presented the recommendation for changes to class specifications for the positions listed in Item VII.B.2.a. The revisions include minor modifications and clarification of the required educational experience. Management participated in the process and are in support of the changes recommended.

Commissioner Fox: Asked if the Commissioners had any questions. They had none. She asked for any public comment regarding this item. There was none.

MOTION: Motion that the Commission approve class specification changes for the positions listed in Agenda Item VII.

BY: Commissioner Mauger

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Postings #6-15, #7-15, #8-15

Chairperson Fox: Stated that the Report of Uncontested Classification Changes is included in the Commissioners' packets.

IX. Special Report: Update regarding James Wright Appeal

Lee-Ann Easton, Administrator, DHRM: Provided an update on the appeal of James Wright, which was heard at the meeting on December 12, 2014. Staff meet with Mr. Wright and audited the duties that he is currently assigned. The audit resulted in the same determination that the duties are correctly classified as an Accounting Technician and a determination letter was issued. The date for an appeal of that determination has passed.

X. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Stated they are scheduled to meet June 19, 2015. She stated the next meeting after that would be in September 2015. The meeting is tentatively set for September 25, 2015.

XI. PUBLIC COMMENT: Read into record by Chairperson Fox:

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair

may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked for any public comment. There was none.

XII. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in
Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue

**MEETING MINUTES
Friday, June 19, 2015**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

STAFF PRESENT IN CARSON CITY:

Peter Long, DHRM
Shane Chesney, Senior Deputy Attorney General
Shelley Blotter, DHRM
Tawny Polito, DHRM
Carrie Lee, DHRM
Carrie Hughes, DHRM
Rob Easton, NDOT
Lisa Friend, DHRM
Rachel Baker, DHRM
Kendra Martin, DHRM
David Wright, NDOC HR
Ann Scott, PUC
Allison Wall, DMV
Teri Hack, NDF
Katie Holmberg, DHRM
Ana Maria Ornellas, DHRM
Kareen Masters, DHHS
Patricia Kreymborg, DHCFFP
Alys Dobel, DMV
Christine Ripley, DHRM
Kimberley King, NDOT

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Gary Mauger, Commissioner

COMMISSIONER NOT PRESENT

AT THE MEETING: Mr. Andreas Spurlock, Commissioner

STAFF PRESENT IN

LAS VEGAS: Lee-Ann Easton, Administrator, DHRM
Heather Dapice, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Katherine Fox: Opened the meeting at 9:00a.m. She welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by Chairperson Fox:

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person, and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there were any public comments. There were none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED MARCH 20, 2015 - Action Item

MOTION: Motion to approve the minutes of the meeting dated March 20, 2015.
BY: Commissioner Read
SECOND: Commissioner Mauger
VOTE: Motion passed unanimously.

IV. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS - Action Item

- A. The Department of Transportation requests the addition of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances:
1. Classes and positions requested for approval of pre-employment screening for controlled substances:
 - 6.228 Staff II, Associate Engineer, PCN: 018024, 018025, 018036, 018037, 018046, 018047
 - 10.536 Environmental Scientist II, PCN: 018012, 018013
 - 10.545 Environmental Scientist IV, PCN: 018011

Carrie Hughes, Personnel Analyst, Division of Human Resource Management: Stated that NRS 284.4066 provides for the pre-employment testing for controlled substances of candidates for positions affecting public safety prior to hire. She explained that the state statute requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission. She stated that federal courts have indicated that pre-employment testing by public entities may constitute a search within the meaning of the Fourth Amendment, and if so, must be justified by a special need that outweighs a reasonable expectation of privacy. She listed the positions for which the Department of Transportation has requested approval of pre-employment screenings (see A.1. above). She recommended approval of the positions as their duties will involve activities on or in close proximity to roadways with traffic present. She further noted that positions in the Staff Associate Engineer class series have previously been approved by the Commission. She stated that Rob Easton, Personnel Officer for the Department of Transportation, was available to answer any questions of the Commissioners.

Chairperson Fox: Stated it was her understanding that Department of Transportation has received legislative approval to create a new Stormwater Division which will consist of 59 positions, of which 42 positions are newly created and additionally, nine positions will require pre-employment drug testing since they have the potential to impact public safety as the job duties are performed on roadways with high volume traffic traveling at high rates of speed.

Chairperson Fox: Asked if there were questions from the Commissioners.

Commissioner Sanchez: Inquired about the funding for the drug screening. He asked if the agencies fund the concept before it comes before the Commission for approval or do they have to deal with it after the fact in their budgets.

Carrie Hughes: Answered that NDOT explained to her that the funds are available to support screening these positions and if the budget is inadequate they will raise the funds.

Chairperson Fox: Asked for any public comments on the agenda item. There was none.

MOTION: Motion to approve addition of classes or positions for pre-employment screening for controlled substances for the Department of Transportation including the position control numbers list for the Staff II Associate Engineer, Environmental Scientist II, Environmental Scientist IV.

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: Motion passed.

2. Request for approval of class specification changes to include pre-employment screening for controlled substances for some positions:
6.228 Staff II, Associate Engineer
10.536 Environmental Scientist II
10.545 Environmental Scientist IV

Chairperson Fox: Stated that as a result of the approval of the positions in the previous agenda item there will need to be changes made to the class specifications for the Staff II Associate Engineer, Environmental Scientist II, and the Environmental Scientist IV. She asked if there were any questions from the Commissioners. There were none.

MOTION: Motion to approve changes to the class specification for the Staff II Associate Engineer, Environmental Scientist II, and Environmental Scientist IV specifically to add the language for pre-employment screening for controlled substances.

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OR DENIAL OF INDIVIDUAL CLASSIFICATION APPEAL - Action Item

- A. Catherine Reinsch, Social Worker II, Department of Health and Human Resources

Chairperson Fox: Gave the appellant directions for the appeal process for the reclassification.

Catherine Reinsch: [audio quality poor] Stated that since the class was first created in 1992 much has changed, including the population of Clark County which has doubled. She explained that technology has advanced such as personal computers, SmartPhones, online banking, etc., which has caused a flourish of different types of financial problems that did not exist before. She stated that the skills, knowledge, and abilities required of the intervention process has changed. She stated that the complexity of tasks performed were considerably different from other Social Workers in the state and compared them to those of Social Worker III. She stated that in the past few years she has needed to contact individuals with a higher level of expertise and providers such as psychiatrists, and outside forensic medical and financial specialists to complete a complex technical investigation. She explained that law enforcement often relies on the Social Worker II's research, details, and support documentation to further their investigations. She stated that the quantity of cases has increased in the past few years and that technical changes and complexities have also increased. She stated that a greater knowledge base was required, as well as education and training, more than other Social Workers in the state. She explained that a higher level of professional expertise is required to adequately communicate and advocate for the elderly population with law enforcement, public and private guardians, attorneys, attorney generals, etc. She stated that the investigation requirements cause a higher risk to the Social Worker II's than that of other Social Workers in the state. She explained she was frequently required to make on the spot life preserving decisions. She stated that she feared that the elderly have a diminished worth to the Commission due to prior denials of classification change by the Commission. She reiterated the differences of the duties and requirements of an EPS Social Worker II from other state Social Workers. She had several exhibits for the Board supporting her claims, including a letter from Lee-Ann Easton of the Division of Human Resource Management. She presented a response to Lee-Ann Easton which stated that prior to 2002 the class concepts of Social Worker II included different specialty areas that are not associated with the different specialty areas of CPS, foster care, or adoption. She presented another exhibit, class specification for Social Worker III, which read: Social Worker IIIs are distinguished from the lower levels by the nature and complexity of specific programs that have a high proportion of complex and sensitive case work requiring the application of advanced principles of the professional and decision making, the assessment of abstract problems and development of unique solutions based on personal observation and analyst of critical thinking with dysfunctional families and children whose welfare are at risk. She stated that a Social Worker III conducted unannounced home visits, encountering volatile domestic crises which placed workers at risk, which she stated should also apply to the CPS Social Worker II. She presented a further exhibit, which she quoted: "The overall purpose of my position is to investigate abusive neglect, self-neglect, isolation, and exploitation of adults over 60. Since Clark County transitioned the workload has increased, making it appear that my focus was on the increase of volume, but though the volume has increased, this was accompanied by positions that we approved over time." She stated that Lee-Ann Easton acknowledged in her letter that this change had resulted in higher levels of financial crimes along with higher levels of complexity and responsibility. She asked that the classification be re-evaluated relevant to today's times. She stated that based on the increased responsibility and complexity of EPS's role today, the previous decisions were no longer fair or accurate.

Chairperson Fox: Asked to hear from the Division of Human Resources Management next and then entertain questions from the Commission.

Peter Long: Pointed out that this was an individual appeal of an individual study and the Division of Human Resource Management, per regulation, is bound by significant change in determining whether or not a position can be reclassified. He stated that the definition of "significant change" is "a change in duties and responsibilities assigned to a position and class that is outside the scope of the class as described by the class specification, is not part of the scope or responsibility of the position, and results in a preponderance of duties and responsibilities being allocated to a different class." He stated that the majority of Ms. Catherine Reinsch's presentation would be viewed in an occupational study. He explained

that the division does not look at all the positions as a whole to determine if the duties are performed at a higher level when an appeal is made by one individual position.

Chairperson Fox: Thanked Mr. Long and introduced Heather Dapice.

