

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

September 22, 2010

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

Attendees in Carson City:

Teresa Thienhaus, Director, Department of Personnel
Peter Long, Division Administrator, Department of Personnel
Shelley Blotter, Division Administrator, Department of Personnel
Mark Evans, Supervisory Personnel Analyst, Department of Personnel
Norma Santoyo, Personnel Officer III, Department of Public Safety
Rachel Baker, Personnel Analyst II, Department of Personnel
Brenda Harvey, Personnel Analyst III, Department of Personnel
Mary Day, Supervisory Personnel Analyst, Department of Personnel
Tracy Walters, Personnel Officer II, Department of Health and Human Services
Frank Steinberg, Personnel Analyst III, Department of Personnel
Kate Hinton-Burnette, Personnel Analyst II, Department of Health & Human Services-DHCFP
Kimberley King, Personnel Officer II, Department of Transportation
Renee Travis, Personnel Officer, Administration
Denise Woo-Seymour, Personnel Analyst III, Department of Personnel
Peggy Berryman, Personnel Analyst II, Department of Public Safety
Rennie Brode, Administrative Assistant II, Department of Personnel
Carrie Hughes, Personnel Analyst, Department of Personnel
Dana Carvin, Supervisory Personnel Analyst, Department of Personnel
Hazel Brandon, Personnel Officer I, Department of Motor Vehicles
Amy Davey, Personnel Analyst III, Department of Personnel
Kareen Masters, Deputy Director, Department of Health & Human Services-Administration
Salli Hebert, Personnel Analyst II, Department of Cultural Affairs
Norma Mallett, Personnel Officer III, Department of Health & Human Services-MHDS
Jamie Pruneau, Personnel Analyst, Rural Services
Kathy Swann, Personnel Analyst, Department of Health & Human Services-Welfare

Attendees in Las Vegas:

Mark Anastas, Division Administrator, Department of Personnel
Tracy Townsend, Administrative Assistant III, Department of Personnel
Heather Dapice, Personnel Analyst II, Department of Personnel
Karen Belleni, Personnel Officer III, Department of Rehabilitation and Training
Brian Boughter, Personnel Officer, Department of Corrections
Bob Leedom, Administrative Coordinator, Gaming Control Board
Anita Del Corio, Manager-Recruitment and Classification, College of Southern Nevada
J. C. Scarborough, Director-Administrative Operations, College of Southern Nevada
Willette Gerald, Personnel Officer, Department of Motor Vehicle
Adrian Foster, Supervisory Personnel Analyst, Department of Personnel

Shelley Blotter opened the meeting at 9:00 a.m. and welcomed everyone. She asked that everyone that was 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. This regulation may be considered for adoption by the Personnel Commission at their December 10th, 2010 meeting. If the regulation is adopted, it will go into effect when filed with the Secretary of State, which, unless requested for review by the Legislative Commission, would be approximately 35 days after adoption by the Personnel Commission. The regulation will remain in effect until November 1, 2011 unless approved for permanent adoption which would be considered after July 1, 2011, and she explained that any comments received would be summarized for the Personnel Commission and provided to them prior to their meeting for consideration.

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

NAC 284.130 is hereby amended to read as follows:

Explanation of Proposed Change: This regulation change, proposed by the Department of Personnel, clarifies the ability of the Department to initiate classification studies outside of an occupational group study. This will help ensure that employees are appropriately classified and compensated for the work they perform and will assist in the maintenance of a fair and equitable classification system. Subsection 1 would allow for a position to be reclassified without a significant change to the duties assigned. While there are a variety of reasons that the Department may initiate such action, one example is to allow the reallocation of an existing position to a new class which better describes the duties performed.

The addition of subsection 2 prompts a classification study when a position is going to be filled. It is not uncommon for positions to evolve over time, based on the needs of the agency, with the addition or deletion of duties. This classification review will ensure the position classification is consistent with the duties assigned at the time of recruitment. Additionally, it will ensure that the appropriate minimum qualifications and knowledge, skills and abilities are being screened for during the recruitment and examination process.

