

TO: Personnel Commission
 Katherine Fox, Chair
 David Read, Member
 David Sánchez, Member
 Gary Mauger, Member
 Nathaniel Waugh, Member

FROM: Lee-Ann Easton, Administrator
 Division of Human Resource Management

AGENDA: Personnel Commission Meeting
October 10, 2013 at 9:00 a.m.

LOCATION: Carson City at the Legislative Counsel Bureau,
 401 S. Carson, Room 3138 and in Las Vegas at the Grant
 Sawyer Building, Room 4412, 555 East Washington Avenue
 via video conference.

NOTE: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair’s discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

- I. **Call To Order – 9:00 a.m.**
- FOR POSSIBLE ACTION II. **Adoption of Agenda**
- FOR POSSIBLE ACTION III. **Adoption of Minutes of Previous Meeting dated June 20, 2013.....1-3**
- IV. **Public Comment:** 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. (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 Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.
- FOR POSSIBLE ACTION V. **Discussion and Approval of Proposed Regulation Changes to Nevada Administrative Code, Chapter 284.....4-40**
 - A. LCB File No. R137-12.....41-43
 - Sec. 1. New Section – Organizational climate study defined.
 - Sec. 2. NAC 284.010 – Definitions
 - Sec. 3. NAC 284.718 – Confidential records.
 - Sec. 4. NAC 284.726 – Access to confidential records.
 - B. LCB File No. R045-13.....44-46
 - Sec. 1. NAC 284.718 – Confidential records.
 - Sec. 2. NAC 284.726 – Access to confidential records.
 - C. LCB File No. R021-13.....47-48
 - Sec. 1. NAC 284.5811 – Family and Medical Leave: Maximum amount in 12-month period; eligibility; use.

- D. LCB File No. R022-13.....**49-50**
 - Sec. 1. NAC 284.531 – Furlough leave.
 - Sec. 2. Repeal of NAC 284.531
 - Sec. 3. Repeal of Section 2 of LCB File No. R021-11
 - Sec. 4. Repeal of Emergency Regulation LCB File No. E001-13
 - Sec. 5. Effective dates of previous sections.
- E. LCB File No. R023-13.....**51-52**
 - Sec. 1. NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.
- F. LCB File No. R024-13.....**53**
 - Sec. 1. NAC 284.373 – Inquiry of availability of eligible person.
- G. LCB File No. R025-13.....**54-55**
 - Sec. 1. NAC 284.361 – Use of lists and consideration of eligible persons.

FOR POSSIBLE ACTION

VI. Discussion and Approval of Removal or Addition of Classes or Positions Approved for Pre-Employment Screening for Controlled Substances.....56-68

A. Position to be removed from list of positions approved for pre-employment screening for controlled substances:

6.229 – Staff I, Associate Engineer – NDOT, PCN 027036

B. Positions and classes to be added to the list approved for pre-employment screening for controlled substances:

- 6.313 – Engineering Technician III – NDOT, PCN 101342
- 7.713 – Transportation Technician III – NDOT, All PCN’s beginning with 805 & 813
- 7.714 – Transportation Technician IV – NDOT, All PCN’s beginning with 805 & 813
- 7.715 – Transportation Technician II – NDOT, All PCN’s beginning with 805 & 813
- 7.722 – Traffic Center Technician Supervisor – All PCN’s
- 9.609 – Facility Supervisor II – NDOT, PCN 302001

VII. Report of Uncontested Classification Changes.....69-76
 Posting #11-13, #12-13, #13-13, #14-13, #15-13, #01-14, #02-14, #03-14, #04-14, and #05-14.

VIII. Special Reports.....77-79

- A. Bills Affecting Employees
- B. Update regarding Parole functions from the Department of Public Safety, Division of Parole and Probation to the Department of Corrections
- C. Award for NVAPPS

IX. Public Comment: 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. (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 Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

X. Discussion and Announcement of Dates for Upcoming Meetings
December 13, 2013; March 2014 and May 2014

XI. Adjournment

If anyone has questions or wish to discuss in further detail, the items scheduled for this Commission meeting, please contact Shelley Blotter at (775) 684-0105.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Room 101, Carson City, Nevada 89701 no less than (5) five working days prior to the meeting.

NOTE: As video conferencing gives the Commission, staff and others flexibility to attend meetings in either northern or southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library and Archives, 100 N. Stewart St.
Capitol Building, Main Floor
Legislative Building
401 South Carson Street, Carson City
Gaming Control Board, 1919 College Pkwy, Carson City
Division of Human Resource Management website:
www.hr.nv.gov

LAS VEGAS

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

**STATE OF NEVADA
PERSONNEL COMMISSION**

Richard Bryan Building, 901 S. Stewart St., Tahoe Hearing Room 2nd Floor, Carson City with
videoconferencing to Las Vegas at the Grant Sawyer Building, Conference Room 1400, 555 E.
Washington Ave

**MEETING MINUTES (Subject to Commission Approval)
Thursday, June 20, 2013**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner
Mr. Mitch Brust, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Ms. Lee-Ann Easton, Division Administrator, DHRM
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Mr. David Sanchez, Commissioner
Mr. Gary Mauger, Commissioner

**STAFF PRESENT
IN LAS VEGAS:**

Mr. Shane Chesney, Sr. Deputy Attorney General

I. OPEN MEETING

Chairperson Katherine Fox: Opened the meeting at 1:30 p.m.

II. ADOPTION OF AGENDA

Action Item

MOTION: Move to approve the adoption of the Agenda
BY: Commissioner David Read
SECOND: Commissioner Mitch Brust
VOTE: The vote was unanimous in favor of the motion

III. ADOPTION OF THE MINUTES OF PREVIOUS MEETING

Action Item

MOTION: Move to approve the Minutes of the 05/10/13 meeting
BY: Commissioner Gary Mauger
SECOND: Commissioner David Sanchez
VOTE: The vote was unanimous in favor of the motion

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. (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 Committee 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. She noted there was none in the north or the south.

**V. APPROVAL OF PROPOSED EMERGENCY REGULATION CHANGES TO
NEVADA ADMINISTRATIVE CODE, CHAPTER 284 Action Item**

A. NAC 284.531 – Furlough Leave

Shelley Blotter, Deputy Administrator, HRM (Human Resource Management): Stated that she had before the Personnel Commission an Emergency Regulation. She noted it was proposed as a result of action taken during the Legislative Session. She stated that the Legislature had continued the furlough in the same manner that had been implemented over the last two years. She stated that on the previous occasion when the Furlough Regulation was adopted it was set to expire on June 30, 2013. She explained that two things needed to be done. The first was to extend the regulation to June 30, 2015. She added the second concerned language. She said that in the body of the regulation, subsection 10 there was a reference to the statute that was adopted in 2011 and this would now be updated to reflect the bill that had adopted furlough once again for the next biennium.

Commissioner Read: Asked whether it was eight hours per month originally and then cut back to four. **Shelley Blotter:** Responded yes, for the first biennium the furlough enacted had been 96 hours per year and then became 48 during the last two years. She stated that they were moving forward now in that same manner.

Chairperson Fox: Asked if there any questions in the south.

Commissioner Mauger: Asked what the downside would be if the Commission did not adopt the furlough regulation. **Shelley Blotter:** Responded that this would then provide no instruction to the agencies on how to implement it. She stated that this would provide a framework and structure so agencies would implement them fairly and evenly across the state service. **Commissioner Mauger:** Asked if the furloughs would be continued or extended. **Shelley Blotter:** Responded that the furloughs are set by the Legislature and she said that was required regardless of whether the Commission would adopt the regulation or not. She continued that the regulation would give instruction to the agencies and she provided several examples of situations. She commented that this was just implementing the furlough and was not making any other demand or increase. **Commissioner Mauger:** Noted that it was extending what was already in place. **Shelley Blotter:** Confirmed that was correct. **Commissioner Sanchez:** Asked if there had been any feedback from employees about the extension of the furlough. **Shelley Blotter:** Responded that she had not received any nor was she aware of any coming from staff.

Chairperson Fox: Asked if there was any public comment. There was no public comment in the south.

Shelley Blotter: Stated that she would read the Statement of Emergency into the record:

"Whereas, the Personnel Commission has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulation which relates to the implementation of furloughs. Whereas, the Commission finds that an emergency exists insofar as:

- 1. The need for swift action to implement furloughs due to the state's significant budget shortfall and the statutory requirements for implementation of the furloughs on July 1, 2013 does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation and*
- 2. That the current regulation requiring 48 hours of furlough leave per fiscal year for full-time employees, pro-rated for part-time employees expires on June 30, 2013 which will be extended to June 30, 2015.*

Now, whereas, the Commission hereby adopts the following Emergency Regulation which shall be effective on July 1, 2013 upon the endorsement by the governor and filing with the Secretary of State."

Shelley Blotter: Noted that was followed by the text of the regulation. She added that they would have to go through the regular adoption process including a workshop and pre-adoption review by the Legislative Commission, the approval of the Personnel Commission and then post-approval by the Legislative Commission for it to become a permanent regulation.

Chairperson Fox: Noted it was her understanding that this was the adoption of an Emergency Regulation so the furloughs could continue into the new fiscal year beginning July 1st. **Shelley Blotter:** Responded that was correct.

MOTION: Move to approve the adoption of proposed Emergency Regulation changes to the Nevada NAC 284.531- Furlough Leave effective July 1, 2013 through June 30, 2015 and the authority to do so provided in AB511 of the 2013 Legislative Session
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion

VI. 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. (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 Committee 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. She noted there was none in the north or the south.

VII. ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Stated that they had identified September 20, 2013 and December 13, 2013 to end the meetings in 2013.

VIII. ADJOURNMENT - The meeting adjourned at 1:43 p.m.

FOR DISCUSSION AND POSSIBLE ACTION

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in ***bold italics***.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action:

LCB File No. R137-12

The Human Resource Management Division recommends the adoption of a new section to define the term "organizational climate study." This term is then used in the proposed amendments to NAC 284.718 and NAC 284.726 which establish which records are confidential and who has access to a confidential record. There were two workshops regarding the amendments to NAC 284.718 and 284.726. During the first workshop a comment was received requesting clarification of the definition of an organizational climate study. The definition was included in language proposed at the second workshop. Additionally at the second workshop, a representative from the Nevada State Law Enforcement Officers' Association requested that the employees' association have access to the study results. This request has not been included in the proposed amendments. The Division believes that if employees wish to share this information with their association, they may do so if it relates to the employee's own performance. Associations should not automatically have the right to review the study results. These studies are intended to be used as a management tool to make improvements in the work environment and employees should be encouraged to participate in the process without fear that outside parties will review the results.

LCB File No. R045-13

These amendments were requested by the Department of Health and Human Services and the Department of Transportation during the second regulation workshop regarding these sections. The proposal would add language to make internal studies conducted by management to assist in the operations of the department confidential. Access to these records is similar to those related to organizational climate studies conducted by the Human Resource Management Division. If both LCB File No. R137-12 and this file are adopted, new subsections within NAC 284.716 and 284.726 would be created. The Human Resource Management Division supports this request.

LCB File No. R021-13

The Human Resource Management Division recommends the permanent adoption of the proposed amendment to NAC 284.5811. This amendment brings the State's practices into alignment with the interpretation of the Family and Medical Leave Act regulations. This amendment would allow an employee to receive short-term or long-term disability plan benefits while on FMLA leave and not require the employee to exhaust paid leave. The time the employee is on FMLA leave and receiving disability plan benefits will still count toward the employee's total FMLA leave entitlement.

LCB File No. R022-13

The Human Resource Management Division recommends the permanent adoption of the emergency regulation regarding furlough leave. This regulation mirrors the permanent regulation adopted for the previous 2-year period, with the exception that it references the

current statutory requirement in section 3 of Assembly Bill 511 of the 2013 Legislative Session. There was no testimony for or against the proposed regulation.

LCB File No. R023-13

The Human Resource Management Division recommends the permanent adoption of the proposed amendment to NAC 284.374. This amendment would require an appointing authority to consider an eligible person only one time from a recruitment. The Nevada State Law Enforcement Officers' Association testified they were neutral on this proposal. The Nevada System of Higher Education, Business Center North submitted written comments in support of the proposed regulation. Additionally, comments were received at the workshop that indicate when positions are highly technical and it has already been determined that the candidate does not have the appropriate skill set for a particular position this change would reduce unproductive required interviews.

LCB File No. R024-13

The Human Resource Management Division recommends the permanent adoption of the proposed amendment to NAC 284.373. This amendment would reduce the number of days, from 3 to 2, for an applicant to respond to an email, voicemail, or other similar electronic inquiry of availability of an applicant. A representative from the Nevada State Law Enforcement Officers' Association testified against this amendment at the workshop. The Nevada System of Higher Education, Business Center North submitted written comments stating that with the increase in handheld technology, they have seen applicant response times' decrease after receipt of electronic message. This change is consistent with applicant behavior and will allow agencies to move more quickly when hiring.

LCB File No. R025-13

The Human Resource Management Division recommends the permanent adoption of the proposed amendment to NAC 284.361. This amendment allows an appointing authority to interview 5 persons from the top 10 ranks of a list of eligible candidates. A representative from the Nevada State Law Enforcement Officers' Association testified against this amendment at the workshop. Additionally, a representative from the American Federation of State County and Municipal Employees submitted written comments indicating the association's opposition to the amendment. A Personnel Officer representing management of 14 departments and agencies testified in support of the proposed changes, as well as, the Deputy Director of the Department of Business and Industry. The Nevada System of Higher Education, Business Center North submitted a compelling argument why the score ranking due to bonus points such as for Nevada residency may not place the candidate with the best knowledge, skills and abilities in the top 5 ranks.

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCE MANAGEMENT

Gaming Control Board, Conference Room
1919 College Parkway
Carson City, Nevada

and

Grant Sawyer Building, Room 2450
Gaming Control Board
555 East Washington Avenue
Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

REGULATIONS WORKSHOP
MINUTES

Wednesday, July 17, 2013

Attendees in Carson City:

Shelley Blotter, Deputy Administrator, HRM
Shannon Chambers, Deputy Director, B & I
Amy Davey, Personnel Officer, HRM
Carrie Hughes, Personnel Analyst, HRM
Kimberley King, Personnel Manager, NDOT
Peter Long, Deputy Administrator, HRM
Kareen Masters, Deputy Director, DHHS
Sarina Rupert, Personnel Services, DETR
Christine Ripley, Personnel Analyst, HRM
Annette Altman, Personnel Officer, NDMV
Michelle Barnes, Personnel Analyst, NDPS
Dana Carvin, Supervisory Personnel Analyst, DHRM
Lee-Ann Easton, Administrator, HRM
Kim Eberly, Personnel Technician, DETR
Michelle Garton, Supervisory Personnel Analyst, DHRM
Beverly Ghan, Personnel Analyst, HRM
Teri Hack, Personnel Analyst, NDF
Debra Harvey, Nevada Division of Environmental Protection
Krista Heald, Administrative Assistant, HRM
Gennie Hudson, Personnel Analyst, HRM
Chrissy Miller, Personnel Analyst, HRM
Sandra Persson, Personnel Officer, DPS

Tawny Polito, Administrative Assistant, HRM
Lauren Risinger, Personnel Officer, DCFS
Anke Simpson, Nevada State Parks
Sherri Vondrak, Personnel Officer, NDOT
Denise Woo-Seymour, Personnel Analyst, DHRM

Present in Las Vegas:

Judy Atwood, Officer Manager, Colorado River Commission
Willette Gerald, Personnel Officer, NDMV
Larry Hamilton, UNLV
Kathy Levell, Personnel Technician, HRM
Jimmy Oseguera, Personnel Technician, HRM
Katie Rich, Administrative Assistant, HRM
Ron Cuzze, President, Nevada State Law Enforcement Officers' Association

1. CALL TO ORDER AND WELCOME

Shelley Blotter, Deputy Administrator, (HRM): Opened the meeting at 8:40 a.m. She welcomed participants to the Division of Human Resource Management (HRM) Regulation Workshop. She asked everyone to sign in. She indicated the purpose of the workshop was to solicit comments from affected parties with regard to proposed regulations for permanent adoption. She explained that the regulations might be considered at the next Personnel Commission meeting in September 2013 or on a future date. She indicated that staff would provide an explanation and then she would take comments following each short presentation for individual or a grouping of regulations. She added that comments would be summarized for the Personnel Commission.