Heather Dapice: Introduced herself as a Personnel Analyst, Human Resource Management, Division of Compensation, Classification, and Recruitment. She stated that on February 9, 2015 she conducted an individual classification study on the appellant's request for reclassification from a Social Worker II to a Social Worker III. She shared that the study included a review of position description questionnaires from an occupational group study of Social Worker II, and several more position comparisons. She stated that this review determined there has been no significant change at this time to NAC284.126 and therefore, the request for reclassification was denied. She explained that NAC284.126, subsection 1B, "significant change" means "a change in the duties and responsibilities assigned to a position in a class that: Is outside of the scope of the class as described by the class specification; Is not part of the scope of responsibility of the position; and results in the preponderance of duties and responsibilities being allocated to a different class." She reiterated that "significant change" means that duties assigned to a position have changed to such a degree that the current classification no longer fairly describes preponderance of responsibilities. She stated that in applying the definition of change, natural growth or an increase in workload common to most positions in state service is not considered to fall within the description of significant change, nor is the addition of duties that are similar in nature or complexity to previous responsibilities. She stated the class concept of Social Worker II says they must perform the full range of duties described in the series concept at the journey level and the minimum qualifications are stated, in part, as "the incumbent must have working knowledge of principles, practices, and techniques of social work, management practices related to program assignment and investigative techniques," whereas the class concept for the Social Worker III states, in part, that the incumbent "perform advanced journey level case management services in child protective services, foster care and/or adoptions." She further stated that the minimum qualification state, in part, that the incumbents "have working knowledge of federal regulations and state law in child welfare, and families who apply abuse, or neglected children, in the cases of physical, sexual, and emotional abuse in children, affect of foster care on the child, caregiver, biological family, and other families and community; court procedures related to child abuse and neglect." If the incumbent does not provide advanced journey level case management services and child protective services, nor does it meet the minimum qualifications, her position does not meet the class concept of the Social Worker III. She stated that Ms. Reinsch communicated in her written appeal to Division Administrator Lee-Ann Easton and the Commission that investigation into elder abuse, neglect, exploitation, or self-neglect are not explicitly stated in the class specifications, and have never been stated in the class concepts, that Ms. Reinsch feels the position has always been functioning outside of the class specifications of Social Worker II. She explained that the incumbent further indicated that the duties and responsibilities of a Social Worker II in Elder Protective Services are similar to a Social Worker III's and Child Protective Services, and feels that the Social Worker III should be her class. Ms. Dapice also noted that Ms. Reinsch indicated that significant change has occurred because Elder Protective Services reacquired duties and responsibilities from 2010 but had not relinquished the Clark County Adult Protective Services duties. She explained that prior to the occupational group study presented July 1, 2003, the class concept for Social Worker III stated, in part, that Social Worker III "performs advanced journey level case management services in child protective services, foster care and/or adoption program." She noted that the class concept of Social Worker II, Adult Protection, stated in part "the incumbents conduct an investigation to determine whether abuse, neglect, or exploitation of an elderly adult has occurred; perform social and financial assessment to determine appropriate medical, social, and legal intervention." She stated that these duties and responsibilities are the same of the current Social Worker II class, including the incumbent. She noted that these class specifications are in Exhibit 10. She stated that the NDP-19 references, prior to the occupational group study, that the other Social Workers investigate cases of abuse, neglect, exploitation, or isolations. She reiterated that these are the same duties and

responsibilities of a current Social Worker II class. She explained that the occupational group study of 2001 provided an in depth analysis of the Social Worker positions within the state service, including those assigned to Elder Protective Services. She stated that this study resulted in a verbiage change so that case worker services became similar. She stated that the job duties listed are not exhaustive but are general in nature, so as to include Social Worker duties that span different agencies. She noted that the verbiage change was presented to the Personnel Commission in 2002, who determined that the duties and responsibilities assigned to Social Worker who provides case management services and child protective services warrant pay at separate levels. She further explained that the then-Personnel Commission approved the Social Worker II and Social Worker III class specifications for the current series. She pointed out that the appeals for the approved class specifications have expired. She reiterated the duties of a Social Worker II currently and stated that the purpose of the position has not changed since 1993. She noted that Ms. Reinsch is the sole incumbent regarding the NDP-19, but the decision to grant the appeal will directly affect a minimum of 30 Social Worker II positions in Elder Protective Services for approximately \$150,000. She further noted that it could produce changes for an additional 60 Social Worker II positions in Aging and Disability as a whole, as these workers could provide an argument that they also provide protective services to seniors, for a total of unfunded liability of \$150,000. She requested that the Commission deny the appeal. She asked for any questions.

Commissioner Sanchez: Asked what the differences were in the minimum qualifications of Social Worker II and Social Worker III.

Heather Dapice: Answered that the level III class included one year experience in the child protective field. She explained that the entry level requirements were also different in that level III are geared towards children and the adoption process as well as services rendered for them whereas level II is related to general social worker services including investigative techniques, conducting interviews to elicit sensitive information, making physical and behavioral assessments, making home visits, interacting diplomatically, making rapid decisions in confrontations, responding to sensitive and/or emergency situations, dealing appropriately with apathy, hostility and resistance.

Chairperson Fox: Asked if there were any more questions from the Commissioners.

Commissioner Mauger: Stated that both speakers spoke very quickly and he could not understand it all. He asked the appellate how long she has been employed. **Ms. Reinsch:** Answered that she has been with the agency for 10 years and was then a community-based worker for four years. **Commissioner Mauger:** Asked her if she'd filed an appeal before. **Ms. Reinsch:** Answered no. **Commissioner Mauger:** Asked if there was any one thing that made her bring the appeal. **Ms. Reinsch:** Answered no. She stated that the workers in the agency have discussed this for around six years when the changes actually started. She said that the agency wanted to do the appeal as a group but she could not get responses when gathering exhibits and information so she decided to appeal on her own. She stated that she felt the class should have been changed years ago. She pointed out that the minimum requirements Ms. Dapice pointed out were for all levels, including level III.

Commissioner Mauger: Asked Peter Long if the reclassification affects more than just Ms. Reinsch and how many workers it would affect. **Ms. Dapice:** Answered 39 in Elder Protective Services, then 92 in a different department, then 42 in the final department. **Catherine Reinsch:** Pointed out that only investigations are done for abuse and neglect and only done by Child Protective Services and Elder Protective Services and referenced the occupational study group done in 2003. **Commissioner Mauger:** Stated that this is ongoing. He asked if it were increasing over and above.

Commissioner Fox: Asked respondents to state their name for the record.

Catherine Reinsch: Stated in 2002 the Nevada State Elder Protective Services had just started and most of the other protective services work was being done through welfare and the county. She stated that the job did not change drastically until 2010 but that there were changes prior to then. She stated that the more critical investigations on financial abuse were a result of county transition. She stated that the division requested participation in an occupational study group but were told that those studies were no longer being conducted. **Commissioner Mauger:** Asked if she were doing the same job then as she is now and what increased the number of home visits. **Ms. Reinsch:** Answered that home visits are being done by any social worker within the state. She stated that welfare does home visits as well as community based care, but pointed out that they do not go into the dangerous and critical volatile environments as the Elder Protective Services workers do. She explained that in her home visit duties she is possibly impeding on personal rights, and deal with family abuse and financial abuse, and she feels those skills are considerably different. She stated that the Elder Protective Services department get more training than any of the social services counterparts. She pointed out that the details and complexities are greater, not the duties, but how the job is done today is considerably different than in 2002.

Commissioner Sanchez: Asked a question of Ms. Reinsch. He stated that the appellant provided a detailed letter to Ms. Easton made on April 14th. He noted that the end of the letter stated that "the Personnel Commission has already predetermined that there will never be any change to this class specification, regardless" and that it further states "in conclusion, I feel that the original classification determination is discriminatory and intentionally signalling out all other department social workers as inferior to the CPS department." He asked for clarification. **Ms. Reinsch:** Answered that in prior appeal decisions, submitted in her exhibits, the Personnel Commission stated there will never be a change and can't be a change. She further stated that the investigator that performs almost mirror duties to the Child Protective Services Social Worker and that in the class specifications one could remove the words "childcare" or "daycare" and replace them with "elderly" and "adult daycare." She noted that the EPS worker does have a voice in the adult being removed from an unsafe home and placed into a group home or assisted living. **Commissioner Sanchez:** Again asked where the issue of discrimination came up. **Ms. Reinsch:** Answered that she feels that the elderly population is being discriminated against the child population because the people doing the same duties in CPS have a level III whereas the workers in EPS have a level II. **Commissioner Sanchez:** Asked who was being discriminatory. **Ms. Reinsch:** Answered whoever wrote the class specifications was discriminating between the two and referenced again the letters stating that the Personnel Commission has made the direct order to disallow changes. **Commissioner Sanchez:** Clarified and asked if Ms. Reinsch believed that the Personnel Commission was discriminating against her. **Ms. Reinsch:** Answered that the discrimination was in not being allowed to change the description of the job and that the way the specifications were written is discriminatory. She noted that she was denied an opportunity to view the specifications of level III, which she also felt was unfair. She referenced her exhibits 10 and 11, which are written as discriminating against any other population and are only inclusive to Child Protective Services, foster care, or adoptions. **Commissioner Sanchez:** Thanked Ms. Reinsch and told Chairperson Fox it was unfortunate that Commissioner Spurlock was absent as his area of expertise is classification, and that Commissioner Spurlock did submit a document to the Commission. **Chairperson Fox:** Affirmed. She stated she will read the Commissioner's statement into the record during the discussion portion of the agenda item.

Chairperson Fox: Asked if there were any public comments related to this item.

Kareen Masters: Introduced herself as the Deputy Director of the Department of Health and Human Services. She noted that this is a difficult situation for the Commission as it is difficult to take one position out of hundreds and make a classification decision based on that case. She stated that she has been involved in the occupational studies of Social Workers and pointed out that the Department of Personnel did make the recommendations of levels between the specialty areas and that at both times there subject matter groups that included social work, supervisors, managers, all who had extensive

knowledge about the duties of those positions. She encouraged another occupational study to review all of the positions in concert.

Chairperson Fox: Entertained a motion which was made and seconded. She then read Commissioner Spurlock's statement into the record: "While I am unable to participate in today's meeting as a voting member, I would still like to offer the following regarding Agenda Item V. I believe it is a management right, subject to all appropriate laws and approvals, to design work classifications. It is their right to weigh the various considerations such as internal equity, external equity, and the needs of department management in order for that department to achieve all of their goals and objectives. I believe that the state was more than within its right to design the Social Worker II classification the way it did and I believe that the preponderance of the same classification covers the duties of the position of Ms. Catherine Reinsch more appropriately than any other classification. Submitted, Andy Spurlock."

Chairperson Fox: Asked for any further discussion from the Commissioners. There was none.

MOTION: Motion to deny Ms. Catherine Reinsch's reclassification of Social Worker II to Social Worker III.

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: Motion passed unanimously.

VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT - Action Item

- A. Clerical & Related Services
 - 1. Subgroup: Mail & Supply Services
 - a. 2.124 Mail Service Series
 - 2. Subgroup: Legal Support Services
 - a. 2.159 Legal Assistant

Kendra Martin: Introduced herself as a Staff Professional Trainee with the Division of Human Resource Management, Classification Section. She presented for approval Item VI. A. 1. a. and Item VI. A. 2. a. on the agenda. She stated with regard to Item VI. A. 1.a., working with subject experts in the Mail Service series classification, it was reviewed as part of the biennial class specification maintenance review. She recommended that minor changes be made to the series concept, class concept, and special requirements to update verbiage to reflect new processes and better outline the duties of the positions in the Mail Service Series. She stated that revisions were made to clarify conflicting statements in the Mail Service Clerk I class concepts. She further that stated that due to the types of mail and packages handled and processed by some positions it was requested by DMV and DPS that a special requirement for successful completion of an FBI background check be added. She explained that Human Resource Management worked with agencies involved who supported the changes. She requested approval of the class specification. She stated that in regard to Item VI. A. 2. a. in conjunction with the class specification maintenance review process conducted by Human Resource Management it is recommended that the Legal Assistant class be abolished. She explained that during this review it was determined that there were no classified positions in this class within either state classified service or within the Nevada system of higher education. She explained that agencies which had previously utilized this class indicated that they did not have plans to use the class in the future. She requested approval of the abolishment of the class specification immediately.

Chairperson Fox: Thanked Ms. Martin and asked for questions from the Commission. There were none.

MOTION: Motion to approve class specification changes for the Clerical Related Services series; specifically, the Mail and Supply Services series; and the abolition of the Legal Assistant class within the Legal Support Services subgroup.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: Motion Passed.

- B. Medical, Health & Related Services
 - 1. Subgroup: Environmental & Health Protection
 - a. 10.505 Health Resource Analyst Series
 - 2. Subgroup: Allied Therapies
 - a. 10.614 Therapeutic Recreation Specialist Series
 - b. 10.673 Activities Therapy Technician Series

Heather Dapice: Introduced herself as Personnel Analyst with the Compensation, Classification and Recruitment section, Division of Human Resource Management. She presented for approval recommendations for changes to the class specification for the Health Resource Analyst, Therapeutic Recreation Specialist, and Activities Therapy Technician Series in the Medical, Health, and Related Services occupational group, a subgroup of the Environmental and Health Protection and allied therapies. She stated with regard to Item VI. B. 1. a., Health Resource Analyst, in consultation with subject matter experts from the Department of Health and Human Services, it was determined that only minor modifications were needed to the series concept to include the analysis of the national healthcare anatomy. She stated at the Resource Analyst III level a statement was added to include the provision that positions at this level may supervise other professional and/or clerical staff as assigned. She explained that these changes would not require modification of qualifications. She stated that in regard to Item VI. B. 2. a., Therapeutic Recreation Specialist, in consultation with subject matter experts in the Department of Health and Human Services, Department of Corrections, and the Office of Veteran Affairs, it was determined that minor modifications to the series concepts were needed to account for changes in duties performed. She stated that minor changes were made in minimum qualifications to account for the changes. She stated in regards to Item VI. B. 2. b., Activities Therapy Technician, in consultation with subject matter experts from the Department of Health and Human Services, it was determined that minor changes were needed to the series concept to account for changes in verbiage used in duties performed. She stated these changes did not require modification to the minimum qualifications. She explained that throughout the process both management and staff participated and they support these recommendations.

Chairperson Fox: Asked if the Commissioners had any questions. They had none. She asked if there was any public comment related to this item. There was none.

MOTION: Motion to approve class specification changes as identified under Item VI. B.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion Passed.

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Postings #9-15, #10-15, #11-15, #12-15, and #13-15

Chairperson Fox: Stated that the Report of Uncontested Classification Changes is included in the Commissioners' packets.

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Stated they are scheduled to meet September 13, 2015. She stated the next meeting after that would be in November 2015 instead of December, at the request of Division of Human Resource Management.

Shelley Blotter: Noted that the September meeting is scheduled on the 25th and not the 13th, and the meeting that follows it is scheduled for November 13th. **Chairperson Fox:** Stated November 13th may present a problem for her.

IX. PUBLIC COMMENT

Chairperson Fox: Asked for any public comment. There was none.

X. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

STATE OF NEVADA
PERSONNEL COMMISSION – EMERGENCY REGULATIONS
Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in
Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue

MEETING MINUTES
Friday, June 19, 2015

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Gary Mauger, Commissioner

COMMISSIONER ABSENT

FROM THE MEETING: Mr. Andreas Spurlock, Commissioner

STAFF PRESENT:

Lee-Ann Easton, Administrator, DHRM
Shane Chesney, Sr. Deputy Attorney General
Tawny Polito, Executive Assistant, DHRM
Peter Long, Deputy Administrator, DHRM
Shelley Blotter, Deputy Administrator, DHRM
Carrie Hughes, Personnel Analyst, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Katherine Fox: Opened the meeting. She welcomed everyone and took roll. She noted that Commissioner Spurlock was not present.

II. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox:**

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person, and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there was any public comment. There was none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED EMERGENCY REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 - Action Item

- A. LCB File No. R138-13 Military Leave with Pay
- B. NAC 284.448 Time Not Counted Toward Completion of Probationary Period

Carrie Hughes: Stated that DHRM is proposing the amendments listed above as emergency amendments to allow for swift adoption and streamlined procedural requirements. Emergency

amendments are effective only for 120 days, and amendments will be brought back to the Commission to be made permanent. These amendments are intended to bring the regulations into agreement with the statutory change to NRS 281.145 made by Assembly Bill 388 of the 2015 Legislative Session, which was signed into law on June 4.

Effective July 1, NRS 281.145 requires the Personnel Commission to prescribe the 12-month period that state agencies will use to determine the eligibility of employees who are reservists or members of the National Guard to take military leave without loss of regular compensation. LCB File No. R138-13 proposes that all state agencies, with the exception of the Office of the Military, continue to use a calendar year for this purpose. The Office of the Military has requested use of the federal fiscal year due to funding sources. Existing language in LCB File No. 138-13 has been removed as obsolete due to the amendment of NRS 281.145. The amendment to NAC 284.448 references the change in the period used for calculating employees' military leave in NRS 281.145.

Shelley Blotter: Read into the record the Statement of Emergency.

Commissioner Sanchez: Commented on Ms. Blotter's good work.

MOTION: Move to approve changes to the Nevada Administrative Code Chapter 284, specifically military leave with pay, as well as time not counted toward completion of probationary period.
BY: Commissioner Sanchez
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

IV. PUBLIC COMMENT: Read into record by **Chairperson Fox:**

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked for any public comment.

Lee-Ann Easton: Provided an update on the budget. All state employees will receive a one percent pay increase effective July 1, 2015, and a two percent increase effective July 1, 2016. This is a cost-of-living adjustment (COLA). Merit salary increases, which were suspended in 2009, were restored in 2014 and will continue. Furloughs were eliminated. Longevity was removed permanently. There was a small increase in PERS.

DHRM had four significant items in the budget, all of which were approved. This included a position in Agency HR Services, a veteran's recruitment position and a climate study position, as well as a technology investment request. Phase three of the technology investment improvements will proceed, will include online employee status maintenance transactions, online service jackets and online payroll projection.

Commissioner Fox: Asked if the intent is to ultimately be paperless. **Ms. Easton:** Confirmed that is the goal and said that ultimately supervisors will be able to create performance appraisals and reviews,

although requirements dictate agency meetings with the employees, and face-to-face conversations are encouraged.

X. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Legislative Counsel Bureau, 401 South Carson Street;
with video conference to
Las Vegas at the Grant Sawyer State Building, Room 4401, 555 East Washington Avenue

**MEETING MINUTES
Friday, September 25, 2015**

COMMISSIONERS PRESENT

IN CARSON CITY: None

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

COMMISSIONERS NOT PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

STAFF PRESENT:

Ms. Lee-Ann Easton, Administrator, DHRM
Ms. Jennifer Chisel, Deputy Attorney General,
Office of the Attorney General
Ms. Tawny Polito, Administrative Assistant, DHRM
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Heather Dapice, Personnel Analyst, DHRM
Ms. Katie Holmberg, Personnel Analyst, DHRM
Ms. Lisa Friend, Personnel Analyst, DHRM

I. CALL TO ORDER; WELCOME; ROLL CALL; ANNOUNCEMENTS.

Commissioner Sanchez: Opened the meeting at 9:00 a.m. He welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by Commissioner Sanchez:

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

Commissioner Sanchez: Asked if there was any public comment. There was none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS – Action Item

MOTION: Moved to approve the minutes of the meeting held June 19, 2015.

BY: Commissioner Mauger

SECOND: Commissioner Spurlock

VOTE: Motion passed unanimously.

MOTION: Moved to approve the minutes of the meeting held June 19, 2015 to adopt emergency regulations.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: Motion passed unanimously.

IV. PRESENTATION OF HEARING OFFICER CASE HANDLING STATISTICS, SATISFACTION SURVEY RESULTS AND POSSIBLE RECOMMENDATIONS FOR THE HEARINGS DIVISION AND/OR THE DIVISION OF HUMAN RESOURCE MANAGEMENT.

Shelley Blotter, Deputy Administrator, Division of Human Resource Management: explained that her presentation was in response to the Commission's request for additional information in previous discussion of the matter. She stated she was pleased to report that cases were being handled in less than 160 days in most cases and per the rules for hearing officers and that it had also resulted in a cost savings for the State. She further explained that the decisions for the cases handled came out similarly to the pool of hearing officers, so from a perspective of the number they were affirming or reversing, it was very similar to the past. She added that a small number of cases had been handled compared to the larger pool and that she felt it would remain consistent over time and that it showed movement in the right direction. She noted that overall, they were pleased with the work that was done. Ms. Blotter asked if there were questions and noted that further detail or additional information could be provided at the next meeting if directed by the Commission.

Commissioner Sanchez noted that the information was very useful and that the matter should be added to the agenda of the next meeting so that the full Commission could then take action to either extend or not extend the contract. **Ms. Blotter** noted that she had anticipated the matter would go to the next regular meeting in November or December and not the special meeting in October. **Commissioner Sanchez** agreed. He then asked Mr. Brian Nix for comment.

Bryan Nix, Administrator, Hearings and Appeals Division: Made comment that Ms. Blotter had done an excellent job since adoption of the contract. He noted that all deadlines had been met and that the Division had done everything they said they would, should the contract be adopted. He further stated that since adoption of the contract, the Governor had appointed seven attorneys as Special Appeals Officers and **Mr. Nix** stated he was looking forward to seeing their performance. **Mr. Nix** stated that he anticipated costs would rise due to hourly rate charges however, everything would be monitored.