NAC 284.130 Investigations of classifications. (NRS 284.020, 284.065, 284.155)

- 1. As part of its responsibility to maintain the State classification plan, [F]the Department of Personnel may investigate the classification of any existing position [~~on the written request of an appointing authority or an employee or~~] on its own initiative [.] **and, subject to funding availability, may reallocate the position to any appropriate existing or new class without regard to the significant change requirement for reclassification under NAC 284.126, subsections 2 and 4.***
- 2. The Department of Personnel shall review the appropriateness of the classification of any position that becomes vacant before an agency can fill the vacancy, unless the position has been reviewed during the preceding 12 months and the agency attests that no change in duties has occurred since the last review. The Department of Personnel will determine in each case what information will need to be provided by the agency to facilitate the review.*

[Personnel Div., Rule II § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

She then turned the meeting over to Teresa Thienhaus, Director, Department of Personnel to open the workshop and to provide information regarding the impetus for this regulation amendment and indicated Peter Long, Division Administrator, Compensation & Classification, may also make comments. She stated any comments received today during the meeting or in writing will be passed on to the Personnel Commission.

Teresa Thienhaus, Director, Department of Personnel: briefly covered comments already received regarding this proposed regulation; how long it will take to get positions filled, and creation of possible delay in filling positions. She indicated the main reason behind this amendment is to make sure there is equity in the agencies. She recognized it may create extra work, for Personnel and the agencies, but it will help to get things equalized throughout the state. As things come to our attention while doing classification studies, individual studies or NPD-19's, we look at the class series, the positions above and below those being studied and know there are some issues out there. So, this new process will bring them to the forefront and get them solved. We are hoping this will bring things into balance, making our lives easier, addressing things which are not currently being addressed.

Peter Long, Division Administrator, Compensation & Classification: Shared, based on some questions he had received, mainly regarding implementation, turnaround time on studies, he indicated he didn't know how long it would take, though outlines have been prepared showing how long he would like them to take based on the NPD Short Form.

John Scarborough, HR Director, CSN: Shared, that College has a delegation agreement to perform Classifications and asked for a clarification that the change to the regulations will not affect their ability to do what it is they are currently doing. That they would be the individuals responsible as opposed to DOP.

P. Long: answered, indicating, that is the intent for those having delegation agreements, as well as for any other agency that has a delegation agreement.

J. Scarborough continued, asked about subsection 2, where it states, "...the position has been reviewed...", does this mean a review of an NPD-19?

P. Long answered; again, that is the intent.

J. Scarborough: Commented that they support the intent of these regulation changes though they are concerned about the 12 month period and is concerned about the challenges in completing them every 12 months, and suggested every 12 to 24 months would best suit his department.

Karen Belleni, DETR: requested clarification of item #1, will agencies and employees still have the opportunity that their classification be reviewed?

P. Long answered in the affirmative, and added that it is addressed in 284.126 but is not positive and the verbiage in 130 was redundant.

Karen Belleni continued, regarding item number 2, that some classes would be turned over immediately; she also asked if there was a list developed of those classes.

P. Long answered in the affirmative and directed Ms Belleni to the website to review the list and indicated the Unemployment Insurance Specialist I those classes is on that list.

Karen Belleni then asked how they envisioned this being rolled out, so that when a JTF is submitted, would they need to submit anything else along with the WPS?

P. Long: The intent is to revise the current NPD-19 to only 2 pages-a cover page and some of the questions on the current NPD-19; who do you supervise, who is your supervisor, list of duties, and if you think there have been changes in the duties of the position along with an org chart. Once reviewed, before process initiated, work with the budget division who oversees the JTF process and to get another step in the online process before it goes to the recruitment division, submitter would check a box it has been reviewed by Classification and Compensation. Then it would go to the next step.

Shelley Blotter: asked for comments from those in Carson City.

Kareen Master, Deputy Director, Department of Health & Human Services: appreciates the explanation of the proposed changes and addressed her concerns; suggested the inclusion of the employee submission of NPD-19 in the changes, in her opinion, she feels the DOP already has the ability to do what the amendment is asking to do versus making it a mandate that every position that hasn't been review within 12 must has to go through this process; she thinks the timeframes are a legitimate concern; reallocating positions without regard to significant change – DOP does need some flexibility if information is not available at the time the position was studied-but keep in mind that individuals livelihoods are a part of the equation. Her concerns relate to recent classifications of positions in her department which seem to be looking at the position at that moment in time. She suggests the position should not be based on a specific analysts take on the position at that moment in time. There needs to be a better structure of justification for that, suggesting quality control process for classification which would pick up on misclassifications.

She understands and would like to clarify that the departments are now taking care of misclassifications now and would like to testify that on several occasions have asked divisions to submit NPD-19's when she becomes aware of positions that are not doing what they were doing at the time of classification and sometimes it does result in downgrades of positions, but are on retained rates, she thinks they are diligent in that effort and would hate to be lumped in with those that can only be resolved with personnel mandates that these reviews take place.