2. REVIEW OF PROPOSED CHANGES TO NAC 284

a) Proposed Amendment to NAC 284.361 Use of lists and consideration of eligible persons-

Shelley Blotter, Deputy Administrator, HRM: Stated that Peter Long would be discussing the proposed change to the regulation.

Peter Long, Deputy Administrator, HRM: Explained that NAC 284.361 proposed by the HRM would require agencies to interview at least five eligible persons in the first ten ranks rather than all persons in the first five ranks. He said that with the change all competitive appointments from ranked lists would be made from available persons in a rank of persons who receive the ten highest scores on the examination rather than in a rank of persons who receive the five highest scores. He indicated that the change would allow a greater number of individuals an opportunity to be selected for an interview for a vacancy in addition to providing agencies with a larger candidate pool allowing the best hiring decisions possible.

He indicated that the reason the HRM was proposing this change was because there had been multiple concerns expressed by agencies and applicants/eligible persons. Agencies had noted that the best candidates were often number six or seven or eight and from eligible applicants, they expressed the view that they were a number six and yet could not get an interview. He stated many times the difference between rank five and six would be one point. He added that the HRM felt that having that arbitrary cut off was not providing agencies with the best resource to get the best candidate. He explained that everyone on the list would have met the minimum qualifications but individual agencies would know best what skill set and other qualifications would be best for a particular position.

He stated another reason for the proposed change which was they had surveyed all the Western states including Arizona, California, Idaho, Oregon, Utah, Washington and Wyoming and noted that none of them used rank lists. The exception was where the appointing authority could request a certain number of ranks and that would be what would be provided. He added that they had also surveyed the local jurisdictions: Clark County and they only used ranking lists for two entities, the fire department and juvenile probation; the City of Las Vegas and they ranked based on not absolute scores but a range of scores; Carson City used no rank lists; City of Reno used rank lists; the City of Elko used rank lists but based on the number of applicants the appointing authority wanted; Washoe County did use rank lists; and the Metro Police Department, used rank lists but they were derived from a variety of three kinds of tests and they were required to hire as per the total score. He indicated that was the rationale for proposing the change.

He stated that the DHRM had a pre-workshop, workshop to review the proposed changes and address any concerns. He noted the response was positive from the agency side. He said they received feedback from several associations.

Shelley Blotter, Deputy Administrator, HRM: Encouraged any participants who had comments to make them and they would be passed on to the Personnel Commission and for public record.

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association, (NSLEOA): Noted as Mr. Long had stated there had been a pre-workshop on the proposed changes. He stated that what he was talking about was the hiring and promotion of law enforcement which might be different from many other areas. He said with respect to hiring, they were in agreement and felt the more people on the list the better it would be and gave some examples. He commented that with regard to promotions they were in total disagreement with the proposed changes. He explained they felt if they were not getting the best people in the top five then perhaps they were not asking the right questions. He stated that having the number of ten would make the process open to 'monkey business'. He noted that with regard to the issue of promotions they would oppose it to the end. He indicated that he was representing the NSLEOA. He added that he had members in all 22 state law enforcement agencies.

Peter Long, Deputy Administrator, HRM: Thanked Mr. Cuzze for his participation in the pre-workshop, workshop. He referred to one of the concerns raised by Mr. Cuzze in which he had stated that the Department of Public Safety (DPS) was not in agreement in the proposed changes. Mr. Long noted that they had received input from their Director Jim Wright who had said that he and the personnel officer had discussed it and they did not have any issues with the proposed changes.

Amy Davey, Personnel Officer, HRM: Stated that after the pre-workshop, workshop she sent out all of the proposed regulation changes to the 14 agencies that they served, the administrators and the directors. She noted that she had received quite a bit of feedback, all positive to this regulation change, in particular Business & Industry (B & I), the Department of Taxation, and the Department of Agriculture. She commented that the feedback reflected a perspective that it did allow management and the agencies more flexibility to find specific skill sets. She added that it allowed employees within the agencies who might already be doing the job or know the work to be in that pool of candidates being considered.

Shannon Chambers, Deputy Director for Business & Industry: Stated that they fully supported the change to the regulation. She stated that she had specific instances of employees that were that number six or seven and doing the job for eight, ten, twelve years and more than qualified and this would allow them to be promoted or obtain a new position. She added that previously they had not been eligible due to their ranking. She thought that the current process was not the best for securing the best employees. She repeated they were fully in support of the change.

Ron Cuzze, President, NSLEOA: Indicated that he agreed with Shannon Chambers. He noted that he agreed it should be the top five.

Shelley Blotter, Deputy Administrator, HRM: Indicated they would move to the next section as there were no more comments.

Peter Long, Deputy Administrator, HRM: Stated that he would like information included into the record. He indicated that Jeanine Nelson (HR Services Manager, UNR) was not able to attend but provided written input and stated they were in support of the revision to NAC 284.361. In addition he had received written input from Jeanine Lake from AFSCME (American Federation of State, County and Municipal Employees) and they had stated that they were in opposition to the proposed revision.

Shelley Blotter, Deputy Administrator, HRM: Reminded attendees that if anyone else wanted to submit a written comment please submit them within the next two weeks.

b) Proposed Amendment to NAC 284.373 Inquiry of availability of eligible persons-

Shelley Blotter, Deputy Administrator, HRM: Stated that Peter Long would be discussing the proposed change of the regulation.

Peter Long, Deputy Administrator, HRM: Stated the amendment proposed by the HRM would change the number of days in which an eligible person had to respond to an inquiry of availability by electronic mail, voice mail or any other electronic message from three days to two days. He indicated that the change would reduce the time needed to fill available positions allowing agencies to move through the list of eligible persons more expeditiously. He commented that it was the opinion of the HRM and from input they had received, that communication now was almost instantaneous. Applicants received an email as soon as they are eligible. Agencies received the eligible list and often emailed applicants as it was more effective. The HRM was therefore asking that the response to either an email or voicemail message be changed from three to two days. He explained it did not mean an agency could not choose to wait an additional day but it would give them the option if they wished to act sooner.

Ron Cuzze, President, NSLEOA: Stated that the NSLEOA opposed this amendment.

Amy Davey, Personnel Officer, HRM: Stated that they had not received any specific feedback from their agencies one way or the other. She acknowledged that at times it was important for agencies to have that option if it was critical for them to fill a position quickly.

Peter Long, Deputy Administrator, HRM: Stated that BCN (Business Center North) was in support of the change. He noted that in correspondence from Jeanine Lake, AFSCME, they had not indicated that they were not comfortable with the change.

c) Proposed Amendment to NAC 284.374 Active lists: Removal and reactivation of names: refusal to consider certain persons-

Shelley Blotter, Deputy Administrator, HRM: Stated that Peter Long would be discussing the proposed change of the regulation.

Peter Long, Deputy Administrator, HRM: Stated that the amendment proposed by the HRM would reduce the number of times an agency must consider an eligible person from three times to one time. He explained that the change would increase efficiency of the hiring process by not requiring agencies to interview an otherwise eligible person when the person had previously interviewed for a position from the same recruitment. He stated the rationale for proposing the change was that many times an agency for various reasons might not be interested in appointing that person to a particular position. He said they were reducing the list of eligible down by one. He said the proposed change would not prevent an agency from considering that person more than once if they chose to. He said it would serve to save time for the agency in interviewing an applicant if they were not interested in hiring them.

Shelley Blotter, Deputy Administrator, HRM: Called for comments.

Ron Cuzze, President, NSLEOA: Stated that their association held a neutral position on this proposed change.

Amy Davey, Personnel Officer, HRM: Stated that two of their agencies felt that this was very beneficial for them. These agencies were Enterprise IT Services and the Department of Taxation. She commented that both agencies hired technical-oriented positions for which the candidate pool was small and she elaborated on how this proposed amendment would assist them. She also noted that the Department of Taxation with many of their specialized positions including their auditors had indicated that they would like to see this change.

Peter Long, Deputy Administrator, HRM: Stated that UNR (University of Nevada – Reno) supported the proposed amendment. He noted that Jeanine Lake from AFSCME opposed the proposed amendment.

d) Proposed Amendment to NAC 284.531 Furlough leave-

Shelley Blotter, Deputy Administrator, HRM: Stated that this was the same regulation adopted by the Personnel Commission as an emergency regulation. She stated that none of the text of the regulation was changed except for Subsection 10 which referred to the new Furlough Bill. She confirmed that everything else remained the same from the previous two-year period.

Ron Cuzze, President, NSLEOA: Asked if there was any change in latitude for the agencies that worked 10-12 shifts.

Shelley Blotter, Deputy Administrator, HRM: Responded that the maximum allowable hours for a work week would be 12 hours. She confirmed that that was in place as of the permanent regulation over the last biennium. She stated the emergency regulation that was first adopted limited it to eight hours a week and the permanent allowed up to 12 hours.

e) Proposed Amendment to NAC 284.5811 Family and medical leave: Maximum amount in a 12 month period

Carrie Hughes, Personnel Analyst, HRM: Stated that HRM was proposing a permanent amendment to NAC.284.5811. She noted that the amendment would clarify that an employee may not be required to use his or her accrued paid leave when on approved FMLA (Family and Medical Leave Act) leave and also receiving payment from a disability benefit plan such as short or long-term disability at the same time. She added that the amendment would bring the regulation into compliance with the FMLA federal regulations. She noted that an agency and an employee may jointly agree to allow the employee to supplement his or her disability benefit with his or her applicable accrued paid leave.

Kareen Masters, Deputy Director, DHHS: Stated that if she understood the federal regulations the time still would count toward the employee's FMLA entitlement. She suggested an amendment and modification to Subsection 5 and elaborated on this. She

said that she had known in the past that employees did have the ability to use their paid leave and then apply for their short-term disability and would receive both at the same time. She indicated that she had never known that they had the ability to say that they could not do that.

Carrie Hughes, Personnel Analyst, HRM: Stated that it was a change to the current regulation and she added that it was specifically addressed in the federal regulations. She noted that it was a change and stated that it had been discussed with Mark Evans and it was decided to address it on the forms. There would be notification of both the employee and employer being able to address the issue so the agency was aware of it.

Shelley Blotter, Deputy Administrator, HRM: Confirmed that they would look at the language and it might look different when it went up for adoption. She added that they had submitted it to legal counsel at the LCB (Legislative Counsel Bureau) for pre-adoption review.

Sarina Rupert, Personnel Services, DETR: Stated she managed all the FMLA leave for the department. She asked if the leave or short-term disability leave counted towards the 480 hours.

Carrie Hughes, Personnel Analyst, HRM: Stated that the fact the employee was receiving disability plan benefits would not change whether that time was attributed to their entitlement period. She noted that it would still count towards the use of the 12 work weeks.

Sarina Rupert, Personnel Services, DETR: Asked how the agency would account for that pay to go towards the 480 hours if they were not coding their timesheets to FMLA using leave or unpaid leave.

Carrie Hughes, Personnel Analyst, HRM: Stated one thing they had considered was administering it somewhat the way that Workers' Compensation would be supplemented by accrued paid leave. She stated she did not know how it would be coded. She added that they would code it to the FMLA. She mentioned several other areas that were discussed.

Ron Cuzze, President, NSLEOA: Asked if this amendment affected the members of the NSLEOA. He was advised by Shelley Blotter that the answer was no, that it was separate and different. She confirmed it would have no impact.

**f) Proposed Amendment to NAC 284.718 and NAC 284.726New - Organizational climate study defined-
Confidential records-Access to confidential records-**

Christine Ripley, Personnel Analyst, HRM: Stated that the next three proposed regulations related to working on an organizational climate study and confidential records. She stated that HRM referred to two of these proposed regulations in a previous

workshop. She noted during the pre-adoption review process the definition of an organizational climate study came into question. She stated the HRM was proposing a new section which would define the term "*organizational climate study*" and as it was used in NAC 284.718 and 284.726. She said the term organizational climate study referred to an independent study conducted by the HRM to assess and evaluate the organization's culture, overall management, effectiveness, employee morale and internal communications. She noted that these studies were performed at the request of the department director and were meant to be used as a management tool to resolve issues within their organization.

She referred to Section 7. NAC 284.718 – Confidential records and noted that it was proposed by the HRM to have language that would designate any information obtained in the organizational climate study that directly reflected on any specific employee's performance. She added that conduct and performance would remain confidential regardless of the instrument used to gather section information whether it was a meeting, a written statement and/or through another process.

She referred to Section 8. NAC 284.726 – Access to confidential records and noted that it was proposed by the HRM to add language that would establish which individuals would have access to information gathered as part of an organizational climate study. She stated that access to the information would be limited to: 1) the employee upon whose performance, information obtained in the survey would directly reflect; 2) to the Administrator of HRM or a designated representative; 3) the appointing authority or a designated representative of the agency; 4) persons who were authorized pursuant to any state or federal law or court order; and 5) the governor or a designated representative.

She went on to say that they were discussing them as a group as they needed the definition to understand how it would apply to the confidential records regulations.

Ron Cuzze, President, NSLEOA: Asked if the information was available to the employee but not the association.

Shelley Blotter, Deputy Administrator, HRM: Responded that it was up to the employee to decide with whom they wished to share the information. She added that it did not need to be included in the regulation.

Ron Cuzze, President, NSLEOA: Stated that to avoid problems down the line, they were requesting that the information be available to the associations.

Kareen Masters, Deputy Director, DHHS: Stated that with regard to the new section being created they thought that it should be broader than just a study conducted by the HRM. She added that sometimes their own department would conduct such studies and they would want the same confidentiality provisions to apply to those studies as well.

Kimberley King, Human Resource Manager, NDOT: Stated that if the HRM decided to add associations that they would like representation added as they might be represented

by an attorney instead of an association. She stated that she also agreed with Karen Masters, that NDOT did surveys and they would also like them to be covered.

3. Adjournment

Shelley Blotter, Deputy Administrator, HRM: Stated that there were no other persons coming forward so she confirmed that they would adjourn the workshop. She thanked all participants for attending and providing their valuable comments.

Peter Long

From: Rose Stone
Sent: Tuesday, June 25, 2013 9:21 AM
To: Peter Long
Subject: FW: NOTICE OF INFORMATIONAL WORKSHOP

Importance: High

FYI

From: Jeanine Lake [<mailto:Jeanine@nvafscme.org>]
Sent: Tuesday, June 25, 2013 9:02 AM
To: Rose Stone
Subject: RE: NOTICE OF INFORMATIONAL WORKSHOP
Importance: High

Hello Rose,

I am unable to attend the workshop scheduled for this morning at 10:00 a.m. due to other scheduled appointments. Due to staff shortages, we have no one within AFSCME Local 4041 who can attend in the North either so I am sending our comments and objections to proposed changes to NAC 284.361, 4 and NAC 284.374, 3. If you could please see that these comments make it to Peter Long, Deputy Administrator, I would greatly appreciate it.