Commissioner Sanchez asked for clarification in regard to how the strike list currently operated and how it would operate in the future with the new attorneys on board. **Mr. Nix** stated that rules had been adopted for when an appeal was received and explained that in the south there were four names on the list although only three were needed and that those names were alternated. He continued that in Carson City, there were three Special Appeals Officers that would be going on strike lists and parties would have those appeals officers to choose from. He stated each side would strike one name and the remaining appeals officer was who was assigned the case. He stated the appeals officer heard the case, decided it and monitored the case during the entire process. **Commissioner Sanchez** asked who strikes first. **Mr. Nix** stated that it was mutual. **Commissioner Sanchez** asked if in the future, with the new attorneys on board, were they going to be incorporated into the list. **Mr. Nix** explained that only the new attorneys would be on the list and that the appeals officers who have heard these cases so far will not be.

Commissioner Mauger asked if the position of the State was to eliminate Charlie Cockrill, Independent Counselor. **Ms. Blotter** explained that Mr. Cockrill was interested in having a contract again and when the

Commission makes selections in November or December, a determination can be made. **Mr. Nix** added that should a contract be renewed with Mr. Cockrill, that Mr. Cockrill would be added to the strike list for rotation.

Commissioner Sanchez reaffirmed that the matter would be on the agenda for the next meeting for a determination to be made.

V. DISCUSSION AND APPROVAL OR DENIAL OF INDIVIDUAL CLASSIFICATION APPEAL - Action Item

- A. Alexandra Smith, Program Officer I, Nevada State Treasurer's Office, Millennium Scholarship

Commissioner Sanchez gave the appellant directions for the presentation of her appeal for reclassification.

Alexandra Smith stated that she loved her job and was simply present to present what she saw as clear facts about what she does in her position. She stated that prior to her employment in the Treasurer's Office, there was an Executive Director of the Scholarship Program, the position was paid approximately \$97,000 a year and that the incumbent had no other responsibilities other than the oversight of the Millennium Scholarship Program. **Ms. Smith** stated that when this person resigned, the Administration had decided to fold those duties of the previous Executive Director into the Deputy for College Savings position. **Ms. Smith** continued that by fall of 2013, the Office had begun launching the College Kick Start Program which went statewide in early 2014. She stated that at that time, the Deputy for College Savings was no longer able to maintain the workload with the additional oversight of an entirely new program. **Ms. Smith** stated that the administration had determined that the duties of the previous Executive Director would fall to her current position, the Program Officer for the Millennium Scholarship. She stated that it was her understanding that in her position, she still performed many of the same responsibilities listed in the previous NPD-19 from when reclassification occurred in 2005 and that there was one major difference between then and now. She stated that she now was essentially the de facto Executive Director of the Millennium Scholarship, including being the key and sole decision maker. She further stated in substance that in the class specifications for the Program Officer series it stated that the class was distinguished from the Program Officer II class by its increased latitude in decision making resulting from coordinating broad, non-specific rules and/or regulations. She stated that she believed the level of authority that was granted to her with the reassignment of duties constituted the concept distinction. She further stated that she could provide examples of her duties to align with each of the concepts of the series as well. She stated that as part of the reasoning behind the initial denial of her NPD-19, the Division of Human Resource Management had stated, although the Millennium Scholarship affects a significant number of people, the intent of the requested Program Officer III is to administer a large program, which affects a significant number of people on a continuing basis while interpreting and applying broadly stated and non-specific policies; in contrast, as policies are already established and clearly outlined for the Millennium Scholarship therefore, the Program Officer I Class remains appropriate for this position. **Ms. Smith** argued that the Millennium, much like many State programs was ever evolving and changing and that it would be inaccurate to state that once the program was established it only required a Program Officer I to maintain it. She stated that if that were the case, most Program Officer III positions would then be downgraded after the establishment of policy and procedures. She additionally argued that it was in fact inaccurate altogether to state that she did not establish policies and procedures on a reoccurring basis. She stated that for example, in the Legislative Session of 2015, two bills were passed regarding the Millennium and that those bills had changed the way the scholarship was administered at the institutional college level and also changed the way students could qualify for the scholarship. She stated that she was solely responsible for designing and coordinating the implementation of those changes into policy and procedure. She stated that the Millennium will be in the spotlight of the next legislative session as it was reaching financial hardship and that there

will be some major changes to the scholarship and that the Program Officer will be hugely responsible for many extended duties during that time, including speaking to Legislators, implementing policy, providing documents and reports and the authority placed upon this position will become all the more clear. She stated that the Pre-Paid Tuition Program had a Program Officer III assigned to it and that the role had been reclassified based on the decision that it held a high level of authority over the program it administered and stated that position performs identical tasks to what she did for the other program. She stated that she respectfully disagreed with their determination but appreciated the time and due diligence that was spent during the process. She stated that she looked at those identical duties and it was the level of authority that made it different and she did have that granted to her. She then introduced Steve George, her former Chief of Staff to speak on her behalf.

Commissioner Sanchez thanked Ms. Smith and asked if there were any questions of the Appellant from the Commission before testimony from Mr. George was heard. **Commissioner Mauger** asked for clarification on how long Ms. Smith had been with the State. **Ms. Smith** stated since May of 2013. **Commissioner Mauger** asked if the additional work she said she was doing was for the Millennium Scholarship Program. **Ms. Smith** stated that it was and stated that when the College Kick Start Program enacted, there was no longer time for Executive Director duties therefore, at the time of the statewide launch in early January 2014, that was the point when she took on the major duties of the Executive Director. **Commissioner Mauger** asked the Appellant what she believed to be the percentage of additional work she had been performing from the time she started to the present. **Ms. Smith** stated that speaking only in terms of Millennium, that really spoke more to the decision making level. **Ms. Smith** stated that she previously had to run everything by the Executive Director, all approvals must be signed by her, payments, reconciliations, balance irregularities, those things used to have to be signed off by the Executive Director but now they were signed off by her and that she takes full responsibility for those payments and for any kind of inaccuracies in the audits, etc. **Ms. Smith** further stated that when it came to the Millennium, the duties had changed as far as what she did but she did have major duties in addition and she also administered or helped administer the College Kick Start and the College Savings Plan and her duties had significantly increased.

Commissioner Sanchez asked if there were any questions of the Appellant from the Commission prior to hearing from Mr. George. There were none. He then asked to hear from Mr. Steve George.

Steve George, Administrator, Division of Industrial Relations: Stated that he was the Chief of Staff at the Treasurer's Office for approximately six years and that he would provide a historical perspective on the matter from his position as Chief of Staff at the time all of the changes took place. **Mr. George** testified that they did have an Executive Director which was in NRS at the time and that as Ms. Smith had said, that position was paid about \$97,000 and was essentially a Deputy level position. **Mr. George** stated that when that Executive Director had resigned, he and the Treasurer decided to fold that position in with the College Savings Deputy at that time for a matter of convenience, at the time, cost savings. **Mr. George** stated that a few years later, the College Kick Start Program was started, which has become a huge program. **Mr. George** further stated that it was the program that gives college savings accounts to all kindergarten students in Nevada and that the program had taken on a complexity on its own and that as a result, while he was still there as the Chief of Staff, the decision was to try and start pushing those duties back to the Program Officer and that it was him who made the decision that they should put in a request to change the position to a Program Officer III based on the fact that the complexity and the decision making that that position was now making—which was essentially what the Executive Director had done years ago. **Mr. George** stated that it wasn't long after he had made that decision that he had decided to go over as the Administrator of Division of Industrial Relations so he hadn't carried through with the reclassification but that he had certainly got the ball rolling. **Mr. George** stated that he wanted to add that historical value and to say, as Alex said in her comments, she is essentially the Executive Director which is a \$97,000 a year job before it had been melded into the College Savings Deputy and now is being separated out. **Mr. George** stated

he didn't think the Appellant was asking to be the Executive Director of the program but that he thought with the level of complexity, the decision making and the fact that it is a large program, it certainly deserved to be elevated to a position of Program Officer III.

Commissioner Sanchez asked Mr. George, if before he left his position, had he had any discussion with the Division of Human Resources Management about the proposed change that he was thinking about? **Mr. George** responded that he didn't recall if he did or not. If he were guessing, he'd guess no because it was just in the planning stages and it wasn't long after that when he went to his other position. So, it was the people who were left there, although he did help them with the process of writing it and putting it together.

Commissioner Sanchez asked if there were any questions for Mr. George from the Commission. **Commissioner Spurlock** noted the confusing nature of the org chart that was presented asked if there was anyone present from the chain of command to testify. **Ms. Smith** stated that they were currently managing high priority issues and that her hearing did not take priority for them to be present. **Commissioner Spurlock** asked if there were any written materials of opinion presented either for or against from the chain of command. **Ms. Smith** stated that she was never asked to provide written support but that they do support her and that she was sure that they'd be willing to testify to that and that she could provide that support. **Commissioner Spurlock** stated that he wanted to be clear so that he wasn't asking questions of the Appellant or Mr. George which would have been best answered by someone else. **Ms. Smith** confirmed that was the case and stated that she had support from Chief of Staff Grant Hewitt, Chief Deputy Tara Hagan and her direct supervisor Linda English. **Commissioner Spurlock** asked for confirmation on who the Appellant reported to, if it was Ms. English or Ms. Salehian. **Ms. Smith** stated that she only reported to Ms. English, the Senior Deputy for the South. **Commissioner Spurlock** asked who another Program Officer III, Ms. Platt, reported to. **Ms. Smith** stated that Ms. Platt reported to both Sheila and Ms. English, indirectly and stated that Ms. Salehian is the day-to-day but Ms. English would be her overall point person. **Commissioner Spurlock** asked Mr. George if he was equating the level of responsibility of the person who is handling the 529 Plans and all things related to the Millennium Scholarship and stated that it was his feeling about the Millennium Scholarship that while it had early challenges in getting started, the criteria was fairly clear. **Commissioner Spurlock** noted that it was likely a constant challenge to keep reminding the high schools of that criteria and making sure they were doing outreach and assisting them with doing that outreach. **Commissioner Spurlock** further stated that possibly the biggest challenge and the maximum discretion and independent judgement levels that this person might have with the Millennium Scholarship might be these few dozen cases per year where they would have some interpretations regarding homeschoolers or people who have moved in from out of state at a certain time so there would have been residency issues. **Commissioner Spurlock** stated that he had never equated those challenges to challenges of the complete 529 Program and that he would like to know Mr. George's opinion on that.