Kimberley King, Human Resource Manager, Department of Transportation: She looked at the regulations and appreciates the explanation and understands why the regulations are changing. She asked for a review to take place, there must be significant change?

P. Long: answered: technically, yes, and clarified by indicating, that if a position is misclassified, then you would be requested to submit an NPD-19 and it would be DOP initiating the study.

Kimberley King asked that it be made clearer in the regulations if we go forward with the changes, to make it clear in the regulations that the employee and the department may ask for a review even without significant changes to the position.

P. Long asked that she provide some wording that she thinks would clarify your suggestion.

K. King indicated she would support that change with re-wording. She also asked if there was a way to make these amendments without a regulation change. Possibly have the recruiters in each department review each submission prior to the recruitment going out or a classifier in each department do a cursory review before a recruitment. This would eliminate it (NPD-19) having to go back to DOP, each department doing due diligence to provide consistence in submitting any changes.

She also asked, that due to this department not having delegated classification, asked that if the regulation is not changed that NDOT get delegated authority for classifications.

P. Long indicated that is something that can be requested and reviewed pending an answer. His concern would be if there is someone qualified to do classifications for that department/agency before authorized to do so.

K. King also asked if reviews will be made for temporary classifications.

P. Long answered, no because temporary classifications should be reverting back to the original classifications within one year.

K. King clarified she was referring to temporary positions, not temporary classifications.

P. Long asked if these were on a short form, so that if we extend to 24 months she could just send a letter indicating nothing has changed and continue to recruit at that level.

K. King suggested that each department take some of the responsibility of updating classifications to assist DOP which will possibly eliminate a step or two, shortening the length of time it would take to complete the reclassification process as well as the workload for DOP.

Renee Travis, Personnel Officer, Administration-Budget and Planning: Indicated she liked the intent in subsection one; Subsections 2, concurred with K. King though her concern is right now everyone is being asked to do more with less and thinks the potential is for the situation may get worse. Morale is low right now and she is concerned this would be one more task that will be required of staff, requiring them to do a study which would hold up the process of filling a vacancy, creating more work for others that are already doing more with less.

Norma Santoyo, Personnel Officer III, Department of Public Safety: She shared she understands and supports the changes to the regulation. Her concern is will DOP extend assistance to make corrections in those classification errors, referenced by P. Long, which would impact employees. If that is true, she concurred with K. King, that reclassification be addressed at recruitment for positions currently vacant, rather than impacting an employee negatively.

She continued, she understands the logic, but she asked that the departments be involved; most departments having the expertise, resources and personnel, to take on assisting DOP, empowering and curtailing any delays within the departments and divisions. Currently DPS does not have a delegation in the classification arena but will definitely pursue one if the departments are not allowed to be a part of the review and reclassification process.

Brian Boughter, Personnel Officer, Department of Corrections-(South): He echoed the sentiments of those that spoke before him. As someone that is very involved in the recruiting process, they are most concerned about timeframes, especially when it concerns a very difficult to recruit positions. They think ability to do studies is already in place, DOC staff are very vocal when it comes to classification issues.

K. Masters reiterated her concerns regarding the thought process whereby departments will all go out and get delegated agreements. She doesn't see that as being a good thing, because instead of DOP looking across the departments, there will be people making decisions based on a narrow scope of positions within their own particular department. She thinks it is important that is not just equity within a department, but across every department within the state. She sees it as a responsibility of the Department of Personnel and why departments pay assessments for these services.

In closing, P. Long expressed his appreciation for all concerns expressed during the workshop, which he indicated were also the concerns of those that proposed the changes to the regulations. These changes would provide a mechanism where if an agency wants to fill a position, DOP has an opportunity to review the position to see if it is appropriately classified. He shared that he is more than willing to work with all concerned before a department submits a request or a Justification To Fill, but what that does is come back to K. Masters' concern that you are comparing only with positions within your agency to see if it appropriately classified, but not with all those in state service. As far as delegation agreements, he understands DOP gets an assessment to provide services to agencies, we do not force delegation agreements on agencies, they ask for them, because they see it as a benefit to them and he doesn't see, other than the Universities, where they have across the board authority. Current delegation agreements are for classes specific to an agency, therefore he doesn't where that would hurt across agency lines for a specific class or series for an agency to review those positions based on this regulation.

Finally, he stated, because this is being proposed as a temporary regulation, that would expire in November 2010, to see how it works, see if we can do it, if we can't and there are too many concern, or not turning them around in a timely manner, then he would commit to you that he would ask that it not be extended and made into a regulation

Shelley Blotter thanked everyone for attending and closed the workshop at 9:36 a.m.