In reviewing NAC 284.373, 2, AFSCME Local 4041 objects to the proposed change to the "top 5 to the top 10" as agency administrators already have more flexibility to bypass the top 5 when trying to fill vacancies. We have seen agencies who have had a list of 5 yet decisions were made to circumvent hiring from the top 5 anyway. This proposed regulation change is impacting even more those who are in the top 5 and for current state employees who have made that cut, it is difficult to accept. State employees who are in the top 5 have worked hard based on their education, experience and in some cases testing, to get to that point.

Regarding NAC 284.374, 3, I think you are referring to section 2 as section 3 addresses an eligible person who cannot perform the essential functions with or without a reasonable accommodation. So addressing section 2, we believe that section should remain the same and oppose any change for current state employees. We are concerned about the impact this would have on current state employees who may apply for positions that are specific to any one agency. In discussions with our members, there has been concern expressed that agencies seem to want to discourage current employees from applying for positions and if they are not considered the first time, they have no chance of the job for which they have applied.

Thank you. If you have any questions, please do not hesitate to call me at 702-431-3113. Jeanine Lake, Labor Representative-AFSCME Local 4041

From: Rose Stone [<mailto:rstone@admin.nv.gov>]
Sent: Tuesday, June 18, 2013 11:30 AM
To: Jeanine Lake
Subject: NOTICE OF INFORMATIONAL WORKSHOP

Please email me if you would like to attend this meeting no later than June 21, 2013.

Rose Stone
State of Nevada

Nevada System of Higher Education
BUSINESS CENTER NORTH
Human Resources/0240
Reno, Nevada 89557-0240
(775) 784-6844 TDD #784-1706 FAX (775) 784-1146



Date: July 15, 2013

To: Peter Long, Chief Personnel Manager, DHRM

CC: Tim McFarling, A VP Human Resources, UNR
Dana Carvin, Supervisory Personnel Analyst, DHRM

From: Janine Nelson, HR Services Manager, UNR

RE: Recruitment Regulation Changes

Business Center North Human Resources is unable to attend the regulation change workshop on Wednesday, July 17, 2013; however, we would like to express our support for the proposed recruitment related regulation changes.

Use of lists and consideration of eligible persons (NAC 284.361)

The current regulation emphasizes more weight on test score and applicable bonus points rather than applicant qualifications for specific positions. The proposed change will allow an agency greater flexibility in identifying candidates for interview by expanding the available ranks and allowing the agency to evaluate the applicant's skills, education and experiences when selecting candidates for interview. This will create better selection opportunity for the agencies, while still recognizing the State's examination philosophy and application of bonus points for residents and veterans.

The proposed change also offers significant benefit to applicants who may not score highly on written exams, but offer an excellent match of education, experiences and skills to be eligible for interview. We believe this will offer better access to State employment or promotion within State employment than currently exists.

Inquiry of availability of eligible persons (NAC 284.373)

With the increase in handheld technology, we have seen applicant response times decrease after receipt of electronic messaging (email and voicemail). This change is consistent with applicant behavior and will allow agencies to move more quickly when hiring.

Active lists: removal and reactivation of names; refusal to consider certain persons (NAC 284.374)

Requiring an agency to interview a candidate who has already been deemed as not qualified is not conducive to an agency's time or the applicant's. We do support DHRM's position that this does not remove the applicant from the list entirely as the applicant may meet the needs of other positions and departments.

Business Center North:

NSHE System Administration — University of Nevada, Reno — Desert Research Institute — Great Basin College — Truckee Meadows Community College
Western Nevada College
<http://www.bcn-nshe.org/>

**SUMMARY OF THE WORKSHOP TO SOLICIT COMMENTS ON THE PROPOSED
REGULATIONS OF THE PERSONNEL COMMISSION THROUGH THE
DIVISION OF HUMAN RESOURCE MANAGEMENT**

June 18, 2012

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

Attendees in Carson City:

Shelley Blotter, Deputy Administrator, Division of Human Resource Management
Peter Long, Deputy Administrator, Division of Human Resource Management
Mark Evans, Division of Human Resource Management
Kimberley King, Personnel Officer III, Department of Transportation
Sheri Vondrak, NDOT
Tracy Walters, NDOT
Adam Drost, Central Payroll Manager, DHRM
Alys Dobel, Personnel Officer III, DMV
Teri Hack, Forestry
Denise Woo-Seymour, DHRM
Carrie Hughes, DHRM
Mary Gordon, DHCFP
Denise Madole, UNR
Janet Damschen, UNR
Maureen Martinez, Risk Management
Kareen Masters, Deputy Director, DHHS
Angelica Gonzalez, DHRM
Amy Davey, DHRM
Carrie Parker, Attorney General's Office
Mindy McKay, DPS
Kateri Cavin, PEBP
Roger Rahming, PEBP
Jim Wells, Executive Officer, PEBP
Chrissy Miller, Records
Cynthia Willden, Records
Anke Simpson, State Parks
Renee Travis, DHHS
Michelle Barnes, MHDS
Norma Mallett, MHDS
Priscilla Maloney, AFSCME Local 4041
Lauren Risinger DCFS
Ashu Manocha, DMV
Hazel Brandon, DMV

Attendees in Las Vegas:

Willette Gerald, DMV-HR

Michelle Hooper, CSN
Naomi Thomsen, UNLV
Johnny Hanes, UNLV
Larry Hamilton, Chief Human Resources Officer, UNLV
John Scarborough, CSN
Karen Belleni, DETR
Heather Dapice, DHRM-CCR

Call to Order:

Shelley Blotter: Opened the meeting at 9:05 a.m. and explained that initially the participants would be surveyed to determine which regulations were going to receive either support or objections before discussing the individual regulation changes. The proposed regulation changes are part of the review process that the Governor asked all agencies to undertake with an objective of simplification, consistency, and making the regulations easier for our customers to deal with. Meetings were held last summer and into the fall to solicit comments and suggestions for potential changes. Additionally, the Division is recommending some changes based upon our experiences with certain regulations. This was the time for feedback and not to make decisions. If language can be agreed upon, it will be taken to the Personnel Commission. If subsequent meetings need to be held to get feedback and more input then the Division will facilitate those meetings.

Review of Proposed Changes to NAC 284:

Shelley Blotter: Asked for a show of hands from individuals who were in support of breaking apart 284.170 into separate topics. The participants were asked by a show of hands on how many were opposed to that. Some participants had not decided, but it appears that the majority like it separated. By a show of hands it also appeared that there was support for the changes in sections, 284.182, 284.204, 284.587, 284.893, 284.440 and 284.494. The participants were then asked again if anyone would like to make comments of any kind on those sections.

Kimberley King: Proposed that section 12, 284.204(1)c be removed. Merit increases are earned by employees for their performance on the job. The employee is of progressively greater value to the State for their experiences on the job. Classification is what determines what the supervisor should get paid. So you're already compensating the supervisor based on the classification of their position at a greater grade. Why should the supervisor actually get paid just for supervising an employee who has been of progressively greater value to the State for all those years?

Peter Long: Didn't have problem with that recommendation. This was proposed six or seven years ago, possibly by DPS. This proposed amendment is an attempt limit the number steps to a two step differential. Some agencies have increased someone from a step 1 to a step 10 using this particular regulation.

John Scarborough: We're fine with the amendment of adding the not to exceed two steps, but we would be against deleting the provision altogether. We want the flexibility to do this if we needed to.

Priscilla Maloney: AFSCME is in agreement with Mr. Scarborough's comments. It is recognized that the State is trying to control costs wherever they can, but it would be preferable to maintain this provision with a cap of 2-steps. It does give an appointing authority some flexibility to do the things they may feel they need to do in either a recruitment or an adjustment.

Amy Davey: Questioned whether this particular section is used to make an adjustment where something is out of alignment and a supervisor may not be making more than the employee they supervise?

Peter Long: That is correct. There are times where, as Ms. King noted, that a new supervisor makes less than a subordinate who has been with the State longer. This allows them to adjust the supervisor's steps to be compensated more than his/her subordinate.

Amy Davey: In that case, I would like to see this language stay to allow for some flexibility to make those changes. In one of our divisions this situation has already occurred because of the occupational study that didn't go through two legislative sessions ago; a supervisor is making less than their employee.

Kareen Masters: Supports the proposal to include the not exceed 2-steps language, retaining flexibility in the regulation.

Kimberley King: Requested clarification regarding which position is being referred to in the phrase "to the base rate of pay of his or her former position" as used in Section 2. What if they held a different position and then they changed and they are re-stating to, not the last position, but a previous position? It wasn't clear.

Peter Long: Stated the proposed language in Section 2 is the original language of NAC 284.170 and offered to try to clarify it. The intent of this revision was to keep them equal to what they had been at when they left. Suggestions to clarify the wording were requested.

Kimberley King: Suggested to change the wording to most recently held position with the State just to make it clear.

Peter Long: Offered the wording to say "which most closely corresponds to the base rate of pay of his most recently held position."

Kimberley King: Stated that it was what she was thinking and would be clearer than former position because that could be any former position.

Shelley Blotter: Asked if there were any comments regarding Section 3 Rate of Pay on Promotion.

Kimberley King: Thanked the Division regarding the change to Section 3, subsection 1a as it takes care of a problem that they've had in the department.

Amy Davey: Questioned the affect of the regulation and asked for clarification. Would the employee retain his steps if for example he was a grade 26, step 10 and then applies for a grade

36, would be placed at a step 10 if he got the job?

Peter Long: The employee would be placed at a step 10 unless that exceeds the pay scale and then say you go from a grade 20 to a grade 40, you would come into grade 40 at a step 1. The intent is that it would be within the range of the 10 steps.

Amy Davey: Okay. So similar to the way it is now.

Peter Long: Right, but you wouldn't be limited. The way it is now, if you promote more than two grades, you're limited to a 10 percent increase. This kind of ties back to what Kimberley was saying earlier. Steps are based on longevity; grade is based on the duties and complexity of a position. So we didn't necessarily see where, if you take a five grade increase why you should be limited to the 10 percent. We are trying to maintain it within those 10 steps, if it goes higher than that, then you would put it in at the step 1.

Amy Davey: Asked to verify understanding of the proposal. If my budget was a concern and within a group of candidates for a grade 36 position there is a current State employee who is a grade 26, step 10 and a non-state employee, could this proposal limit the current State employee because that person would be at step 10 in the new position?

Peter Long: There could be that situation, but right now, it's almost the other way around where a State employee is limited to those two steps and someone comes in from the outside in an open competitive list and they can use the accelerated rate to get more than what a current State employee can get. We're trying to balance that scale.

Amy Davey: Do you have any concern about there being inequity then if I promote into your agency at a higher step than somebody who has been there for four or five years?

Peter Long: No, although agencies may have that concern. We haven't had that concern because through the accelerated rate process there is a way to adjust for equity. If I wasn't clear on your earlier question, an employee moving from a Grade 20 to a Grade 40, would go in at a Grade 40, Step 1, because that's more than a Step 10 at a Grade 20. They would go with whatever the higher salary is.

Kareen Masters: My concerns are the same ones that Amy had. So if we had an Administrative Assistant III, Grade 27, Step 10, go and get her social work degree, she could go to a Grade 32, Step 10, Social Worker I? So as I'm reading it she would go from a 27, 10 to a 32, 10.

Peter Long: That's how it's written. Yes.

Kareen Masters: Does have concerns about that. Conceptually people shouldn't typically be limited to the 2-grades. I would have very great concerns about someone who is just entering a professional field and to bring them in at the top step working side-by-side with our seasoned Social Work staff.

Peter Long: We're open to any suggestions you might have. What we were trying to do is simplify and take out some of the language that agencies have problems with and Central Records has problems with. If you want to suggest an in-between or suggest that we take it out

completely, we're good.

Kareen Masters: Maybe some consideration can be given to the number of grades the person is promoting or maybe it should be handled through the accelerated rate; not limit accelerated rate to open competitive lists. Let people on promotional lists apply for an accelerated rate so that divisions can weigh the different factors to decide whether they want to offer a higher step or not.

Shelley Blotter/Peter Long: Agree to pull the section and have additional discussion on it.

Kimberley King: Understands the concerns that Amy and Kareen brought up. NDOT is experiencing supervisors who are promoting 3-grades. We want to make sure that they get paid for the full 3-grades, not just limited to 10%. So maybe there's some language that can address all of our concerns.

Shelley Blotter: Asks if there are any comments related to Section 4 Rate of Pay on Demotion?

Peter Long: Explained that the language for the good of the State was unintentionally left out. If there is agreement, we would like to put that section back in. It's permissive language and it's not mandatory.

Kareen Masters: That was my concern. We do have some concerns about subsection 4 and the ability to manipulate someone's pay to a rate that really isn't warranted. If somebody promotes and then they demote, they could potentially get a benefit from that because of the flexibility that's allowed.

Peter Long: Section 4, subsection 4 is the original language from demotion, but we took out the part that says you can't be higher than you would have been had you not demoted. That part we took out. Is that your concern?

Kareen Masters: So if I promote during my initial probationary period and I go to a Step 7, and then, if I demote back down, even though I might have been a Step 5 in my prior class they can pay me at a Step 7.

Peter Long: The appointing authority can. Yes. So it's permissive. So you just want it to be uniform where they can't make more than they would have had they not promoted and demoted?

Kareen Masters: Yes. I'm sure the majority of the people would, carry it out in an appropriate manner, but there is the potential to promote for two weeks just to get a 10% increase.

Peter Long: I don't disagree. Let's put this as one we need to discuss because that section was under the promotion section, and that's caused a lot of concern over the years where someone has promoted, demoted and they can't be higher than they would have been. It used to catch up fairly quickly when we had MSIs. Now we don't. So we've had people that have gone back down and we've had to re-adjust their payback for three or four, five years and so we thought that's just really hard to track. I'll asterisk it and we can discuss it and come up with something later.

Shelley Blotter: Some of the proposed regulations we discussed what the impact would be and

felt like there was a small populations that would actually be affected by this, so, again, for the ease of administration, we are balancing that with including a rule that is cumbersome to use.

Mark Evans: One of the issues with this is that in the past you've had to go back to figure out what an employee really should have been making several years ago. We've had grievances about that and where the employee unexpectedly had to pay back a lot of money. Maybe what we could do is we could limit it to their most recent position instead of having to go back to whenever they became permanent at that grade because that seems to be where a lot of the confusion is.

Peter Long: I think Kareen is right. When it says initial probationary period, I think the intent was their first position in State service when they're in their initial probationary period. They demote and so it didn't think about promotion, but she's right in that you can promote multiple times, and if you've never become permanent, you've never gotten past your initial probationary period. So I think that's where the concern comes in, so we can look at it.

Kimberley King: I'd like to work through that language. We have run into some problems with people who have demoted and then promoted, but I think that we can work through the language later. We were concerned about number 3. If the demotion was instituted for disciplinary reasons, the base rate shall be equivalent to decrease of not more than one step from his or her current base rate of pay. We've had a situation where somebody was demoted three grades. We wouldn't want to have our management constrained on what we should be paying them down to just one step. I need to work through some more situations, but it's almost better to get demoted for cause than voluntary with this language.