Mr. George stated there was a tremendous amount of communication that needed to take place in that position between the colleges, the Nevada System of Higher Education and the high schools to ensure that the money was being properly distributed and the accounting that goes with it. **Mr. George** further stated that certainly the Legislature was going to ask for a dollar for dollar accounting of where the money went and that therefore that communication was very, very important. **Mr. George** stated that there were many instances where people asked for reviews to say, why am I not eligible and that type of thing and we have to help coordinate that again, through the Nevada System of Higher Education. **Mr. George** stated that to Commissioner Spurlock's point, it was kind of the same as Pre-Pay and that Pre-pay was pretty simple too in that either you buy a contract or you don't and that decision is made by you and so the programs were similar and the Pre-Pay Program had a Program Officer III. **Mr. George** stated that he wasn't there when that move was from a Program Officer I to a Program Officer III but Ms. Smith basically did the same thing and that she had the complexity of decision making and has to do the communication on that. **Mr. George** stated that in her case, the Program Officer III communicated with colleges across the country and he stated

he thought the complexity was making sure everything was right and decision making was budgetary, making sure that the right money goes to the right people and the decisions and the communication with those parents and those students. **Mr. George** stated that in July, when students were looking, they would get a lot of phone calls from people and they had to put other people on the lines because as simple as it did look, it wasn't, because people had tremendous amounts of questions on that.

Commissioner Sanchez asked if there were any other questions. There were none. He then asked to hear from the Division of Human Resource Management's representative.

Lisa Friend, Personnel Analyst, Division of Human Resource Management: Stated that she appreciated Mr. George coming to speak on Ms. Smith's behalf however, he wasn't contacted at the time of the audit because he was no longer with Treasurer's Office. **Ms. Friend** stated that they had communicated with Ms. Smith's supervisor at that time regarding the duties Ms. Smith was performing. **Ms. Friend** stated that at the time of the audit, Linda English was the Appellant's supervisor, and that the Appellant had testified that she was currently her supervisor. **Ms. Friend** stated that at the time of the audit, Ms. English's title was Director of the Millennium Scholarship and that was also the title used on the unclassified pay bill. **Ms. Friend** stated that it appeared that currently, Ms. Salehian had the title of Director of the Millennium Scholarship and has since 2015. **Ms. Friend** stated that she had shadowed the study of Alexandra Smith's position conducted by Personnel Analyst, Denise Banditini, who had since retired. **Ms. Friend** stated that she had been assigned to Ms. Smith's appeal because she had shadowed the audit. **Ms. Friend** stated that Ms. Smith was appealing the determination of 'no change' to her current classification, Program Officer I, Grade 31, to Program Officer III, Grade 35. **Ms. Friend** stated that the Program Officer was a highly responsible classification, used statewide by many agencies and what determined the levels of those classifications was increased latitude and decision making resulting from coordinating broad, non-specific rules and/or regulations. **Ms. Friend** stated that in order for an incumbent to be reclassified from one level in a series to a higher level, the position must spend the majority of work time performing higher level duties that meet the class concepts. **Ms. Friend** stated that the position was last reviewed in 2005 when it was reclassified from an Administrative Assistant IV, Grade 29, to a Program Officer I, Grade 31 and that at that time, the position was responsible for evaluating applications and residency documents for homeschool, General Education Development ("GED") and out of state applicants to determine eligibility for the Millennium Scholarship. **Ms. Friend** stated that this information, along with the list of eligible students received from Nevada System of Higher Education ("NSHE") and other school partners for the semester would be downloaded by the incumbent into the integrated Nevada Scholarship Tracking and Eligibility Program and the scholarship packets would then be sent out. **Ms. Friend** stated that the Board of Regents of NSHE adopted the policy guidelines for administering the scholarship however, guidelines for eligibility determination were not provided and therefore, the Treasurer's Office and the incumbent at that time had to assume responsibility by developing guidelines and procedures of acceptable documentation to support eligibility based on established criteria. **Ms. Friend** stated, to reiterate, the incumbent at that time was responsible for reviewing applications for homeschool and out of state applications and made determinations whether students were accepted or denied for program participation; issuing acceptance or denial letters; allocating funds for those that were accepted; and ensuring accurate and timely payments were made to NSHE. **Ms. Friend** stated that the incumbent was solely responsible for coordinating and monitoring the Millennium Scholarship Trust Fund; providing answers to complex questions; troubleshooting non-routine issues requiring additional research and follow-up; balancing irregularities and reconciling exceptions; and processes based upon the statutes of the Board of Regents of the Nevada System of Higher Education System policies and the Guide of the Millennium Scholarship Program; compiling annual reconciliation reports that were submitted to Legislature; database management of the Millennium website including website updates; pertaining program, emails and written communications; along with coordinating data submitted by NSHE and other school partners; attending college planning events; and supervising responsibilities. **Ms. Friend** stated that with the exception of the duties pertaining to the College Kick Start administrative tasks and outreach, which totaled 15% of Ms.

Smith's duties, the information collected during the recent desk audit reflected that the duties of the position itself had not significantly changed and that although they may be new duties to Ms. Smith, those aforementioned duties were actually part of the consideration to initially reclassify the position to a Program Officer I in 2005. **Ms. Friend** stated that although they did not disagree that the College Kick Start administrative tasks and outreach was a new duty, it was determined: that Ms. Smith performed those outreach duties in conjunction with her outreach duties for the Millennium Scholarship and the College Savings Plans of Nevada; that the duties were within the scope of the class, as described in the class specifications for a Program Officer I; and that the change which was the result of the addition of duties which were similar in nature or complexity to previous responsibilities was not within the meaning of significant change. **Ms. Friend** stated that based on the information collected during the study process, it had been determined that the level and scope of responsibilities that were assigned to Ms. Smith's position supported the current classification of Program Officer I. **Ms. Friend** stated that they respectfully requested that the determination not to reclassify the position to a Program Officer III be upheld.

Commissioner Sanchez asked if there were any other questions from Commissioners. **Commissioner Spurlock** asked what the date was for the prior re-class for the Administrative Assistant series to the Program Officer. **Ms. Friend** confirmed that it was 2005. **Commissioner Sanchez** further asked about the letter dated May 7, 2015 from the Appellant to Administrator Easton regarding the location of the original NPD-19 form submitted to reclassify the position from Admin Assistant IV to Program Officer I in 2005 and wanted to know if it was true that it was not located. **Mr. Peter Long** noted that it was in the Division's packet, Exhibit 6. **Ms. Smith** commented that throughout the process they didn't have access to the original and that the first time she was presented with the original NPD-19 form was when she had received the packet for the upcoming meeting.

Commissioner Sanchez asked if there were any other questions from Commissioners. **Commissioner Spurlock** asked what Ms. English's primary job was and was it still oversight over the Millennium Scholarship. **Mr. George** responded that she no longer did the Millennium Scholarship Program that Ms. Smith was the one who handled those functions. He additionally testified Ms. English did the College Savings Program and the College Kick Start Program, which were very complex programs and that because of the added responsibilities of the College Kick Start Program and the growth of the Nevada College Savings Program, the decision was made to have Ms. Smith take over duties of the Millennium Scholarship. He further testified that the report from staff was that the person became a Program Officer I and that he wasn't there when they did that so couldn't provide a history however, those duties that that person did, reported to the Executive Director and that person didn't make all the decisions, they were essentially clerical, helping to run the program and doing a lot of those duties and had someone to report to get approvals. **Mr. George** continued that that position no longer existed and that was the reason for asking for the Program Officer III and that the Program Officer III that was there before reported to the Executive Director and had no decision making. **Mr. George** stated that Appellant was essentially the current Executive Director, that she was making the decisions for the Millennium Scholarship Program.

Mr. Long added that staff was prepared to explain the difference between Ms. Smith's position as Program Officer I and the Program Officer III position. **Commissioner Sanchez** asked that they proceed.

Ms. Friend, started by clarifying that when the desk audit first began on Ms. Smith's position, her supervisor was Ms. English and that Ms. English held the title of Executive Director of the Millennium Scholarship/Senior Deputy Treasurer. **Ms. Friend** stated that since then, it had been changed and everything that had to be approved or answered was done by Ms. English and that regarding budget and financial duties, the Program Officer I had authority to spend within budget parameters for supplies, outreach and education items; to determine when to request the transfer of funds from unclaimed property; and had control of the timing of transfers to eligible institutions based on established deadlines. **Ms. Friend** stated that as far as authority and day-to-day duties, the Program Officer I ensured the Millennium

Scholarship remained in compliance with statutes, State Treasurer's Office Policy and NSHE policies; ensured student data was received; that students were awarded in a timely manner; that eligibility was coordinated with NSHE; and accurate payments were made. **Ms. Friend** stated the position made independent decisions on how to implement policy changes and reported decisions and actions to the supervisor and the position reported status of projects to supervisor weekly. **Ms. Friend** stated that complaints, concerns, eligibility appeals and accounting matters were escalated to NSHE and that the consequence of error was the time that it took for all parties involved to remedy the situation. **Ms. Friend** stated the Program Officer III position was responsible for a qualified 529 Education Savings Program and must comply with Federal Internal Revenue Service Code Rules. **Ms. Friend** stated the position generated 1099s for tax purposes, reconciled the program's bank accounts including check deposits, cash deposits, remote deposits, credit cards, electronic check payments, payroll deductions and returned items; it also reconciled payment vouchers for tuition payments, rollovers, overpayments, refunds and payments made to vendors for daily operations. **Ms. Friend** stated the position had full authority to determine the amount of monies to invest on behalf of the program, along with performing monthly and quarterly cash allocation to be invested in the program's trust fund; determined actuarial fees for refinanced contracts, worked with the public and private sectors, including payroll centers, banks, colleges and universities, throughout the United States to process transactions and resolved issues if they occurred. On a daily basis the position worked with both the participants and stakeholders of the program to accurately administer all accounts, which included determining if participants were eligible, charging fees and penalties, waiving fees, modifying accounts, canceling accounts, voluntary or delinquency; making accurate tuition payments; working with participants that were unable to meet financial obligations and resolving other issues or complaints that occurred. The position had the authority to assess penalties, authorize cancellations of contracts and assess fees to participants for lack of payments. Only major decisions that alter the program go directly to the Senior Deputy Treasurer. The consequence of error was significant cost of money, which could consequently impair the payment of tuition benefits to the recipients of the program, which would be devastating to the participant, their higher education and the program.

