

**SUMMARY OF THE WORKSHOP TO SOLICIT COMMENTS ON THE PROPOSED
REGULATIONS OF THE STATE DEPARTMENT OF PERSONNEL**

March 17, 2011

CARSON CITY, NEVADA
And via Video Conferencing in
LAS VEGAS, NEVADA

Attendees in Carson City:

Shelley Blotter, Division Administrator, Department of Personnel
Mark Evans, Supervisory Personnel Analyst, Department of Personnel
Peter Long, Division Administrator, Department of Personnel
Adam Drost, Central Payroll Manager, Department of Personnel
Kimberley King, Personnel Officer III, Department of Transportation
Denise Woo-Seymour, Personnel Analyst II, Department of Personnel
Carrie Hughes, Personnel Analyst, Department of Personnel
Norma Mallett, Personnel Officer III, Department of Health & Human Services-MHDS
Valerie Kneefel, Executive Assistant, Department of Personnel
Vicky Cummins, Division of Mortgage Lending
Kirsten Hettrick, State Parks
Jamie Pruneser, Rural Services
Sue Dunt, NSHE
Tracy Walters, Health Division
Kate Hinton-Burnette, DHCFP
Susie Bargmann, NDOC
Karen Caterino, Risk Management

Attendees in Las Vegas:

Mark Anastas, Division Administrator, Department of Personnel
J. C. Scarborough, Director-Administrative Operations, College of Southern Nevada
Tracy Townsend, Administrative Assistant, Department of Personnel
Rudy Lednicki, Office of the Military

Shelley Blotter:

Opened the meeting at 9:00 a.m. and welcomed everyone. She asked everyone in attendance to sign the sign in sheet and stated the purpose of the workshop was to solicit comments from affected parties with regard to a newly proposed temporary regulation. These regulations will be considered for adoption by the Personnel Commission at their May 6, 2011 meeting.

Mark Evans:

Section 1, unpaid furlough leave, is the current furlough regulation which is set to expire on June 30, 2011. We are submitting the regulation and proposing the removal of the expiration date as a contingency measure in the event that the Legislature approves the continuation of furlough. The Personnel Commission's approval will be made conditional on the Legislature's extension of furlough leave.

Diana Miller:

Office of the Military. Brought forth a problem they are having with managing Furloughs and what they call “Acts of God”. For example: If a person takes a Furlough on a Monday or early in the week, then there is a snowfall, some of the employees are on standby/official notice and need to come in at 3:00am to shovel snow before the other employees get to work. They are put in harm’s way to do a service for us and they know they will not receive any overtime.

Mark Evans:

Section 2, Compensation for standby status, and Section 3, Compensation for working holiday, together. Employees are compensated for working overtime, holidays, and other events as either cash or as hours into their comp time bank. If the employee chooses the latter and takes comp time off in the future, it is paid time off. As such, the hours and related wages are reported to the Public Employees’ Retirement System (PERS). If an employee retires or terminates state service with a balance in his comp bank, the bank is “cashed out” and the employee receives pay for these remaining hours.

These comp time payouts are not reported to PERS. The reason for this is overtime pay is not reported to PERS and the bulk of these comp time hours were earned by the employee working overtime. However, there is the possibility that some of these comp time hours were associated with holiday premium or standby. These events must be reported to PERS and can impact an employee’s retirement benefit. This is primarily an issue when these events occurred during an employee’s 36 highest salaried months. These months are used to determine the employee’s retirement benefit.

The Central Payroll system was tested to see if it could be modified in some way to account for these events. Unfortunately, it could not. Sections 2 and 3 would require employees to only be compensated with pay for holiday premium and standby. By doing so, there would be proper retirement reporting to PERS. Adam Drost, Central Payroll Manager, is here to answer any questions.

Shelley Blotter:

Asked for comments on NAC 284.256.

Kristen Hettrick:

State Parks, changing the holiday comp time to holiday pay would effect our budget and doing this during a budget year would so they could account for it in their budget.

Shelley Blotter:

Did you mean Holiday premium pay?

Kristen Hettrick: yes

No other comments.

Mark Evans:

Section 4, Hearing Procedures and Section 5, Request for hearing and other communications are being changed to require requests for appeals regarding dismissals, suspensions and demotions to

be submitted on a form provided by the Department of Personnel. The required form includes information that may help the agencies resolve appeals before they go to the hearing officer and will also be helpful with the Department of Personnel's effort to improve the appeal process. We do have copies of the forms available and have already requested feedback from our Deputy Attorney General, the agency personnel liaisons, and employee association representatives.

No comments.

Carrie Hughes:

Section 6, the Department of Personnel is proposing a temporary amendment to NAC 284.882. The U.S. Department of Health and Human Services guidelines provide standards on issues to include, for example, cutoff testing levels and laboratories. However, also adopting the procedures does not allow for flexibility in the State's drug and alcohol testing program. This amendment will allow the Personnel Commission to adopt procedures and supplementary standards that reflect the State's unique testing challenges while maintaining a basis for the testing program with the federal standards.

Shelley Blotter:

Asked for comments on Section 6 NAC 284.882. There were no comments.

Carrie Hughes:

Section 7, the Department of Personnel is proposing a temporary amendment to NAC 284.888. Testing on the basis of the circumstances outlined in subsection 2 of NRS 284.4065 does not require following the procedures outlined in subsection 1 of NRS 284.4065. This amendment will bring NAC 284.888 into alignment with NRS 284.4065 and make it easier for appointing authorities to conduct testing following a motor vehicle accident.

Sue Dunt:

Nevada System of Higher Education. Stated that they are in support of the Section 7 change to NAC 284.888 and will make the process go smoother and faster.

Shelley Blotter: Closed the workshop.