Peter Long: We could leave the original verbiage in there that was the appointing authority may pay the demoted employee at any step in the grade to which the employee was demoted that is not greater than his or her base rate of pay before the demotion. You are fine with the way it was?

Kimberley King: Yes, we were fine with that. That gives the agency head the ability to manage their department.

Peter Long: Okay. Our only concern on that one was simplification and that possible inconsistency across State service of how much was taken away from an employee.

Kimberley King: I can understand that and if we want to talk about different language that might address both concerns that would be great.

Amy Davey: I just want to support what Kimberley had to say exactly. My concern also is about just the 1-step decrease. I do understand about the consistency issue. I'm not quite sure how to address it, but I think that is a concern as well. I just don't think that a 1-step decrease being locked in is the right thing.

Shelley Blotter: Asked if there were any other comments regarding section 4? She advised that there would be additional conversations about section 4. She asked if there were any additional comments, and there was no response. She proceeded on to Section 5, rate of pay on transfer. No one came forward. She proceeded to Section 6, rate of pay reappointment.

Kimberley King: Commented this is similar to the very first one -- retains his or her step. Can we be clear if we're simplifying the language, which step -- last position? I just thought it could be clearer.

Peter Long: Agreed.

Kareen Masters: Thinks there still needs to be the distinction in whether they are being reappointed to a higher or lower grade, because, again, I think that could end up with some inequities.

Peter Long: We can add that back in.

Shelley Blotter: Asked if there were any concerns or other comments regarding section 6 or the proposal to add the language related to whether it's a higher or lower grade back in? No other comments. Proceeded to Section 7, rate of pay on reemployment.

Priscilla Maloney: I didn't raise my hand when we were going through the list as far as objections go, but we did have a question about subsection 2. We're aware that other State legislatures have some provisions, if there's a fiscal emergency, we get to do X. Could Mr. Long or someone explain how this new exception to the section would work?

Peter Long: This section was there before. It's not a new section. It's highlighted because it will be a totally new number within 284, but that section was there before. So the Budget Division or the Nevada System of Higher Education could say there wasn't enough funding, which then allows the employee to decide whether they do or don't want to take that job at a lower pay.

Priscilla Maloney: Right. I assume when it's referencing 204, again, we're back to the 2-steps cap. So Section 7, rate of pay reemployment and an exception to the section may be made if the conditions in 284.204 exist or if the money is not available. I just want to try and clarify whether or not it's dovetailing within 204 right now or mirroring that. I'm looking at Subsection 1C in 204.

Peter Long: It's referencing that the intent of that is that they don't have to be limited to the base rate of pay if they can get an adjustment through 204.

Priscilla Maloney: But, again, the cap would be that adjustment would be the two steps, wouldn't it?

Peter Long: No, no. It's not referencing that specifically. It's referencing anything in 204 where say they were a grade 32, step 5 when they left. They would come back at an equivalent salary to that, notwithstanding, that they could still get that adjustment in 204 of a plus 5 for any of the reasons that are in 204.

Priscilla Maloney: Okay. We're thinking about our military folks or somebody who's gone for a while and actually leave State service and maybe comes back.

Peter Long: That's a different type of reemployment.

Priscilla Maloney: Okay. Thank you.

Shelley Blotter: Asked if there were any other comments regarding Section 7, rate of pay on reemployment, Section 8, rate of pay, military reemployment, Section 9, rate of pay, minimum step for continuous employment. No comments. Proceeded to Section 10, rate of pay, non-classified/unclassified appointment to classified.

Peter Long: An agency brought forth that they wanted us to consider that if an employee left classified service and went to unclassified service and then came back, that the time they were in unclassified service count towards their steps. I think we'll need to get an opinion from our DAG. Statute says that they come back with equivalent compensation and duties. So I don't know that we could add steps for the time that they've been gone, but it's something we would be willing to look at if there was an appetite for that, so I don't know if that means we need to table this one.

Shelley Blotter: Advised to do that just in case. She asked if there were any other comments on Section 10. No comments. She advised that before going on to Section 11, she wanted to recap that there's a need to have additional discussion about Section 3, Section 4, and Section 10.

Mark Evans: Just to clarify, we will go forward with splitting those out. We'll just leave the language the same. Is that correct? Is that how people understand it?

Shelley Blotter: So in other words, if there had been a change in it and it's in one of those that I just mentioned, we'll go with the original language and then have additional conversations about proposed changes, so that we can go ahead with the breaking apart of 284.170 for clarity purposes. Does anyone object to that?

Peter Long: I have a Question on Section 6. That's the one where you wanted to address on reappointment higher or lower grade. Do we need to table that or are we going to make the proposed changes and then address them and discuss them again when they get to the Commission?

Shelley Blotter: I think the proposed change in that one is to just clarify that it was the last position.

Peter Long: That was part of it, but Kareen also wants to add back in whether if they were reappointed to a higher or lower grade.

Shelley Blotter: We'll go ahead and table that one as well. Are there any other comments on those sections before we go ahead? Okay. So now we are at 284.182 and that was one that we all agreed that it was fine as proposed. We already had the discussion about 284.204. Anyone else have comments about 284.204? No comments. Proceeded to 284.206.

Priscilla Maloney: It's AFSCME's understanding on this that in February 2010, then-Governor Gibbons suspended special adjustments to pay all the pay codes that are relevant that are under this 206. It's our understanding that that was until further notice and that these pay codes are still frozen. Is that correct?

Peter Long: That is correct.

Priscilla Maloney: Some of these regs are wordsmithing by our assessment, but here is the first

one that has a substantive change. I understand that this regulation is currently frozen and no employees are receiving the adjustment to pay.

In Section 2, 3B of the proposed regulation the employee who is required to use bilingual skills or sign language for persons who are deaf have been compensated at one of those special adjustments to pay rates for performing those duties at least 10% of the time. The increase that's suggested here is to 50 percent. Quite frankly, we need more information. We would even request that officially we have a second workshop on this after we get more information. We have no idea where increasing the percentage from 10% to 50% comes from. We would like to know things, for instance, such as what languages are we talking about, how many State employees throughout the State, north, south and the rural areas, are performing these duties. We'll probably be making a formal request for that information breaking it down by agency what languages we're talking about. We simply need to know the basis for this 50% requirement and I'm sure that there's some information out there. So, we request a second workshop on this, specifically.

Peter Long: A second workshop is not a problem. As far as gathering the information on who might be eligible, we could certainly survey agencies. I don't know how responsive or receptive they might be because it's been gone now for two or three years so they may not have a good idea. As far as language goes, we've never limited it to any specific language. If they say a particular language is required, we're not questioning them on that.

Priscilla Maloney: A period of time prior to February 2010 when the Executive Order went into place could be reviewed. We'd want to know, in a specific timeframe, was the bulk of State dollars going to one language over another. That's something that we think is important and relevant to this. Nevada is an incredibly diverse state. That's one of its wonderful strengths. We have many populations that are growing where English is not the first language spoken. We know that this is going to be an increasing cost to the State, but we want to see our employees appropriately compensated for that. We have put a call out to our membership to give us anecdotal statements and/or testimony that could be provided at the next workshop. For instant, anecdotally, we've heard of stories that one particular person who works in one of the mental health facilities down south says she's often pulled from her tasks, right now, even with the Executive Order, she's not compensated and asked to translate on an intake for a mental health client that's coming in that the State is serving and that person can spend anywhere from 3 to 5 hours translating without this. And we recognize that this is permissive.

Shelley Blotter: It is no problem bringing these back at a later time. I agree with Peter that I don't believe our records codes show which languages are spoken. So, it would be just a survey of our agencies to determine that.

Priscilla Maloney: Well, and from a public policy matter and a budgeting matter, that might be good to know. And the rurals versus the north versus the south where the dollars are going and where the dollars needed for this service. In a happy sense, that's the world we live in, a diverse world.

Peter Long: We can survey and ask, but if we're not limiting it to any particular language,

what's the benefit of knowing which language -- I mean, we would allow any language to get this adjustment.

Priscilla Maloney: There's the overriding concern that there are people who are doing this service sometimes a huge part of their day and are not being compensated for it. If we need to do recruitments where a specific language is really needed in that agency, again, we'd just like some quantified information. If it's not there, you know, then maybe this becomes the part of the step that is the foundation for a study to break it down where that information could be gathered from and what it means in terms of recruitments, hiring, work performance standards, and all of those things. We're hearing a lot is people are being told under the work performance standards language that almost all of them have "and other duties as agency assigns" and that is what's being used for a lot of these people to be pulled off of their regular tasks and then sent to go translate in a different language.

Larry Hamilton: Wanted to offer some supportive comments. As we were doing our due diligence with respect to taking a look at this section, many of the questions that the prior speaker asked came up in our conversations as well, so we look forward to working with the groups and with the other colleagues across the state to answer some of these questions. The 50 percent threshold in our preliminary look at other agencies, western states, other cities within the west and then here within the Las Vegas and the Clark County area really did not seem to indicate that 50 percent was a threshold; it was much less. Also some preliminary research that we did, and we'll follow up on that research and provide more at the second workshop, seem to indicate that most bilingual pay policies required some kind of certification or some kind of exam process, which ours does not. So we look forward to working with everyone on this at the next workshop.

Amy Davey: At 50 percent, I guess what I wonder is, would it be feasible to consider that if bilingual skills were required for a position, it became a requirement for the position? Previous to State service, I worked in local government. This was always an issue. We did require certification in a language in order to receive bilingual pay. Additionally, what we found is that employees who were bilingual in a language that they couldn't routinely use felt somewhat left out of the whole bilingual pay issue. I guess what I would wonder, if you say a job requires that you be bilingual if you work at the counter for DMV or you work on the telephone lines for DETR, maybe that's something that we write into the minimum qualifications for the job.

Peter Long: We can discuss this at the workshop and see what all agencies think. The 50 percent was a number that we kind of threw out there because what we found when the Governor rescinded these plus fives was that when we started notifying agencies that they had to remove these, there was a fair percentage of employees that were getting this plus five that the agencies didn't even realize were getting it. We didn't require documentation to prove that they were doing it. Ten (10) percent is four hours a week and what they had were a lot of people out there that, as the AFSCME rep said, maybe grabbed to come to the counter and then they may do it for five minutes once a month, but they were getting a plus five. So we were looking at it as, 50 percent seemed reasonable in that it doesn't tie in with the other elements in 204. It's a skill that just like we ask for word processing or spreadsheets, we don't pay an additional five percent for having that. So as you said, if it's a requirement of the job and we announce it that way and they have it, that's what they need to get the job, why pay an additional five percent for having that skill? So

that's how we were kind of looking at it, as well. I do like the idea of the certification

Janet Damschen: I'd like to echo what Mr. Hamilton said. Beyond that, we have a practical concern that we haven't researched fully, but the vast majority of our people who are being paid this differential right now are using it a small amount of the time. If we lose that group of people, if we take that away, we're afraid that we're not going to be able to use them for that service ever. That they will say, oh, you took away my five percent and 10 percent and now they won't assist us in that way anymore and we're going to lose that service. So we're thinking that 50 percent is too high. You might be able to go with 25, something like that, but we'll look forward to the workshop as well.

Peter Long: That's something that we're open to and can survey other jurisdictions and see what an average may be on something like that.

Hazel Brandon: I just wanted to echo that we are recruiting and asking for bilingual skills and it is working. I don't see a need to put it in our class specs. When they are applying for the job, they know that they need to speak a different language, whatever it is, and I think that takes care of it.

Peter Long: Wouldn't anticipate changing our specs. I think it could fall under selective criteria like we do other classes. To the best of my knowledge when these plus fives were taken away, there were some concerns, but I don't know of anybody that actually left their job because they lost the five percent.

Shelley Blotter: Asked if there were any other comments regarding this? Proceeded to Section 14,t284.294.

Mark Evans: Had received some concerns from an agency. Originally, this regulation change was based on a change to the State Administration Manual, which now states, "State employees' personal property kept or maintained on State property will be considered to be at their own risk and to be covered by their own personal insurance." So the State Administration Manual is saying that tools kept on property that belongs to the employee wouldn't be covered under the insurance. What happened when we made that change is we eliminated the tool allowance. And now, in talking with Risk Management, their major concern is the insurance issue because, in some cases, what was happening is people were filing claims with their homeowners insurance as well as the Risk Management insurance. There are just issues. So we've met with the agency that was concerned and with Risk Management as well, and I think we're still in the process of coming up with a solution, but what we were looking at doing is putting back in the language that would allow agencies to pay the allowance for the tools. And then, add language that would clarify that, basically, restate what is in the State Administrative Manual saying that if they kept their tools on property, then it was going to be at their own risk. And then the proposal was to bump up the allowance somewhat to help cover the cost of the employee's homeowners insurance. I think that's been researched a little bit. Those policies are pretty expensive. The other option we have is, and we'd have to research this as well, maybe we don't need this regulation. Maybe it's up to the agencies and their policies to decide if they want to have a tool allowance. We want to look at what Public Safety and some other agencies are doing with things such as uniforms. So the question is, are there other agencies that are out there giving tool allowances and what are their thoughts on this?

Peter Long: Asked why this is in the compensation section of 284. If we have to go to Risk Management to interpret one of our regulations to figure out how to apply it, I don't know that it should be here.

Shelley Blotter: Originally this regulation provided pay for particular types of tools. What Risk Management is talking about is they're not going to pay off an insurance claim for the loss of tools. So it looks like there is possibly one agency that has a concern about this. We'll continue to work with them and Budget to determine what's appropriate, as well as compensation. Agreed that this section would be tabled.

Priscilla Maloney: When we were reviewing this we had some concerns, too. If the State is affirmatively requiring a State employee to furnish something of their own, there may be a conflict with the types of insurance needed. There may be an exclusion in their homeowners insurance so they may be required to get a business rider. I just see a lot of problems with that. So we definitely don't want this to be in the form it's in right now. We'd just come to the table after you've worked with Risk Management and the agencies on this issue.

Mark Evans: Keep in mind, most of the employee types that would be furnishing their own tools, that it is a common practice for their industry. It's not just you work for the State and you do it.

Priscilla Maloney: We just don't want the policies to be clashing. An unintended consequence might be both sides say, it's an exclusion and there is no coverage and then it's required for your job and then there is a problem.

Shelley Blotter: Proceeded to Section 15. She asked if there were any comments.

Larry Hamilton: We wanted to make comment with respect to 284.498, the Subsection 2, which changes the refresher requirement on supervisor training from three years to two years. To kind of set the stage for our position, I think we would all agree that requiring refresher training every six months would be insane and probably requiring refresher training every 10 years would probably border on negligence. But we think, at UNLV, that staff, our colleagues and the Personnel Commission got it right when they made changes back in September of 2010. That's the current regulations that we see in front of us without the change from three years to two years. We think it was right. We think that's an appropriate balance between the supervisors' responsibilities towards maintaining their edge with respect to those skills and keeping those fresh, and then also other responsibilities that they have on their job. So we're supportive of that staying the same at three years and not being modified to two years.

Shelley Blotter: I remember that conversation and we talked about moving it to two years at that time. I guess the feeling, again, is still trying to simplify what the requirements are under all sections. The thought behind the proposal is to make the refresher training for the supervisory classes the same as for the sexual harassment training.