Commissioner Sanchez asked if there were any other questions from Commissioners. He then asked Ms. Smith to give a closing statement.

Ms. Smith stated that she's listened to their statements and she was assuming that what they brought up was a comparison of her job to the Program Officer III within the office and she stated that all of the things that were stated for the Program Officer III in our office, she did as well in an equal and near capacity with the Millennium and that the only difference was that it was not a 529 Plan. **Ms. Smith** stated that to say that the position had authority over investments made was an inaccurate statement and there was an entire team of investment advisors that did that and it had nothing to do with the Program Officer. **Ms. Smith** stated that the positions were identical and that they only differed in the fact that they administered two different programs and that she administered three programs and the other position only did one and that she did in fact have all the same level of authority and the duties that she listed for the Program Officer III.

Commissioner Sanchez asked if Ms. Smith issued 1099s. **Ms. Smith** responded that it was not necessary for her to issue 1099s with the Millennium Scholarship but that she does work with the IRS and their forms on other programs. **Ms. Friend** stated that the information that they based all the duties and responsibilities on had come from the NPD-19 desk audit and questions asked of the supervisor and that was where with regard to level of authority, Ms. Smith had said that she had to report weekly, that she did not go to supervisor for questions and that press inquiries were escalated, eligibility appeals go to NSHE and any complaints or concerns, if they didn't like Ms. Smith's answer, were escalated to NSHE. **Ms. Friend** continued that at the time of the desk audit, what she presented was what was either verified by the supervisor or information given at the desk audit. **Ms. Smith** added that "reports to weekly," was the same that the Deputies do to the Chief of Staff, to the Treasurer himself and she informs her what has happened that week and just keeping people in the loop, it was not that she was asking permission and that if anything,

she had more authority then she did at the time of the original NPD-19 and it continued to grow and that the program was ever changing, ever growing and was a huge endeavor to administer, especially with those continuous changes.

Commissioner Sanchez asked if there were any other questions from Commissioners. There were none.

MOTION: Moved to deny Ms. Alexandra Smith's appeal for reclassification from Program Officer I to Program Officer III
BY: Commissioner Spurlock
SECOND: Commissioner Sanchez
OPPOSED: Commissioner Mauger
VOTE: Motion passed 2-1

VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT - Action Item

- A. Clerical & Related Services
 - 1. Subgroup: Administrative Support
 - a. 2.131 Student Worker
- B. Fiscal Management & Staff Services
 - 1. Subgroup: Financial
 - a. 7.103 Chief Accountant
 - 2. Subgroup: Public Information
 - a. 7.803 Curator Series
- C. Medical, Health & Related Services
 - 1. Subgroup: Laboratory Services
 - a. 10.710 Microbiologist Series

Mr. Long, Deputy Administrator, Division of Human Resource Management: stated that regarding the Student Worker class, after meeting with subject matter experts from the agencies that use that job class, changes were not recommended to the class specification. For the Chief Accountant, minor revisions were recommended in order to update the duty statements and that the knowledge, skills and abilities revisions were to expand and clarify the relevant and acceptable knowledge, skills and abilities required to be able to perform the duties outlined. Regarding the Curator Series, revisions were made to the series and class concepts to update and accurately describe the duties performed by incumbents. Additionally, the minimum qualifications at each of the levels were modified to expand and clarify the type of relevant acceptable experience required and furthermore, the knowledge, skills and abilities of the classes were updated accordingly. In regard to the Microbiologist Series, in consultation with subject matter experts from the Division of Public and Behavioral Health, Department of Agriculture and the Nevada System of Higher Education, modifications were made to the series concept to account for changes in verbiage used and duties performed. As a result of the adjustments, minor changes were made to the class concepts at the Microbiologist V and IV levels and in addition, minor changes were made to the class concepts at the Microbiologist II and I levels in order to maintain consistency in verbiage used at the training and entry level. Informational notes were added to explain that certain positions were required to possess and maintain certifications from either the State of Nevada or the American Society for Clinical Pathology. Furthermore, an informational note was added indicating that some of the positions may require specialized and/or agency specific experience which would be identified at the time of recruitment. Lastly, minor changes to the minimum qualifications were required to represent the modifications. Throughout the

process, subject matter experts were involved and all agencies were on board with the changes.

MOTION: Moved to approve class specification revisions that were proposed in items 6-A Student Worker, 6-B Curator Series and 6-C Microbiologist Series.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: Motion passed unanimously.

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Mr. Long stated that the Report of Uncontested Classification Changes was posted and approved; and that it was a non-voting item.

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Commissioner Sanchez stated that the next meeting was scheduled for November 13, 2015 and asked if there were any revisions to that. **Ms. Lee-Ann Easton** stated that there was a request to change the date of the meeting to December 4th. The Commission confirmed that the date was acceptable and set the following meeting tentatively for March 4, 2016.

IX. PUBLIC COMMENT

Commissioner Sanchez asked for any public comment. There was none.

X. ADJOURNMENT

Commissioner Sanchez adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Blasdel Building, 209 E. Musser St., Room 105 Carson City, Nevada 89701; and
via video/teleconference conference in Las Vegas at the Grant Sawyer State Building, Room 1400,
555 East Washington Avenue.

**MEETING MINUTES
Friday, October 9, 2015**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

STAFF PRESENT IN CARSON CITY:

Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

**STAFF PRESENT
REMOTELY:**

Ms. Lee-Ann Easton, Administrator, DHRM

**STAFF PRESENT IN
LAS VEGAS:**

Mr. Shane Chesney, Senior Deputy Attorney General

**I. CALL TO ORDER, WELCOME, ROLL CALL,
ANNOUNCEMENTS**

Chairperson Katherine Fox: Opened the meeting at 9:00a.m. She welcomed everyone and took roll.

II. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox**

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person, and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there were any public comments. There were none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 **Action Item**

Carrie Hughes, Personnel Analyst, DHRM: Reminded the Commission that they had initially approved the amendments to NAC 284.448 and 284.5875 as emergency regulations but noted that emergency regulations are effective for only 120 days. The amendments to NAC 284.448 and 284.5875 are intended to bring the regulations into agreement with the statutory change to NRS 281.145, as a result of Assembly Bill 388 of the 2015 Legislative Session.

Effective July 1st, NRS 281.145 requires the Personnel Commission to prescribe the 12-month period that State agencies will use to determine the eligibility of employees who are reservists or members of the National Guard, to take military leave without loss of their regular compensation. In NAC 284.5875, we are proposing that all State agencies with the exception of the Office of the Military, continue to use a calendar year for this purpose. However, the Office of the Military has requested that they be able to use the federal fiscal year for this purpose, due to the funding source of some of their affected positions.

Additionally, all of the existing language in NAC 284.5875 is removed as the language is obsolete, due to the amendment to NRS 281.145. The amendment to NAC 284.448 references this change to the period used for calculating employee's military leave in NRS 281.145.

The Legislative Commission is scheduled to meet on October 27th and will consider these regulations at that time.

MOTION: The Personnel Commission for the State of Nevada adopt as permanent regulations, changes to Nevada Administrative Code, specifically NAC 284.448, time not counted for completion of probationary period and NAC 284.5875, military leave with pay.

BY: Chairperson Fox

SECOND: Commissioners Sanchez and Read

VOTE: Motion passed unanimously.

IV. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox**

No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. Comments will be limited to three minutes per person, and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox asked if there were any public comments. There were none.

**V.
ADJOURNMENT**

Chairperson Fox adjourned the meeting.

**STATE OF NEVADA
PERSONNEL COMMISSION**

**MEETING MINUTES
(Subject to Commission Approval)**

Friday, December 4, 2015

Held in Carson City at the Gaming Control Board, 1919 College Parkway;
and video conferenced to
Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue.

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner

COMMISSIONER NOT PRESENT

AT THE MEETING: Mr. Gary Mauger, Commissioner

STAFF PRESENT:

Ms. Lee-Ann Easton, Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Jennifer Chisel, Deputy Attorney General
Ms. Tawny Polito, Executive Assistant, DHRM
Ms. Frances Lincoln, Administrative Assistant, DHRM
Ms. Michelle Garton, Supervisory Personnel Analyst, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Katie Holmberg, Personnel Analyst, DHRM

I. CALL TO ORDER; WELCOME; ROLL CALL; ANNOUNCEMENTS

Chairperson Katherine Fox opened the meeting at 9:00a.m., welcomed everyone and took roll. She then acknowledged that Governor Sandoval had ordered all flags of the State of Nevada be flown at half-staff in honor of those who were killed tragically in San Bernardino, California and requested a moment of silence in respect to those victims and their families.

II. PUBLIC COMMENT

Chairperson Fox advised that no vote or action could be taken upon a matter raised during public comment until the matter itself was specifically included on an agenda as an item upon which action could be taken. She then asked if there were any public comments.

Kevin Ranft, AFSCME Local 4041 stated he wanted to thank Lee-Ann Easton, Shelley Blotter and Peter Long for the opportunity, not only throughout the legislative session but also for the opportunity during the regulatory process for how they worked together and that it had been a great opportunity to get agreeable language. He stated that when everyone came together, regulatory language was done without contention and was fair and proper through transparency in meetings. He stated he appreciated every effort that was made to reach out to his organization.

He stated in SB 62, enacted regulations, they were not opposing any of those however, AFSCME Local 4041 was opposed to removal of longevity pay language though they understood it was a requirement of the Nevada Revised Statute that was eliminated through the legislature. He stated his organization opposed the removal of longevity pay from State employees.

He stated AFSCME Local 4041 would remain neutral on all matters related to hearing officers for the Department of Administration and that his organization would like to have that intent, through the Nevada Revised Statute, remain.

He stated he appreciated the Commission and thanked the Division of Human Resource Management (DHRM).

Chairperson Fox thanked Mr. Ranft for his comments and his support of the Division of Human Resource Management and noted that there was difficulty involved in making the types of changes before the Committee to Nevada Administrative Code (NAC) which included communication to affected employees and thanked Mr. Ranft for all of his efforts.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS.