Larry Hamilton: We're not asking or we're not supportive of changing the sexual harassment to a three-year refresher. We believe it's an important topic. We believe that it needs to be at the two-year threshold. But we think, given all of the other items that have happened in the State in the last few years, given that we're seeing a flattening of our organizations, we're seeing

supervisors actually supervising more employees than they did previously, that that three-year threshold strikes the right balance.

Kimberley King: We would also support leaving this at three years. We think that is a good balance. We still do classroom training for our supervisors, so it is not just online and going over the rules. We actually go through the exercises. It is one of our performance measures for the department as well that we report on. We are trying to make sure all of our supervisors are in compliance and we are reporting on that. The concern is if we go to two years with the workload that our employees and our supervisors have that they might just give up because, basically, it takes a good week for them to get all the refresher training. The explanation for the proposed change states allowing managers to be updated more frequently with current developments. I agree. We have regulation changes. We have different requirements that get implemented. Maybe we can find a different method or mechanism for making sure that all of our supervisors are updated of those changes each time that they happen.

Jim Wells: I have comments very similar to Ms. King's, although from a small agency standpoint. We don't have a training officer that can go out and do classroom training for our individuals, but between the agency trainings that all of the State agencies are requiring now it is becoming burdensome for small agencies in that our people are being out of the office more and more when we are not getting more and more people to do the work. So you're really putting us in kind of a Catch 22. Do we take the people off the workload and get training or do we get the work done? Even with the three-year requirement, we have at times had problems keeping up with the three-year requirement. I also actually liked Ms. King's comments about whether or not we could do this in a different way. I absolutely agree that there are changes that come out that would be beneficial for all of our supervisors to know without going through necessarily a formal class. The other thing that I would suggest, if it goes through at two years or it stays at three is that there be a delineation or a differentiation between the training classes that are required at initial and those that are required as kind of refresher similar for what you have on the sexual harassment side and if the training has not changed since the person took it the last time, they don't have to keep taking the same training over and over again.

Shelley Blotter: Our training section is actually working on differentiation of the training. So their online training is pretty much on the rules and regulations related to a particular topic. They're in the process of developing workshops to add a practical element to actually carrying out those particular functions. So they don't have to go to the same exact training each time.

Janet Damschen: Just want to echo what has been said by the other speakers. We support having this remain at three years.

Kareen Masters: Our preference would be to leave it at three years, as well. I would also propose that we could look at Subsection 3 and where it says the appointing authority, at its discretion, may accept, in lieu of the training required by Subsection 1 at/or Subsection 2 supervisory managerial training, which are approved by the Division of Human Resource Management period. So that would give the Department some flexibility to give credit for other managerial training.

Shelley Blotter: Let me see if I follow you. In Subsection 3, what you're suggesting is it would read in the first sentence, "The appointing authority, at its discretion, may accept in lieu of the

training required by Subsection 1 or 2, and then are you recommending deleting other pieces of this?

Kareen Masters: I was suggesting inserting a period after Human Resource Management, so you'd be deleting "and taken by the employee during the 12 months immediately preceding the employee's appointment".

Shelley Blotter: So it could go back as far as you wanted to?

Kareen Masters: Yes. Or you could establish some other time limit, but since we're talking about refresher training, by its nature, it would be exceeding the 12 months.

Alys Dobel: I would agree with everybody so far that has spoken. We're a little larger agency. We're not the biggest agency, but we have had a hard time getting a handle on getting our supervisors and managers trained within the three-year period alone. So I could not support a two-year at this time.

Shelley Blotter: I think we've heard you loud and clear on that one a couple of times, back in 2010 and now. I'd like to take a break now for the next 10 minutes, come back at 10:30.

(BREAK.)

Shelley Blotter: The meeting continued and proceeded to Section 16, 284.52375.

Priscilla Maloney: We are very happy that you're adding physician assistant.

Kimberley King: It's not a problem. My understanding is you tried to make that an informational note in the past regarding the address. Just thought it might make it easier for you.

Shelley Blotter: No, the Legislative Counsel Bureau actually requires us to put the address in even though it changes.

There were no additional comments. Proceeded to Section 17. I know we have comments on this one, so I'm going to start off with what we intended to do and then where it may have gone wrong, you can let us know. So, Carrie, if you can talk about the intent.

Carrie Hughes: This amendment was proposed by our Division to in some degree deal with consistency across State agencies. It was to include leave for bonding time following the birth, adoption or placement of a child and a list of authorized uses for sick leave, and it would clarify the amount of time that could be used for bonding and limit that time period to the first 12 months following adoption, placement for foster care or birth. And that's why we mentioned why it would codify what was going on in some agencies because some agencies were not allowing use of sick leave for this under the FMLA, whereas, other agencies were.

Shelley Blotter: So in other words, when we have a healthy baby and a healthy mom, after the birth of the child, if neither one of them are sick, you could use sick leave for bonding time. Whereas, in the past, we have said that if it wasn't a qualifying event that you could not use sick leave. That's what we intended to do. And so, now I'd like to hear whether you like that intent or you think there's problems with the language and we don't want to go in that direction.

Kareen Masters: I do have concerns about this section. I think we're taking a benefit that's based on a neutral criteria, so that neutral criteria should use sick leave for an authorized medical need. Now, we're expanding it to a different scenario. We're giving a preference to a limited segment of our workforce to have additional sick leave usage for people that give birth or adopt or foster children. I think it's fairly easy to get the justification for some use of sick leave for authorized reasons. So yes, the mother recovering from childbirth, you have six weeks there, you're probably going to get father, a couple of weeks to care for his wife that's recovering from childbirth or foster care or adoption placement. You could probably get a certificate from a mental health care provider to substantiate the need to have some time to form the attachment. So I think those are all appropriate. What we're doing is giving preferential treatment to a specific segment of the population of the workforce. My mother is 80 years old. I would like to use sick leave to just hang out with my mom because I don't know when she's not going to be here anymore, but why is that not covered when we're saying bonding is covered? And a secondary issue, I think it's hard enough for agencies to balance getting the work done when people are using leave for legitimate reasons and to extend that beyond that can cause a hardship as well.

Larry Hamilton: This modification to this regulation is very similar to what we permit with respect to our professional staff. The rules and regulations for our professional staff are governed by the Board of Regents as opposed to Chapter 284. So I just wanted to say that. I can't imagine that we didn't have substantial discussions about this. I believe that our institution, UNLV, would be highly supportive of this since we're supportive of it for our professional staff.

Kimberley King: First, our department does not allow for sick leave for a mother unless there is a medical need, and that would include the father. So this is an additional benefit. We're not opposed to it, but I'm concerned after the first sentence because it seems to go on that it's not just for those employees who are bonding while on Family Medical Leave. It also says if they don't meet the requirements for eligibility for Family Medical Leave, that they would also be able to use that sick leave. I'm concerned that they're going to take Family Medical Leave first and that they'll get an additional 12 weeks with the way it reads. If we do proceed in this direction, can discuss the language and make sure it's clear?

Shelley Blotter: If I could just summarize, you would be open to the interpretation on the first part of it, but you wouldn't want it in addition to anything they would have already previously had. So if it was a new employee who wasn't eligible for FMLA yet, you would allow them to take sick leave for that, but if they'd already taken their 12 weeks, you wouldn't want them to get additional time off.

Kimberley King: If they're eligible for Family and Medical Leave and would have that time off bonding anyway under the Family Medical Leave Act this would be a substitution of sick leave for the annual leave or leave without pay. And again, just so you realize, this is a new benefit to employees that we haven't allowed in the past.

Shelley Blotter: Right. So what about the new employee that hasn't worked 12 months, but they come in pregnant and now they need to have time off for bonding. Would you allow sick leave in that situation?

Kimberley King: The good news is they probably won't have much sick leave. But no, I think that it should be limited, unless you change the sick leave language itself. Which you could take a look at that, as well.

Amy Davey: I like the intent and I don't have a problem with lining this up with the FMLA. I don't see it as a greater benefit. They already have the benefit under the FMLA to take the leave. So we're just allowing them to use their paid accrual to apply towards that leave. What I am concerned about, though, is the language in the second sentence. I'm concerned that if we say you're not eligible for FMLA, but you can still do this, what's to stop people with other conditions saying I'm not eligible for FMLA, but I also want this same benefit, which says if I'm not eligible, I can still use my sick leave?

Janet Damschen: Would this, then, allow somebody to be on leave without pay? I'm not quite clear on that.

Shelley Blotter: I think we're just addressing sick leave in this situation.

Janet Damschen: So I don't know if the wording is going to get us into trouble, but if somebody is otherwise eligible for FMLA, because people can be on LWOP while on FMLA. So we're just worried about getting into a situation where we'd have to approve leave without pay. We do everything we can to control that. We've had a lot of trouble with that up there. So what the intent of this is just sick leave.

Carrie Hughes: Yes, the intent is just for sick leave and that's why we placed it under this regulation.

Shelley Blotter: No further comments. She proceeded to Section 18.

Priscilla Maloney: In reviewing what's being stricken, obviously, there's nothing being added but what's being stricken and then the explanation of proposed change. We were concerned about a couple of things on this. For instance, we're aware that Division of Industrial Relations maintains lists both of permanent impairment rating physicians and providers of Workers' Comp treatment. Those lists are maintained by DIR, and so in Subsection 3 from a provider of healthcare designated by the appointing authority, where that list would come from and what the possibilities of possible costs. It says the agency shall pay for the consultation, but we were concerned about where the list would come from and how they would be qualified to do this and whether you would be just dovetailing with, maybe, Division of Industrial Relations.

Carrie Hughes: This regulation, as you said, we're striking language, we're not adding specifically where that list would have to be attained from. Where this has come up in the past is where the office of Risk Management has participated in assisting agencies in getting second opinions done on medical documentation. Their list of employees, to some degree, with regards to Workers' Compensation and things like that are physicians that they have a relationship with and have a relationship with the State. So that's been the problem in the past. And really, that was the intent, was to allow Risk Management to potentially be able to assist an agency in finding a specialized doctor.

Priscilla Maloney: What's happened anecdotally, and I think you may have even been present during one grievance, we had a big discussion of, and AFSCME agrees that the problem where

an agency was using the same kind of certification and/or release back-to-work form after that three days, they were just cobbling from the FMLA packet and forms that Division of Human Resources Management had online. And I think that that's a good thing that we're moving away so there's a clear delineation. You don't just use that as a template. You use a separate form. And I assume that you folks would be drafting a form that would subsequently be posted online for this?

Carrie Hughes: I don't know that there was any intent to draft a separate form. Part of the concern was that a second opinion could be requested for various reasons. If it was an FMLA second opinion, these forms would be entirely appropriate. But if it was a second opinion with regards to an Americans with Disabilities Act reasonable accommodation request for medical information, we have a form now for that online with sample questions that can be used, but also, there's a situation of potentially a second opinion on a catastrophic leave physician's documentation. Again, the questions are different. So I don't know that there's one size fits all type of form for this.

Priscilla Maloney: We're just trying to keep the simplicity for the State employee and if the problem with them going to their own physician, I mean, it's always preferable with their own physician because after three days, that physician is going to be, hopefully, intimately familiar with what's going on medically with that person and be able to assure the agency why they need to be out longer than three days. But the flip side of that is, of course, that the employee ends up paying for that consultation or that doctor's note. And that's the problem. But on the other hand, it would be a concern of ours if they've been treating with their regular provider of healthcare and say, they've got the measles or some sort of viral thing and it's longer than the three days and the agency is concerned, for whatever reason, and wants a doctor's note, I think it would be easier for them to go back to their provider of healthcare that's already treating them for that than being shuffled off to a list of providers from the State after only three days. That would be our concern is that this may make it a little bit more burdensome than it needs to be.

Carrie Hughes: In the case of requiring documentation following an absence of more than three days, generally, they are going to be directed back to their healthcare provider. This would be a second opinion in a case where the facts don't seem to match up with what the physician has said.

Priscilla Maloney: Okay. So this is not for the Subsection 3. Subsection 3 is not contemplating that on day four of an absence you have to go use one of these providers of healthcare on Risk Management's list.

Carrie Hughes: That's not the intent. Also, if you notice, one of the sentences that was remaining at the end of Subsection 3 is that the agency would be responsible for paying for a second opinion.

Priscilla Maloney: Right. But we didn't know if it was three days and then, boom, on day four, you know, you're out of the situation where you're dealing with your own healthcare provider.

Carrie Hughes: That wasn't the intent, no.

Shelley Blotter: This is when the facts don't line up that we're getting a second opinion from a doctor from our provider list. She asked if there were any other comments. No other comments

made. She proceeded to Section 19, 284.576. This language was inserted just a few years ago regarding what happens if there are not sufficient donations for someone who has been approved for catastrophic leave. What the deletion would do is make it permissible whether to grant leave without pay or not in those situations.

Jim Wells: I just want to make sure I'm clear on the intent of the removal of Subsection 5. Currently it is deemed an approved leave without pay. And now, you're saying it would be at the discretion of the appointing authority as to whether or not that would be approved leave without pay.

Shelley Blotter: Right. In conversations with agencies, some have felt like it was overly burdensome to require the appointing authority to grant LWOP when staffing may not allow for someone to be out for that period of time. So it would make it permissive if you can accommodate that extended absence, you could grant LWOP if there wasn't sufficient catastrophic leave.

Jim Wells: And then, how does that interact with the current language that's in Section 611 that talks about physical separations for people who are on approved leave? So under the current language for those two sections, you couldn't separate somebody for a physical disability if they were on this approved leave without pay.

Shelley Blotter: Right. That part of the regulations is a little bit muddy right now. If they had leave on the books, would you allow them to take it? If you had granted leave without pay for that period of time, would you be allowed to terminate them?

She asked if there were additional comments? No additional comments. She proceeded to Section 20, 284.5811.

Priscilla Maloney: On Subsection 6. Our only concern was just the pragmatics of how this would work. In other words, our question was under the current law as it stands in FMLA. Let's assume for a moment that the person has purchased a short-term temporary disability policy that is 12 weeks in length, just to keep it simple since FMLA is 12 weeks, which would go first? Would it be concurrent, would it be you could exhaust your policy and then tack on the 12 weeks? I mean, that's what we were wondering is how that would work in the real world.

Carrie Hughes: The intention of this change is not to change the ability of FMLA and that short-term or long-term disability to run concurrently, simply to make it optional whether to require the use of paid leave when it is both. The Department of Labor, both in their regulations and in one of their interpretation letters, have said, basically, that we cannot require them to substitute. So this is kind of carving this out as an exception to the rules within this regulation requiring them to exhaust their paid leave when on FMLA before going into leave without pay.

Priscilla Maloney: I'm sorry, because were running concurrent. That's where I'm getting a little bit bogged down. Because oftentimes, when someone has a serious medical condition, the big issue is hanging onto that insurance for as long as possible. Especially, if there's a good chance that they'll recover and be able to stay in State service, but if somebody has this policy, you're saying it would not be coded, perhaps, on payroll as leave without pay or am I getting too lost in the weeds here?

Shelley Blotter: I think what it says is that we would not require you to take other types of accrued leave. So we wouldn't require you to take annual leave or sick leave if you have one of these policies. You could be in leave without pay and then use your policy to cover your pay.

Priscilla Maloney: And then you would still have whatever you would have on the books left because, again, we've had at least one situation where somebody was undergoing treatment and the whole issue was, was everything going to run out nicely by when the treatment was supposed to conclude so that that person didn't have to move into the situation of exploring a medical retirement if they were going to recover.

Kareen Masters: I guess my only request would be is maybe inserting some language that requires the employee to notify us if they have a policy because we aren't always aware that they have that. So maybe at the time they apply for FMLA leave, they have to make their employer aware that they're covered by a policy that they intend to seek benefits from.

Mark Evans: He asked if any of the compensation ones were being pulled.

Shelley Blotter: She answered that she did not believe any were being pulled unless she hears otherwise they will be going back and discussing them further. She asked if there was anything that needed to be pulled that was not mentioned to let her know. She reiterated that section 21 was one that was okay. She asked if there were any comments or questions on Section 21. No comments were made. She proceeded to Section 22. No comments were made. She proceeded to Section 23, 284.589.

Priscilla Maloney: On this one, we were certainly familiar with what we suspect was the impetus for the serious fires we had last fall and I guess it was in early January, too. I think January 2012 was the one where the Governor issued, not an Executive Order, but a Proclamation or a Notice, because we had our main Highway 395 shut down. Our Executive Director, who has a great deal of experience with safety and OSHA issues had concerns about this as we explained what happened. For one thing, anecdotally, again, we got multiple calls from different State employees being confused as it says certain employees may be designated as essential and notified that they are required to report to work. We're not sure if this is talking about first responders versus somebody who simply says, hey, I've got to have our phone lines, we've got to have somebody there. Keith Urarti, our new Chief of Staff at AFSCME wanted to make sure that we put on the record that we'd like this one pulled and have this one come back to in the next workshop because we do have backup information that we will be interested in. For instance, there's multiple sections in NRS 618 about OSHA training and safety equipment and requirements that would come into play in a situation like this. If we're talking about first responders versus, a natural causes catastrophe kind of situation. It was pretty chaotic. And I know everybody did the best they could. But we would like to make sure that all appropriate OSHA regulations are followed in terms of training and I know that our State agencies all have safety committees and that's part of, State services that most agencies have somebody in the office who's the safety committee manager or supervisor or what have you. But we just want to make sure that if there is another situation like we had with the fire, that we've got some adherence to everything in 618 and OSHA.

Shelley Blotter: In this situation, each agency could designate who those essential employees are. And we're not specifically speaking about first responders. So it could be an IT person. It

could be a wide variety of job classes that we're talking about that need to be there to carry on the operations of the State, but other employees would not be required to come in. So I think those are fairly well established. So even when the regulation had previously, and it still does, talks about work sites or work locations being closed, it would be that same group of employees that may need to still show up to keep the infrastructure going.

Priscilla Maloney: So I'll just put down not necessarily talking about first responders. But you're open to having this being part of our next workshop, so if there are concerns, we can bring them.

Shelley Blotter: Sure. We can go ahead and take those at that same time.

Kareen Masters: Not necessarily a concern, but just another suggestion. You just mentioned that it was your intent that the appointing authority be the one that declares who are essential employees. So you may want to use the same language that you used in Subsection 5B an appointing authority may designate certain employees as essential. And I don't know, you might want to say the Governor may grant appointing authorities the authority to grant administrative leave with pay. And that's just because I know sometimes people call the Governor's office directly to see if leave has been granted.

Priscilla Maloney: Not related to this issue but another problem with 589 we see coming up is related to folks who are either being served with an NPD-32 form which is a Notice of Internal Investigation or being told that they are going to have an informal meeting, that notice hasn't been served yet, with their management, however, it could lead to discipline, in regards a potential disciplinary matter. And then, either our shop stewards or other State employees are being asked, either by management or the actual employee at issue, to be there during that meeting as a representative and at least one agency is now either disciplining people if they don't code their NEATS timesheet as their own time for this during work hours which is comp time/annual time. So some folks don't want to get disciplined themselves for being that person. Our position is that this provides a service and safeguard for both management and the employee, and we're happy to train our stewards and have them do that. But this might be a time where we would like to at least suggest that we can propose some language to include that the appointing authority can give, at their option, either release time for this purpose, and we're not talking about sitting down working through a grievance now, we're talking narrowly, specifically the investigative meeting, the formal meeting, or where management has informed the employee that it could lead to disciplinary and they want a second person there. So we're going to suggest some language, if it's appropriate, to include that in this section. That it can be either admin time or release time at the appointing authority's discretion, but we want to have that in place so that we don't have this cropping up. Right now it's limited, as far as we can tell, to one particular agency or department, but this is happening where people are actually going in and using their own comp time in the middle of their work day to do this. And we just don't feel that's correct.

Shelley Blotter: Since we're going to pull this one, anyway, we can have that discussion as well. No additional comments made. She proceeded to Section 24, 284.611.

Kareen Masters: And I guess this is a situation and I'm not sure if maybe the intent doesn't correspond with the wording. When I read the proposed wording, I take it to mean that someone who is on sick leave, who has exhausted their FMLA entitlement can be terminated, which is not

what is reflected in your explanation of change. And if that's the intent, I do have major concerns with that. Employees who are doing the right thing, so who are saving their sick leave in case they need it. I mean, they can accrue far above 12 weeks of sick leave over the course of their career and to change the regulation to say that someone can be terminated under 284.611 when they have sick leave in the books, I definitely don't agree with that. And again, I'm not sure if that's your intention because it's just simply stating it will clarify the employee may not be terminated under the provisions of FMLA.

Shelley Blotter: That is the intent. That if they were not covered by FMLA they could be terminated.

Kareen Masters: Even if they have sick leave on the books?

Shelley Blotter: She answered yes. So that is the intended change and we can clarify the explanation if we need to. But this is in situations where the employee's physician or an independent medical evaluation says that the condition does not respond nor do they expect the person to respond to treatment and that the extended absence will be required. So this is somebody who their physician is saying we don't know if they're ever going to respond to this nor may they ever come back from their particular health condition. So this would allow them to be terminated if all those other conditions are met. They would retain the right to come back and be reinstated. So that safety net is still there. This is to give agencies the opportunity to fill those positions that, they have critical need to have filled, but because somebody has a large sick leave balance that they can't fill. So it's just to make it a little bit easier for that appointing authority to continue their business.

Kareen Masters: Well, and again, I would have major concerns with that. I view it from the legislature has a statute that allows for the accrual of sick leave and goes through the whole provision of special sick where, if you have long-term illness and then we're saying, you've accrued this benefit employee, that if you come into a situation where you're seriously ill, you're dying of cancer, sorry, you can't use it. Three months, you're off. I mean, this is a time in their lives that, again, they've been doing the right thing. They've been saving their sick leave in case, you know, such a catastrophe should occur. And you know, during sick leave, their insurance benefits continue to be taken out of their pay and, I mean, talk about kicking them when they're down, I'm sorry, I have major concerns about that.

Shelley Blotter: And I understand those concerns. And they might qualify for a medical retirement. It could be they qualify for a payout on their sick leave. So those are additional ways of compensation.

Kareen Masters: It's not the same as getting your full pay and being, basically, an employed status. And I don't think that's consistent with the intent of the legislature.

Amy Davey: I'm in support of this language. I feel like it does give the agency some balance in situations where employees have access to FMLA, they have access to catastrophic leave, they have access to leave without pay, there can be times when sick leave balances can be quite large. It may tie an agency's hands to have no options for hundreds and hundreds and hundreds of hours of sick leave.

Priscilla Maloney: I fully support what I think the thrust of Ms. Masters comments are. Even though somebody can get cashed out after a certain amount of years of service for their sick leave, and of course, they can always get cashed out on their annual. In a catastrophic situation, as Ms. Masters pointed out, the real concern, I would say, of most citizens is to hang onto that health insurance as long as possible. I mean, eventually, when it's a real catastrophic situation, you may have to switch over to COBRA, but I think that's for most employees, I suspect that that would be the bigger concern. Is to not stretch it out to burden the agency, but so that they can work through their treatment while they're still under PEBP. I think that's the problem. And if they qualify for a medical retirement, that's already built into this regulation, but I'm familiar with at least one situation where it was difficult because the treatment was scheduled to end in June, but the person was out of leave in the spring and that the treating physician was not able, at that time, to say with certainty this person will qualify for a medical retirement. And so what that person needed was to, hang on to her PEBPs as long as possible to finish the treatment that was going to be scheduled at least three months after. And her agency had been very generous about leave without pay and a lot of things, but all these concerns. But that's, I think, for most people is the hanging onto that insurance. That's the big hope.

John Scarborough: We agree that it seems a little heavy-handed not to allow the folks to use the accrued sick leave that they might have. And I know we've had situations here at the college where people have been out on FMLA and prolonged sick leave and what have you, and what we've done is we've used the provisions of the NAC and we hired temporary employees to help the agency through. The fact that they don't have a resource available to them to help get the work done, but still, appreciating the fact that the person still does have sick leave and they are able to use that sick leave. At the point that that gets exhausted, then we may very well pull the trigger on 284.611, but as long as they have the sick leave, we think they should be able to use it.

Kimberley King: When an employee saves their sick leave, that's what we're looking for, we are looking for people who that's a benefit to them. We don't want them abusing it. We don't want them calling in sick. It's an insurance policy if they do get ill. It's a benefit that they get. To terminate them while they still have sick leave is penalizing them for actually doing the right thing with their sick leave. So we are not in support of this. In addition, if you approve leave for an employee, it doesn't seem while they are on approved leave that you should be able to separate them, either. If you don't want them to have approved leave, don't approve it and then you can separate them, but if you approve leave, it's not fair then to separate the employee while they're on approved leave.

Shelley Blotter: There were no additional comments. She proceeded to Section 25, 284.718.

Priscilla Maloney: This relates to Section 26, too, which is 284.726. We would just like to know what a climate study is. If there is some sort of defined written explanation of what a climate study is we'd like to know that.

Mark Evans: Climate survey would be similar to an employee satisfaction survey. We have started offering those to several agencies, and what we would like to keep confidential would be comments that specifically say things like Mark Evans is a total jerk; anything that could be identified back to the person. Those type of things where we think that request on an individual's performance, basically. So by name, it shouldn't be out there.

Shelley Blotter: She asked if there were additional comments for Section 25 or 26.

Kareen Masters: On Section 26, maybe just some clarification. So again, it says information gathered during organizational climate survey that directly reflects on an individual. Performance will be limited to the employee. Again, which employee? I mean, sometimes climate surveys are conducted because an employee raises a particular issue, so the department is doing a survey of other people in the work unit. So that could be interpreted as the employee that made the complaint versus I think what the intent is, the employee that was the subject of whatever the comment might be. And again, I'm kind of maybe thinking through the process. If it's confidential, does that mean that it can't be documented in a performance evaluation or some type of letter of an instruction to an employee? So maybe kind of thinking through, really, if you gather information, what do you want to be able to do with it and are you precluding yourself from doing something with it?

Mark Evans: I think the intent would be it would still be usable in those other types of confidential documents. So performance appraisal or discipline would be acceptable. So we just need to clarify that.

Amy Davey: I wonder if you want to use the word study instead of survey just because it may be part of an overall study versus, when we think of a survey, we think of that particular tool that used, and there may be other elements to a study that don't involve a survey.

Mark Evans: Good point.

Shelley Blotter: No further comments were made. She Proceeded to Section 27

Kimberley King: Although we don't support a higher use of alcohol, it will be helpful to have this be consistent with the federal.

Shelley Blotter: No further comments were made. She proceeded to Section 28, which was believed to be in agreement. She asked if anyone had comments. No comments were made. Proceeded to Section 29, 284.440, also believed to be in agreement. She asked if anyone had comments. No comments were made. Proceeded to Section 30, 284.494. She advised that she wanted to go back and reiterate where we're at with this. So it's our intent to go back and meet with interested parties. We'll let you know when those meetings will be occurring on Section 3, which had to do with rate of pay on promotion; Section 4, rate of pay on demotion; Section 6, rate of pay on reappointment; Section 10, rate of pay non-classified/unclassified appointed to classified.

Adam Drost: I apologize for missing this earlier, but Section 19, the new Section 6. This talks about a donor who is separated from State service and then having the leave returned to him or her. Our current practice is if it's annual leave or special sick leave, we track it back to the donor and they get another annual leave or special sick leave payout. So this would be a change in that respect. If it's sick leave that wouldn't impact a payout to the donor, I think that's appropriate, but we might want to clarify that. And if that is the intent, to take that additional payout out of the way.

Shelley Blotter: So once they've separated from service, what this would do is it would go back to the bank rather than to that person. Yes, that was our intent.

Adam Drost: To eliminate that additional annual leave or special sick leave payout.

Shelley Blotter: Asked if anyone else had concerns regarding Section 19? No one came forward. She proceeded tabling: Section 3 is new rate of pay promotion. Section 4 is new rate of pay demotion. Section 6 is rate of pay reappointment. Section 10, new rate of pay non-classified/unclassified appointment to classified. Section 13, NAC 284.206. Section 14, NAC 284.294. Section 23, 284.589. And those are the ones that I have noted that we will be having further discussions on. Did I miss any one of them?

So our intent at this point is that we will go back and look at the regulations we've received comment on, make a determination whether or not we are going to submit them for pre-adoption review to the Legislative Council Bureau's Legal Division. And for those that go through that process, then we will go ahead and take them on to the Personnel Commission. For the ones that are modifying 284.170 where there are questions, we'll take the original language, but go ahead and have continued conversations about any amendments. She asked if there were any questions about where we're going from here. No questions were asked. We'll see you soon. I really appreciate all the comments and getting your input. It's very helpful to hear from all of you, and we'll continue to do that as we work through the process. So we're going to go ahead and close this Regulation Workshop. Thank you.

Adjournment.

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R0137-12**

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

Explanation of Proposed Change: The Division of Human Resource Management proposes an additional section to define the term “organizational climate study.”

New Section. Organizational Climate Study Defined. *“Organizational climate study” means an independent study conducted by the Division of Human Resource Management to assess and evaluate the culture, effectiveness of management, employee morale and internal communication of an organization through a variety of methods, including, without limitation:*

- 1. Surveys;*
- 2. Interviews, including, without limitation exit interviews;*
- 3. Review of policies, procedures and internal communications;*
- 4. Review of issues related to recruitment;*
- 5. Review of data relating to employees, including, without limitation, statistics relating to turnover; and*
- 6. Review of grievances filed by employees.*

Sec. 2 NAC 284.010 is hereby amended to read as follows:

Explanation of Proposed Change: This section incorporates the new definition of “organizational climate study” into the General Provisions of NAC 284.

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.021 to 284.1125, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 284.718 is hereby amended to read as follows:

Explanation of Proposed Change: The Division of Human Resource Management proposes additional language that will designate information gathered during an organizational climate study that directly reflects on a specific employee’s performance as confidential. This is consistent with other provisions of the regulation.

NAC 284.718 Confidential records. (NRS 284.065, 284.155, 284.355, 284.407)

1. The following types of information, which are maintained by the Division of Human Resource Management or the personnel office of an agency, are confidential:
 - (a) Information relating to salaries paid in other than governmental employment which is furnished to the Division of Human Resource Management on the condition that the source remain confidential;
 - (b) Any document which is used by the Division of Human Resource Management or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;
 - (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any document which is used by the Division of Human Resource Management or an agency in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(e) Materials used in examinations, including suggested answers for oral examinations;

(f) Records and files maintained by an employee assistance program offered by the State of Nevada;

(g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(i) Any information contained on a person's application or relating to his or her status as an eligible person; and

(j) Information in the file or record of employment of a current or former employee which relates to the employee's:

(1) Performance;

(2) Conduct, including any disciplinary actions taken against the employee;

(3) Usage or balance of his or her annual leave and sick leave;

(4) Race, ethnic identity or affiliation, sex, genetic information, disability or date of birth;

(5) Home telephone number; or

(6) Social security number.