Action Item

A. September 25, 2015

Chairperson Fox stated that she and Commissioner Read would abstain from voting because they were not present at the meeting held September 25, 2015. Chairperson Fox stated that in order to be certain that requirements were met, the Committee would vote on the item at the next meeting.

B. October 9, 2015

MOTION: Moved to approve the minutes of the meeting held October 9, 2015.
BY: Commissioners Fox and Read
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

IV. DISCUSSION AND APPROVAL OR DENIAL OF ADDITION OF CLASSES AND POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES **Action Item**

A. The Division of Minerals requests the addition of classes and positions to the list approved for pre-employment screening for controlled substances:

7.665	Public Service Intern I, PCNs: 09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
U3916	Program Manager, Oil/Gas and Geothermal, PCN: 0002
U3918	Deputy Administrator, Minerals, PCN: 0006
U3919	Chief for Dangerous Mines, PCN: 0007
U3930	Chief for Mine Regulation, PCN: 0009
U3932	Field Specialist, Minerals PCNs: 0011, 0021, 0031
U4706	Administrator, Minerals, PCN: 0001

Carrie Hughes, Personnel Analyst, DHRM stated that NRS 284.4066 provided for the pre-employment testing for controlled substances of candidates for positions affecting public safety prior to hire. She continued that the State statute required the appointing authority to identify the specific positions that affected public safety, subject to the approval of the Personnel Commission. She stated that federal courts had indicated that pre-employment testing by public entities could constitute a search within the meaning of the Fourth Amendment and if so, must be justified by a special need that outweighs a reasonable expectation of privacy.

She continued that the Commission on Mineral Resources, Division of Minerals had requested approval of pre-employment screening, of positions as outlined in agenda item 4-A. She further stated that DHRM recommended approval for all of the requested positions: Public Service Intern I positions; the Chief for Dangerous Mines and the Chief for Mine Regulation, as they investigate and construct fencing and warning signs around abandoned mine features; Public Service Intern Class Series, which she noted had previously been approved by the Commission; the Field Specialist, Minerals Positions, 0011 and 0021 as they investigate and construct fencing and warning signs around abandoned mine features and may work alone; the Administrator; Deputy Administrator; Program Manager of Oil/Gas and Geothermal; Field Specialists,

Minerals, Position 0031 as they perform duties on drilling and production sites to include inspecting drills while in operation and pressure testing blowout prevention equipment. She then noted that Robert Ghiglieri from the Division of Minerals was also available to answer any questions of the Commission and thanked the Commission.

Chairperson Fox asked if there were questions from the Commissioners. There were none.

MOTION: Moved for approval of the Classes and Positions for Pre-Employment Screening for Controlled Substances to include for the Division of Minerals: Public Service Intern I with the associated PCN numbers; Program Manager, Oil/Gas and Geothermal; Deputy Administrator, Minerals; Chief for Dangerous Mines; Chief for Mine Regulation; Field Specialist, Minerals; and Administrator, Minerals.

BY: Chairperson Fox

SECOND: Commissioners Sanchez and Read

VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OR DENIAL OF DHRM RECOMMENDATIONS REGARDING HEARING OFFICER CONTRACTS. POSSIBLE RECOMMENDATION TO SELECT HEARING OFFICERS USING A DIFFERENT METHOD **Action Item**

Shelley Blotter, Deputy Administrator, DHRM stated that at the meeting of the Personnel Commission held September 25th, staff provided information to the Commission regarding the Hearings Division and their performance, as well as, the performance of the independent contractor Charles Cockerill. She stated that at today's meeting, they were going to be reviewing whether or not to approve a new contract, starting on July 1, 2016 or seek some other options.

She stated that staff recommended that contracts for the Hearings Division, as well as the independent contractor Charles Cockerill, be extended for one year. This is recommended as the Hearings Division has now hired Special Appeals Officers, appointed by the Governor, to hear these case. She noted that it felt prudent to reevaluate in one year and determine whether or not we go forward.

Chairperson Fox asked when the contract commenced and when would it end. **Ms. Blotter** responded that it would commence on July 1, 2016 and end on June 30, 2017. She continued that the reasoning behind starting so far in advance was that, if the Commission were to direct the Division to go back to the old methodology of hiring independent contractors or recommend some other method of hiring Hearing Officers, that it took that long to get the contracts in place and that they were asking for lead time, should they need it.

Chairperson Fox asked if there were any questions from the Commission or the public.

Commissioner David Sanchez commented that in the past, he had been a part of the group that interviewed for the Hearing Officers and he found it to be problematic to interview the group as it had done so in the past. He further stated that he found the current process may be more efficient for the Commission and stated that he would like to see the current process go forward.

MOTION: Moved for approval of one-year contracts from July 1, 2016 to June 30, 2017 for both Charles Cockerill and renewal of current contracts with the Hearing Division for the use of Hearing Officers to hear employee appeals of dismissals, suspensions, demotions, involuntary transfers and claims of reprisal or retaliatory action.

BY: Chairperson Fox

SECOND: Commissioners Read and Sanchez

VOTE: Motion passed unanimously.

VI. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284

Action Item

A. LCB FILE NO. R041-15

Sec. 1. NAC 284.097 "Reviewing officer" defined.

Sec. 2. NAC 284.470 Preparation, filing, contents, discussion, and distribution of reports; powers and duties of employees; review; adjustment of grievances.

Michelle Garton, Supervisory Personnel Analyst, DHRM stated LCB file# R041-15 included changes related to employee reports on performance. She continued that the amendment in Section 1 was contingent on the adoption of the next regulation of that LCB file. She stated it was a housekeeping item and changed a reference to NAC 284.470, based on the addition of two new sections to that regulation. She stated that the amendments included in Section 2 of the LCB file would clarify the effect of a timely or late filed evaluation or when an evaluation is not filed at all, on an employee's pay and performance rating.

She explained that the changes were intended to encourage supervisors to submit a report on performance for every employee, even if it could be late. She continued that reports on performance serve to recognize positive performance, note deficiencies and document development plans. She stated that it was commonly thought that an employee who did not receive a performance evaluation was deemed standard in terms of performance, as well as for the purposes of his or her merit salary increase. She further explained that the new language explained that a report on performance, if one was not filed on time, the employee would receive the merit salary increase, if he or she had not reached the top step of the grade; however there would be no report on performance for that period reflected in the employee's file of employment because no report was submitted for them. She stated that if a report on performance were to be subsequently submitted, the employee's file would be updated with that performance rating at that time. Ms. Garton stated that the Nevada Employee Action and Timekeeping System (NEATS) was undergoing an upgrade to electronically process performance evaluations, work performance standards and essential functions documents and that the upgrade would support a supervisor's ability to submit reports on performance timely and provide them with the tools that they need to be very efficient in doing such work.

Ms. Garton stated that the second amendment to the regulation would allow an appointing authority to designate a representative to agree to an extension of the timeframes related to the request for review process for evaluations.

Chairperson Fox asked if there were any questions from the Commission or the public.

Commissioner Andreas Spurlock commented that he would like to commend the Department for taking such action and stated that in his experience, often in government and the private sector, it was difficult when trying to make a case for employee discipline, realizing that the employee had been rated as standard during the past four years and there not being a single other word in the file. He stated it then seemed that they've suddenly become a problem employee and it is left to HR to clean it up and those with HR experience understood that.

He stated he thought the move was a small step of detaching the pay component and treating it separately and at least we won't have to label the employee as being standard when no full evaluation or report had been done, he stated, it was a small step forward and that he hoped it would help reduce some liability for the State.

Chairperson Fox commented that she believed the upgrade of the NEATS system should assist with supervisors having some tools in front of them that make completing the evaluation easier and noted she knows it was a chore to do evaluations and that it was her understanding that the essential functions and work performance standards were linked to a particular employee's performance evaluation and it was a good improvement in terms of automating the evaluation system.

Chairperson Fox asked if there were any further questions from Commissioners or the Public. There were none.

MOTION: Moved for approval of LCB File No. R041-15, item VI-A of the regulations change to Nevada Administrative Code, Chapter 284.

BY: Commissioner Read

SECOND: Chairperson Fox and Commissioner Sanchez

VOTE: Motion passed unanimously.

B. LCB FILE NO. R042-15

- Sec. 1. NAC 284.394 Transfers initiated by appointing authorities.
- Sec. 2. NAC 284.589 Administrative leave with pay.
- Sec. 3. NAC 284.656 Notice.
- Sec. 4. NAC 284.778 Request for hearing and other communication.
- Sec. 5. Effective Dates.

Michelle Garton stated that through a recent grievance filed by a State of Nevada employee, some inconsistencies with respect to administrative leave for the purposes of personnel appeal hearings were found. She continued that the amendments would bring into alignment the granting of administrative leave for an employee to prepare for and attend his or her hearing before a Hearing Officer.

She stated that Section 1 of the LCB file removed the reference to NAC 284.589 in subsection 5, of NAC 284.394 for the reason that the granting of administrative leave for the preparation for a hearing which involved an employee's involuntary transfer was included in NAC 284.589 and therefore the language was not necessary there. She stated that the Division intended to include an informational note in their Rules for State Personnel Administration publication directing the reader to NAC 284.589.

Ms. Garton stated that the majority of the changes in the LCB file were included in Section 2, which contained NAC 284.589, Administrative Leave. She continued that the first amendment made the conforming change based on Senate Bill 62 of the 2015 Legislative Session. She stated that the second amendment to the regulation removed the granting of administrative leave for the attendance of an employee at a hearing related to his or her dismissal, suspension, demotion or involuntary transfer from permissive to required and that attendance of an employee at his or her hearing regarding a claim of reprisal or retaliatory action, based on the disclosure of Improper Governmental Action, otherwise known as a "Whistleblower appeal", would now be required. She stated that the changes reflected the importance of an employee's attendance at his or her hearing and that the attendance of witnesses at those types of hearings would remain permissive.

Ms. Garton stated that the next amendment to the regulation was regarding employee preparation for those hearings. She continued that the granting of up to eight hours of administrative leave for an employee to prepare for his or her hearing regarding disciplinary action or an involuntary transfer would still be required. She stated that additionally, up to eight hours of administrative leave for an employee to prepare for his or her Whistleblower hearing would now be required.