2. If the employee has requested that his or her personal mailing address be listed as confidential, the employee's file must be so designated and list his or her business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.

6. Any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct are confidential.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; A by Personnel Comm'n by R068-03, 10-30-2003; R182-03, 1-27-2004; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009; R055-10, 6-30-2010)

Sec. 4. NAC 284.726 is hereby amended to read as follows:

Explanation of Proposed Change: The Division of Human Resource Management proposes additional language that will establish which individuals will have access to information gathered as part of an organizational climate study.

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.407)

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph 2 of paragraph (a) of subsection 1 of NAC 284.204,

information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsections 3 and 4, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

(a) The employee.

(b) The employee's representative when a signed authorization from the employee is presented or is in his or her employment file.

(c) The appointing authority or a designated representative of the agency by which the employee is employed.

(d) The Administrator or a designated representative.

(e) An appointing authority, or a designated representative, who is considering the employee for employment in the agency.

(f) Persons who are authorized pursuant to any state or federal law or an order of a court.

(g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(h) Persons who are involved in processing records for the transaction of business within and between state agencies.

(i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his or her immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided in subsection ~~{7,}~~ 8, access to such information is limited to the employee, his or her current supervisor, and the appointing authority or a designated representative.

4. Except as otherwise provided in subsection ~~{7,}~~ 8, access to information concerning the employee's usage or balance of annual leave and sick leave is limited to the employee, the employee's immediate supervisor and the employee's appointing authority or the designated representative of the appointing authority.

5. *Except as otherwise provided in subsection 8, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:*

(a) The employee.

(b) The Administrator or a designated representative of the Administrator.

(c) The appointing authority or a designated representative of the agency with which the employee is employed.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

~~{6,}~~ 7. Upon request, the Division of Human Resource Management will provide the personal mailing address of any employee on file with the Division of Human Resource Management to the State Controller's Office and the Internal Revenue Service.

~~{7,}~~ 8. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010)

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R045-13**

Section 1. NAC 284.718 is hereby amended to read as follows:

Explanation of Proposed Change: The Department of Health and Human Services and the Department of Transportation requested that internal studies conducted by an individual department that directly reflects on an individual's actions, conduct and/or performance shall remain confidential.

NAC 284.718 Confidential records. (NRS 284.065, 284.155, 284.355, 284.407)

1. The following types of information, which are maintained by the Division of Human Resource Management or the personnel office of an agency, are confidential:

(a) Information relating to salaries paid in other than governmental employment which is furnished to the Division of Human Resource Management on the condition that the source remain confidential;

(b) Any document which is used by the Division of Human Resource Management or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;

(c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;

(d) Any document which is used by the Division of Human Resource Management or an agency in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;

(e) Materials used in examinations, including suggested answers for oral examinations;

(f) Records and files maintained by an employee assistance program offered by the State of Nevada;

(g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;

(h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;

(i) Any information contained on a person's application or relating to his or her status as an eligible person; and

(j) Information in the file or record of employment of a current or former employee which relates to the employee's:

(1) Performance;

(2) Conduct, including any disciplinary actions taken against the employee;

(3) Usage or balance of his or her annual leave and sick leave;

(4) Race, ethnic identity or affiliation, sex, genetic information, disability or date of birth;

(5) Home telephone number; or

(6) Social security number.

2. If the employee has requested that his or her personal mailing address be listed as confidential, the employee's file must be so designated and list his or her business address.

3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:

(a) The employee dies; or

(b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his or her immediate family are confidential.

5. Any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sexual harassment or discrimination, or both, and

any findings of such an investigation that are provided to an appointing authority are confidential.

6. Any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct are confidential.

[Personnel Div., Rule XVI partt§ C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; A by Personnel Comm'n by R068-03, 10-30-2003; R182-03, 1-27-2004; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009; R055-10, 6-30-2010)

Sec. 2. NAC 284.726 is hereby amended to read as follows:

Explanation of Proposed Change: The Division of Human Resource Management proposes additional language that will establish which individuals will have access to information gathered as part of an organizational climate study.

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.407)

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsections 3 and 4, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his or her employment file.
- (c) The appointing authority or a designated representative of the agency by which the employee is employed.
- (d) The Administrator or a designated representative.
- (e) An appointing authority, or a designated representative, who is considering the employee for employment in the agency.
- (f) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.
- (h) Persons who are involved in processing records for the transaction of business within and between state agencies.
- (i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

3. Information concerning the health, medical condition or disability of an employee or a member of his or her immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided in subsection {7,} 8, access to such information is limited to the employee, his or her current supervisor, and the appointing authority or a designated representative.

4. Except as otherwise provided in subsection {7,} 8, access to information concerning the employee's usage or balance of annual leave and sick leave is limited to the employee, the employee's immediate supervisor and the employee's appointing authority or the designated representative of the appointing authority.

5. Except as otherwise provided in subsection 8, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency with which the employee is employed.

(d) Persons who are authorized pursuant to any state or federal law or an order of a court.

(e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

~~{6.}~~ 7. Upon request, the Division of Human Resource Management will provide the personal mailing address of any employee on file with the Division of Human Resource Management to the State Controller's Office and the Internal Revenue Service.

~~{7.}~~ 8. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court.

[Personnel Div., Rule XVI partt§ C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003; R024-05, 10-31-2005; R141-07, 1-30-2008; R065-09, 10-27-2009, R059-10, 10-15-2010)

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R021-13**

Section 1. NAC 284.5811 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, will bring the regulation into alignment with the interpretation of the Family and Medical Leave Act (FMLA) regulations. This amendment clarifies that employers cannot require employees on FMLA to use paid leave while the employee is receiving short-term or long-term disability plan benefits.

NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility; use. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

1. Except as otherwise provided in subsection 2, an employee who is entitled to take leave pursuant to the Family and Medical Leave Act is limited to a total of 12 weeks of such leave during a rolling 12-month period. The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.

2. An employee who is entitled to take leave pursuant to the Family and Medical Leave Act to care for a covered service member is limited to a total of 26 weeks of such leave during a single 12-month period.

3. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.

4. Except as otherwise provided in ~~subsection~~ **subsections 5 ~~and~~ and 6**, an employee who meets the requirements for eligibility for and who is taking leave pursuant to the Family and Medical Leave Act must exhaust all the accrued sick leave, accrued annual leave, accrued compensatory time and catastrophic leave that the employee is eligible to use based on the nature of the absence before using leave without pay. Any accrued sick leave, accrued annual leave, accrued compensatory time, catastrophic leave and holiday pay to which the employee is entitled pursuant to NAC 284.255 runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, compensatory time, catastrophic leave or holiday pay.

5. If an employee is absent from work as the result of a work-related injury or illness and meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may elect to use paid leave or leave without pay for the portion of time that he or she is not being compensated for the work - related injury or illness.

6. ***If an employee is absent from work as the result of a non work-related injury or illness, the employee is receiving compensation for the injury or illness from a disability benefit plan and the employee meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:***

(a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and

(b) The employee may use paid leave for the time that the employee is being compensated for the non-work related injury or illness if the employee has entered into an agreement with the appointing authority to use the paid leave. If the employee and the appointing authority have not entered into such an agreement, the employee may not elect to use and the appointing authority may not require the employee to use paid leave for that time.

7. An appointing authority may require an employee to provide medical or other appropriate documentation to support his or her need for leave pursuant to the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10t-30-2003; R145-05, 12-29-2005; R060-09, 11-5-2009)

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R022-13**

Section 1. NAC 284.531 is hereby submitted as follows:

Explanation of Proposed Change: Assembly Bill 511 of the 2013 Legislative Session requires most State employees to take 48 hours of unpaid furlough leave in each of the next two fiscal years. This is consistent with the requirement in fiscal years 2012 and 2013. The proposed regulation change extends the effective date of the current regulation through June 30, 2015. Additionally, the proposed regulation updates the reference in subsection 10 with reference to AB 511 of the 2013 Legislative Session.

NAC 284.531 Furlough leave.

1. The total number of hours of furlough leave required to be taken in a fiscal year by an employee who is initially appointed to state service after the commencement of the fiscal year is:

(a) For a full-time employee, the equivalent of 4 hours of furlough leave for each full month remaining in the fiscal year.

(b) For a part-time employee, the equivalent of the portion of 4 hours of furlough leave for each full month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.

↳ If such an employee is appointed on a day other than the first day of a month, the month in which the employee is appointed is not included in the calculation set forth in this subsection.

2. An appointing authority may establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by an employee of the appointing authority if the appointing authority determines that the minimum increment is necessary based on business necessity. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

3. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

4. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

5. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a delay in filling the position that the employee holds.

6. An appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a workweek.

7. Unless approved in advance by the Administrator of the Division of Human Resource Management and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution, an appointing authority shall not require or allow an employee to work additional time during the same workweek in which the employee takes furlough leave if the additional time would be:

(a) Overtime for which the employee would be entitled to be compensated;

or

(b) Added regular time for work as a part-time employee.

8. An employee who leaves state service will not be reimbursed for any furlough leave taken.

9. Any furlough leave taken by an employee must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave which an employee is entitled to take under the Family and Medical Leave Act.

10. As used in this section, "furlough leave" means the unpaid leave required to be taken pursuant to the provisions of chapter {374} **447**, Statutes of Nevada {2011,} **2013** at page {2207,} **2625**.

Sec. 2. NAC 284.531 is hereby repealed.

Explanation of Proposed Change: This section repeals the furlough proposed for adoption in section 1. In Section 5, it repeals Section 1 as of 6/30/15.

Sec. 3. Section 2 of LCB File No. R021-11 is hereby repealed.

Explanation of Proposed Change: This section repeals the regulation regarding the FY12-13 furloughs as of filing the regulation proposed in section 1 with the Secretary of State.

Sec. 4. The emergency regulation adopted by the Personnel Commission on June 20, 2013, and assigned as LCB File No. E001-13, is hereby repealed.

Explanation of Proposed Change: This section repeals the emergency regulation upon filing of this regulation with the Secretary of State.

Sec. 5. 1. This section and sections 1, 3 and 4 of this regulation become effective upon filing with the Secretary of State.

2. Section 2 of this regulation becomes effective on July 1, 2015.

Explanation of Proposed Change: This section sets the timeframes for each action in this regulation.

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R023-13**

Section. 1. NAC 284.374 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, reduces the number of times an agency must consider an eligible person from three times to one time. This change will increase the efficiency of the hiring process by not requiring agencies to interview an otherwise eligible person when the person has previously interviewed for a position from the same recruitment.

NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons. (NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will be removed from the active lists for any of the following causes:

(a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.

(b) Expiration of the term of eligibility.

(c) Separation of a person who is eligible for promotion from the state service.

(d) Failure by an eligible person to respond within the required time to an inquiry of availability.

(e) A statement by the eligible person that he or she is not willing to accept any type of appointment from the eligible list.

(f) Any of the causes listed in NRS 284.240 pursuant to which the Administrator may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.321 or, if the employee has been laid off, reemployment pursuant to subsection 7 of NAC 284.630.

2. An appointing authority need not consider an eligible person more than ~~{three times}~~ **one time** from recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.

3. An appointing authority need not consider an otherwise eligible person who cannot perform the essential functions of the position with or without reasonable accommodation.

4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues a final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he or she has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his or her personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection: make its selection:

(a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or

(b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.

5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.

6. An eligible person whose name has been removed from an active list may request that his or her name be reactivated by stating his or her reasons for the request. If the Division of Human Resource Management determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his or her name may be reactivated.

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004; R143-05 & R144-05, 12-29-2005)

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R024-13**

Section 1. NAC 284.373 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, changes the number of days in which an eligible person has to respond to an inquiry of availability by electronic mail, voicemail, or any other electronic message from 3 days to 2 days. This change will reduce the time needed to fill available positions, allowing agencies to move through the list of eligible persons more expeditiously.

NAC 284.373 Inquiry of availability of eligible person. (NRS 284.065, 284.155, 284.250)

1. While an eligible person may be contacted to determine his or her availability, no attempt may be made to obtain a waiver in order to alter the ranking of any person on the list.
2. An eligible person must respond to an inquiry of availability within:
 - (a) Six days after an inquiry by mail has been postmarked;
 - (b) ~~Three~~ **Two** days after an inquiry by electronic mail has been sent;
 - (c) Twenty-four hours after a written inquiry is hand-delivered;
 - (d) Twenty-four hours after an oral inquiry has been made if the oral inquiry was made during a conversation with the eligible person; or
 - (e) If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, ~~3~~ **2** days after that message was left.
3. An exception to a time limit may be granted by the originating agency.
[Personnel Div., Rule V § G, eff. 8-11-73; A 4-4-78]-(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004H Substituted in revision for NAC 284.382)

**REGULATION CHANGE PROPOSED FOR PERMANENT ADOPTION
LCB FILE NO. R025-13**

Section 1. NAC 284.361 is hereby amended to read as follows:

Explanation of Proposed Change: This amendment, proposed by the Division of Human Resource Management, would require agencies to interview at least 5 eligible persons in the first 10 ranks, rather than all persons in the first 5 ranks. With this change, all competitive appointments from ranked lists will be made from available persons in a rank of persons who received the 10 highest scores, rather than in a rank of persons who received the 5 highest scores. This change will allow a greater number of individuals the opportunity to be selected for an interview for a vacancy, as well as provide agencies with a larger candidate pool from which to choose, allowing the best hiring decision possible to be made.

NAC 284.361 Use of lists and consideration of eligible persons. (NRS 284.065, 284.155, 284.250) When using lists of persons who are eligible and considering eligible persons who have been certified, the following conditions apply:

1. When a reemployment list is certified:

(a) Eligible persons who are available for appointment and who are certified on reemployment lists, other than seasonal reemployment lists, must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the Governor to deviate from the order of priority or to hire from another list. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.

(b) A person must accept or refuse an offer of reemployment:

(1) If the offer of reemployment is sent by mail to the person, within 6 calendar days after the postmarked date appearing on the envelope in which the offer was mailed; or

(2) If the offer is an oral offer of reemployment, within 3 business days after the oral offer has been made.

2. The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing the special requirements peculiar to the position and his or her reasons therefor. If the facts and reasons justify such a method of selection, the Division of Human Resource Management may certify the highest ranking eligible persons who possess the special qualifications.

3. Certification of only eligible persons who are the same sex will not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex specified.

4. When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with **at least 5** persons in the first ~~{five}~~ **10** ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than ~~{five}~~ **10** ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of ~~{five}~~ **10** ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish ~~{five}~~ **10** eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection 6, all competitive appointments from ranked lists must be made from the persons who:

(a) Are in a rank of persons who received the [five] **10** highest scores on the examination;
and

(b) Are available for appointment.

5. If the list is unranked or waived, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least five eligible persons he or she deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.

6. If persons from fewer than five ranks of eligible persons are willing to accept appointment:

(a) The appointing authority may make an appointment from among those remaining available eligible persons.

(b) Certification and appointment may be made from other appropriate lists, including lists of higher grades as determined by the Division of Human Resource Management. The names from other lists will follow those which have been certified, if any, from the original lists.

(c) A new recruitment may be conducted.