Ms. Garton stated that Section 3 of this LCB file contained NAC 284.656 related to the notification provided to an employee of his or her dismissal, demotion or suspension. She noted to reference the handout that was provided to the Commission and public of the new draft of the regulation. She stated that Senate Bill 62 of the 2015 Legislative Session amended NRS 284.385 related to that type of notification to an employee and that based on questions they had received, the Division of Human Resource Management recommended the inclusion of the green double underlined language which clarified that the use of social media, texting or other electronic delivery would not be allowed. She stated that the statute had required the use of US Mail and that it now allowed for other options such as UPS or Fed Ex. She stated that the intent of the change was to provide increased speed of delivery and reliability by modernizing the methods in which agencies may provide notice to an employee of disciplinary action. She continued that if adopted, the amendments included in Section 3 of the LCB file would become effective on January 1, 2016.

Ms. Garton stated that regarding section 4, at the April 11, 2014 Meeting of the Personnel Commission, the Commission had selected the Hearings Officers of the Hearings Division of the Department of Administration to act as primary hearing officers for personnel appeals. She continued that the Hearings Division directly employs clerks who are assigned to hearing officers of that Division. She stated that because the Division of Human Resource Management does not currently provide the services of a clerk, the proposed language states that a copy of written communication directed to a hearing officer be sent to the clerk assigned to that hearing officer; removing language that the clerk be employed by the Division of Human Resource

Management.

Chairperson Fox stated that it was her understanding for Sections 1, 2, 4 and 5, those would become effective upon filing with the Secretary of State; and that the notice, which was section 3, would become effective January 1, 2016, if approved by the Commission. She asked if there were any questions from Commissioners or the Public. There were none.

MOTION: Moved for approval of item VI-B, LCB File No. R042-15 and that Sections 1, 2, 4 and 5 be made effective upon filing and that Section 3 be effective on January 1 of 2016.

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: Motion passed unanimously.

C. LCB FILE NO. R043-15

- Sec. 1. NAC 284.398 Transfers to classified service; certain transfers to unclassified service.
- Sec. 2. NAC 284.470 Preparation, filing, contents, discussion, and distribution of reports; powers and duties of employees; review; adjustment of grievances.
- Sec. 3. NAC 284.580 Leave of absence without pay during fiscal emergency of State or agency.
- Sec. 4. NAC 284.262 Longevity pay: Eligibility.
- NAC 284.270 Longevity pay: Required rating of performance.
- NAC 284.274 Longevity pay: Dates of payment and eligibility; responsible agency.
- NAC 284.278 Longevity pay: Formulas for calculation.
- NAC 284.282 Longevity pay: Particular circumstances.
- NAC 284.284 Longevity pay: Return to state service.

Michelle Garton explained that the LCB file made conforming changes to several regulations based on two legislative bills of the 2015 Legislative Session and also repealed the six longevity regulations. She stated Senate Bill 510 added two new subsections to NRS 284.3775 and as such the statute reference in NAC 284.398 has changed.

She further explained that the amendments in Sections 2 and 3 of the LCB file remove longevity pay from the regulations due to the repeal of the longevity statutes by Assembly Bill 436 of the 2015 Legislative Session. She stated that if adopted, those changes, as well as the changes to

NAC 284.470 that were just adopted, in Section 2 of LCB file R041-15, would be reflected upon the codification of NAC 284. She stated that Assembly Bill 436 of the 2015 Legislative Session repealed NRS 284.177 and NRS 284.179, which were related to longevity pay. She continued that due to that, the Division was proposing the repeal of NAC 284.262 through 284.284, inclusive. She noted that the bill became effective on June 9, 2015.

Chairperson Fox stated that she understood the Legislative action occurred June 9, 2015 and asked if that was immediate for employees in that had their longevity been taken away after June 9th.

Ms. Garton responded to Chairperson Fox that she was correct.

Chairperson Fox then noted that State employees had not been receiving longevity pay for years due to the fiscal climate. She asked if there were any questions from the Commissioners or from the Public. There were none.

MOTION: Moved for approval of LCB File No. R043-15 – Section 1, NAC 284.398, transfers to classified service; certain transfers to unclassified service; Section 2, NAC 284.470, preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances; Section 3, NAC 284.580, leave of absence without pay during fiscal emergency of State or agency; Section 4, repeal of longevity pay for State employees – all of those NAC items regarding longevity pay; with the understanding that they will take effect upon filing with the Secretary of State.

BY: Commissioner Fox

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

D. LCB FILE NO. R044-15

Sec. 1. NAC 284.726 Access to confidential records.

Sec. 2. NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form.

Sec. 3. Effective Dates.

Carrie Hughes stated that NAC 284.894 required the removal of an applicant who tests positive for the use of a controlled substance from all hiring lists requiring pre-employment testing for a year or until an applicant provides evidence of the successful completion of a rehabilitation program. She further stated, Senate Bill 62 of the 2015 Legislative Session in part amended NRS 284.4068 to allow the Division of Human Resource Management access to the confidential results of applicants' pre-employment drug test results to allow for statewide implementation of NAC 284.894. She stated the proposed amendment to NAC 284.726 outlined that access in regulation.

She continued that in regard to Section 2 of LCB File No. R044-15 that effective January 1st,

Senate Bill 62 of the 2015 Legislative Session added involvement in a work-related accident or injury to the circumstances listed in subsection 2 of NRS 284.4065 for which an agency could request an employee submit to an alcohol and/or a controlled substance test without following the requirements in subsection 1 of NRS 284.4065, which included having a reasonable belief that the employee was impaired in his or her duties by alcohol and/or drugs.

She stated that SB 62 additionally mandated that the Personnel Commission would, by regulation, define the term ‘work-related accident or injury’ as it is used in subsection 2 of NRS 284.4065. She continued that the amendment to NAC 284.888 defined ‘work-related accident or injury’ and as the definition encompassed the basis for testing in subsection 1-E, it was removed from the regulation. She stated that the amendment, if adopted by the Legislative Commission and upon filing with the Secretary of State, would be effective January 1, 2016.

Chairperson Fox asked if there were any questions from the Commissioners or from the public. There were none.

MOTION: Moved for approval of LCB File No. R044-15, Section 1, amends NAC 284.726 to include access to the appointing authority, is limited to the appointing authority or his or her designated representative and the administrator or his or her designated representative, taking effect upon filing with the Secretary of State; Section 2, NAC 284.888, request for employee to submit to screening test: interpretation of grounds; completion of required form, would be effective January 1, 2016.

BY: Chairperson Fox

SECOND: Commissioner Read

VOTE: Motion passed unanimously.

E. LCB FILE NO. R102-15

Sec. 1. NAC 284.088 “Promotion” defined.

Sec. 2. NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date.

Sec. 3. NAC 284.444 Application of probationary period.

Sec. 4. NAC 284.462 Restoration of promoted employee to former position.

Sec. 5. Effective Dates.

Peter Long, Deputy Administrator, DHRM stated that he would be providing an overview of LCB File No. 102-15. He stated that the major changes were in NAC 284.462 and were based on the passage of SB 62. He stated Sections 1, 2 and 3 were conforming changes based on NAC 284.462. He stated that if the Commission agreed to the passage or the acceptance of those amendments, they would all become effective on January 1, 2016.

Mr. Long referenced the third line of the second paragraph of the explanation of proposed change for NAC 284.462 and stated it included a reference to NAC 284.632 and was incorrect.

He continued that significant language from NAC 284.632 had been inserted into NAC 284.462. He explained that the proposed language changes an employee's eligibility for restoration to those employees who have completed an initial probationary period and it provided procedures for calculating seniority for restoration and clarified the placement into a vacant position at the same or lower grade would be in the agency in which the employee was employed prior to promotion. He stated that additionally the amendment addressed what would happen to an employee if he or she were to be displaced by an employee with greater seniority.

Mr. Long noted to reference NAC 284.462, subparagraph 2 of subsection 6 of the proposed draft and stated that during a legislative drafting of the regulation, the language 'exempt unclassified employee' had been inadvertently included and was not appropriate He asked that that language be struck in approval of the regulation.

Chairperson Fox stated that she knew how difficult it was to do when it came to the movement, the advancement and potentially the un-advancement of an employee that had been promoted and the whole domino effect of a return to a previous position, etc., and she commended Mr. Long for all of the work to get that done.

Chairperson Fox asked if there were any questions from the Commissioners or from the public. There were none.

MOTION: Moved for approval of LCB File No. R102-15, sections 1 through 5, that provided changes to NAC 284.088, 284.182, 284.444, 284.462 with the removal of 'exempt unclassified employee' from the language and Section 5, effective dates.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

VII. DISCUSSION AND APPROVAL OR DENIAL OF CLASS SPECIFICATION MAINTENANCE REVIEW Action Item

A. Fiscal Management & Staff Services

1. Subgroup: Intern Program
 - a. 7.653 Public Service Intern Series

Katie Holmberg, Personnel Analyst, DHRM stated that she was in attendance to present for the Commission's approval, item VII-A, 1-a, the Public Service Intern class specification. She stated that the class specification had been reviewed by management and agency human resource staff and it was determined that the concepts, minimum qualifications, knowledge, skills and abilities were consistent with the current expectations and therefore recommended that no changes to the class specification were necessary at that time and stated that they respectfully requested approval of the class specification, effective that day.

Commissioner Spurlock noted that the date revised on the class specification was the date it was reviewed or revised. **Ms. Holmberg** confirmed that he was correct.

Chairperson Fox asked if there were any questions from the Commissioners or from the public. There were none.

MOTION: Moved for approval of the class specification maintenance review for the Public Service Intern Series where no changes were made to the class specification.

BY: Chairperson Fox

SECOND: Commissioners Read and Sanchez

VOTE: Motion passed unanimously.

VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Postings: #22-15, #23-15, #24-15, #25-15, #26-15

Chairperson Fox noted that the agenda item required no action from the Board. She then noted the report of uncontested classification changes for the Board's information.

IX. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox stated that the next meeting would be March 4, 2016. The Commission decided the following meeting to be June 10, 2016.

X. PUBLIC COMMENT NOTICE

Chairperson Fox advised that no vote or action could be taken upon a matter raised during public comment until the matter itself was specifically included on an agenda as an item upon which action could be taken. She then asked if there was any public comment. There were none.

XI. ADJOURNMENT

Chairperson Fox wished all of the Commissioners, the Division of Human Resource Management staff and State employees a very safe and happy holiday season and thanked everyone in attendance.

Chairperson Fox adjourned the meeting.