(d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]-(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R069-02, 8-14-2002; R183-03, 1-27-2004)-(Substituted in-revision for NAC 284.378)

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Department of Transportation has requested the following position be removed from the positions approved for pre-employment screening for controlled substances:

AGENCY	CLASS CODE	CLASS TITLE	POSITION CONTROL NUMBER
Transportation	6.229	Staff I, Associate Engineer	PCN 027036

Staff recommendation:

Staff recommends the removal of position number 027036 from the positions approved in class code 6.229 (Staff I, Associate Engineer) as the Department has indicated that this previously approved position no longer requires the incumbent to possess a commercial drivers license and does not have the potential to impact public safety.

The Department of Transportation has requested the following class and positions be added to the positions approved for pre-employment screening for controlled substances:

AGENCY	CLASS CODE	CLASS TITLE	POSITION CONTROL NUMBER
Transportation	6.313	Engineering Technician III	PCN 101342
Transportation	7.713	Transportation Technician III	ALL PCNS BEGINNING WITH 805 & 813
Transportation	7.714	Transportation Technician IV	ALL PCNS BEGINNING WITH 805 & 813

AGENCY	CLASS CODE	CLASS TITLE	POSITION CONTROL NUMBER
Transportation	7.715	Transportation Technician II	ALL PCNS BEGINNING WITH 805 & 813
Transportation	7.722	Traffic Center Technician Supervisor	ALL PCNS
Transportation	9.609	Facility Supervisor II	PCN 302001

Staff recommendation:

Staff recommends the addition of position number 101342 in class code 6.313 (Engineering Technician III) as the Department has indicated that this position was previously approved as position number 930342 and has the potential to impact public safety as the position's job duties are performed on the highway, in work zones and in high speed/ high volume traffic areas.

Staff recommends the addition of position numbers beginning with 805 (Roadway Systems) and 813 (Planning Division – Traffic Section) in class codes 7.713 (Transportation Technician III), 7.714 (Transportation Technician IV) and 7.715 (Transportation Technician II) as the Department has indicated that these positions have the potential to impact public safety as the positions' job duties are performed on the highway, in work zones and in high speed/ high volume traffic areas.

Additionally, the class specification for the Transportation Technician series has been changed to reflect the addition of the requirement for pre-employment screening for controlled substances for positions that are approved for testing.

Staff recommends the addition of class code 7.722 (Traffic Center Technician Supervisor) to the positions/classes approved as this supervisor class has the potential to impact public safety as their duties include facilitating the exchange of information required to maintain the safe and reliable operation of State roadways.

Staff recommends the addition of position number 301001 in class code 9.609 (Facility Supervisor II) as the incumbent is required to obtain and maintain a commercial driver's license (CDL). The Federal Motor Carrier Safety Administration requires pre-employment testing for individuals who operate a commercial motor vehicle and are subject to the requirement for a commercial driver's license.

The Department has indicated that a representative will be available to answer any questions Commission members may have.

A list of all classes and positions previously approved by the Personnel Commission for pre-employment testing is also enclosed.



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MEMORANDUM

Human Resources

May 31, 2013

To: Carrie Hughes, Personnel Analyst
Through: Kimberley King, Human Resources Manager
From: Melody Duley, Management Analyst
Subject: Pre-Employment Drug Screen Requirements – Position Updates

Removal

The Department of Transportation is requesting that the pre-employment drug testing requirement be removed from position 027036, class 06.229, Staff I Associate Engineer.

The duties of this position were recently updated and no longer require the incumbent to possess a CDL. Additionally, this position does not have the potential to impact public safety.

Update

The Department of Transportation is requesting that position 101342, class 06.313, Engineering Technician III, be added to the list of positions requiring pre-employment drug testing under its new position number, 101342. The position was approved for pre-employment drug screening under its former position number, 930342.

The duties of this position include: obtaining measurements for existing NDOT facilities, performing project reconnaissance, and monitoring contractor work. The position has the potential to impact public safety as these job duties are performed on the highway, in work zones, and in high-speed/high-volume traffic areas.

Additions

The Department of Transportation is requesting that position 302001, class 09.609, Facility Supervisor II, be approved for pre-employment drug screening. The duties of this position were recently updated and now require the incumbent to possess a CDL. Pursuant to Federal Motor Carrier Safety Administration (FMCSA) regulations, alcohol and drug testing is required of drivers who are required to have a CDL.

The Department of Transportation is also requesting that the pre-employment drug testing requirement be added to all NDOT Transportation Technician positions in Roadway Systems and in the Traffic Section of the Planning Division, as the positions have the potential to impact public safety. This request encompasses Transportation Technician positions in classes 07.713, 07.714, and 07.715, with position control numbers beginning with 805 (Roadway Systems) and 813 (Traffic Section in the Planning Division).

The Roadway Systems Transportation Technician position job duties include: field collecting, coding, compiling, processing, and summarizing road inventory and data. The positions have the potential to

impact public safety as the field collection of inventory and data takes place on the highway, in work zones, and in high-speed/high-volume traffic areas.

The Traffic Section Transportation Technician position job duties include: installing traffic monitoring devices, and conducting road traffic studies. The positions 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.

PCN	Class	Title	Change Requested	Justification
027036	6.229	STAFF 1, ASSOCIATE ENGINEER	Remove	Position duties no longer require the incumbent to possess a CDL and the position does not have the potential to impact public safety
101342	6.313	ENGINEERING TECHNICIAN 3	Update with New PCN	PCN Changed from 930342 - position has the potential to impact public safety as it requires incumbent to perform job duties on roadways with traffic present
302001	9.609	FACILITY SUPERVISOR 2	Add	Position duties now require the incumbent to possess a CDL
805013	7.713	TRANSPORTATION TECHNICIAN 3	Add	All Transportation Technician Positions beginning with 805 and 813 have the potential to impact public safety as they require incumbents to perform job duties on roadways with traffic present
805015	7.715	TRANSPORTATION TECHNICIAN 2	Add	
813001	7.713	TRANSPORTATION TECHNICIAN 3	Add	
813002	7.714	TRANSPORTATION TECHNICIAN 4	Add	
813003	7.713	TRANSPORTATION TECHNICIAN 3	Add	
813004	7.715	TRANSPORTATION TECHNICIAN 2	Add	
813029	7.714	TRANSPORTATION TECHNICIAN 4	Add	
813034	7.715	TRANSPORTATION TECHNICIAN 2	Add	
813035	7.715	TRANSPORTATION TECHNICIAN 2	Add	
813036	7.713	TRANSPORTATION TECHNICIAN 3	Add	
813038	7.715	TRANSPORTATION TECHNICIAN 2	Add	
813039	7.715	TRANSPORTATION TECHNICIAN 2	Add	



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MEMORANDUM

Human Resources

July 18, 2013

To: Carrie Hughes, Personnel Analyst
Through: Kimberley King, Human Resources Manager
From: Melody Duley, Management Analyst
Subject: Pre-Employment Drug Screen Requirements
Traffic Center Technician Supervisor Classification

The Department of Transportation is requesting the new Traffic Center Technician Supervisor classification, 07.722, be approved for pre-employment drug screening.

The positions in this classification have the potential to impact public safety as the job duties include: remotely operating and controlling traffic software, signs, and devices to notify the traveling public of road conditions, weather and emergency roadway incidents; communicating with maintenance crews by radio, phone, and e-mail regarding roadway events; deployment of NDOT personnel in response to emergency situations; and coordination with other agencies regarding system failures and traffic impacts.

Thank you for your consideration of this request.

STATE OF NEVADA
CLASSES APPROVED FOR PRE-EMPLOYMENT DRUG TESTING
CHANGES EFFECTIVE MAY 10, 2013

(All positions in each class have been approved for pre-employment drug testing, unless otherwise noted (*) for a specific agency(s) and/or position(s). Classes in *bold/italics* are new to the list.)

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.770	WILDLIFE AREA SUPERVISOR II	
1.771	WILDLIFE AREA SUPERVISOR I	
1.772	FISH HATCHERY SUPERVISOR II	
1.774	FISH HATCHERY SUPERVISOR I	
1.776	FISH HATCHERY TECHNICIAN III	
1.778	FISH HATCHERY TECHNICIAN II	
1.780	FISH HATCHERY TECHNICIAN I	
1.785	WILDLIFE AREA TECHNICIAN III	
1.786	WILDLIFE AREA TECHNICIAN II	
1.787	WILDLIFE AREA TECHNICIAN I	
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER II	
1.813	FORESTER II	
1.814	FIRE MANAGEMENT OFFICER I	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS
1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.912	PARK INTERPRETER	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS
2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 4709-42, 4709-63, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-8004, 4713-0706, 4713-155, 4713-805

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
2.21N	ADMINISTRATIVE ASSISTANT III*	DPSN PCNS 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3743-1011, 3743-1014, 3743-1017, 3743-1020, 3744-10, 3744-13, 3744-16, 3744-19, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 4709-2, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-35, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8006, 4709-8008, 4709-8009, 4713-0870, 4733-32
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029
3.505	DRIVER - SHUTTLE BUS	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, ALL PCNS BEGINNING W/ 930
6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOTN PCNS 027006, 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT - PCNS 017021, 017034, 017048, 028008, ALL PCNS BEGINNING W/ 930
6.223	ADMINISTRATOR I, PROFESSIONAL ENGINEER*	NDOT - PCN 301012
6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930
6.229	STAFF I, ASSOCIATE ENGINEER*	NDOTN PCNS 020014, 027036, 034001, 255002, 080001, 080002, 080005, 080006, 080007, 080010
6.305	ENGINEERING TECHNICIAN V*	NDOTN PCN 028015
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 027023, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017038, 017039, 017040, 017041, 017042, 017050, 017051, 017052, 027019, 027022, 028010, 028011, 028013, 028016, 028021, 028022, 028030, 255003, ALL PCNS BEGINNING W/ 930
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.143	ACCOUNTANT TECHNICIAN I*	DPS - PCN 4733-30
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPSN PCNS 3743-6, 4709-3, 4709-200

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
7.519	TRAINING OFFICER I*	BCN-FIRE SCIENCE ACADEMY, NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS; DPS-NHP - HAZARDOUS MATERIALS - PCN 5
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.647	PROGRAM OFFICER II*	DPS- PCNS 3743-1022, 4709-19, 4709-24, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	DPS - PCN 0005; NDOTN PCN 016060
7.902	IT MANAGER III*	DPSN PCNS 0127, 0207, 4733-35
7.904	IT MANAGER I*	DPS - PCN 0020; NDOTN PCN 016065
7.921	IT PROFESSIONAL IV*	DPS - PCNS 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125, 4733-115; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 0150, 4733-46; NDOT - PCNS 016062, 016064, 91001, 92001, 93002
7.926	IT PROFESSIONAL II*	DPS - PCNS 0015, 0050, 0100, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129, 4733-301; NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003
7.928	IT TECHNICIAN VI*	DPS - PCNS 0026, 0204, 0205, 4733-230, 4733-235, 4733-240
7.929	IT PROFESSIONAL I*	DPS - PCN 0090
7.931	IT TECHNICIAN V*	DPS - PCN 4733-220
7.935	IT TECHNICIAN IV*	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.940	IT TECHNICIAN III*	DPSN PCN 4733-314, 4733-353
7.943	IT TECHNICIAN TRAINEE*	DPS - ALL PCNS
7.951	IT PROFESSIONAL TRAINEE*	DPS - ALL PCNS
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUNDS EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUNDS EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	
9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL PCNS
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOTN ALL PCNS
9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOTN ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOTN ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOTN ALL PCNS
9.353	AIR OPERATIONS SUPERVISOR	
9.354	CHIEF PILOT	
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOTN	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOCN ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOCN ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS
9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOCN ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOCN ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOTN ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCNS
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NSVH - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCNS
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOCN ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOCN ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOCN ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NSVH ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NSVH - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS
9.610	GROUNDS SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOCN ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS
9.635	GROUNDS MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS
9.639	GROUNDS MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUNDS MAINTENANCE WORKER I*	BCN - ALL PCNS
10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOCN ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NSVH - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NSVH - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOCN ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOCN ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NSVH - ALL PCNS
10.354	REGISTERED NURSE IV*	NSVH - ALL PCNS
10.355	REGISTERED NURSE III*	NSVH - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	BCN, DHHS, NDOC, NSVH ALL PCNS
10.359	REGISTERED NURSE II*	NSVH - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NSVH ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
10.369	CERTIFIED NURSING ASSISTANT*	NDOC, NSVH - ALL PCNS
10.373	COMMUNITY HEALTH NURSING MANAGER*	DHHS - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS
10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC, ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC - ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCN 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-13, 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-1005
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-32, 4709-33, 4709-59, 4709-60, 4709-61, 4709-202, 4709-590, 4709-8014
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN, NSVH - ALL PCNS
11.263	SECURITY OFFICER*	BCN, MILITARY, NSVH - ALL PCNS
11.263	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.265	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.306	FIRE & LIFE SAFETY INSPECTOR I	
11.310	FIRE & LIFE SAFETY INSPECTOR II	
11.322	SAFETY REPRESENTATIVE, CONSULTATION*	BCN - ALL PCNS
11.523	SAFETY ASSOCIATE, CONSULTATION*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS
11.540	SAFETY SPECIALIST, RAILWAY-TRACKS	
11.541	SAFETY SPECIALIST, RAILWAY-MOTIVE POWER	
11.542	SAFETY SPECIALIST, RAILWAY-HAZARDOUS MATERIALS	
11.543	SAFETY SPECIALIST, RAILWAY-OPERATING PRACTICES	
11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MFG. HOUSING CODE COMPLIANCE OFFICER	
11.561	MANUFACTURED HOUSING INSPECTOR	
11.565	AGENCY LOSS CONTROL COORDINATOR*	NDOT - PCN 078002
12.466	SUBSTANCE ABUSE COUNSELOR III	

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	
12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.231	AIRPORT CONTROL OFFICER III	
13.232	AIRPORT CONTROL OFFICER II	
13.233	AIRPORT CONTROL OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.235	LAW ENFORCEMENT SPECIALIST	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AGN ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AGN ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AGN ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AGN ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT INVESTIGATOR	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	SENIOR YOUTH PAROLE COUNSELOR	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.309	CORRECTIONAL CAPTAIN	
13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U3720	DIVISION ADMINISTRATOR, RECORDS & TECHNOLOGY*	DPS - PCN 4709-1
U4102	BUREAU CHIEF, YOUTH PAROLE	
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC, ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC, ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

LEGEND	
AG	Attorney General, Office of the
AGR	Department of Agriculture
BCN	Business Center North (Nevada System of Higher Education)
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DPS	Department of Public Safety
ESD	Employment Security Division (Department of Employment, Training & Rehabilitation)
NHP	Nevada Highway Patrol (Department of Public Safety)
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NSVH	Nevada State Veterans Home (Office of Veterans Services)
SOS	Secretary of State
UNLV	University of Nevada Las Vegas

Personnel Commission Meeting
October 10, 2013

**REPORT OF CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL
COMMISSION APPROVAL**

Attached is a report of changes made to the classification plan pursuant to NRS 284.160, sections 4 through 6 which reads as follows:

- “4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator may make a change in the classification plan without the prior approval of the Commission if:
- (a) The Administrator deems it necessary for the efficiency of the public service;
 - (b) The change is not proposed in conjunction with an occupational study; and
 - (c) The Administrator, at least 20 working days before acting upon the proposed change:
 - (1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and
 - (2) Posts a written notice of the proposal in each of the principal offices of the Division.
- Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.
5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.
6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.”

The conditions set forth in these statutes have been met. A copy of the justifications and revised class specifications are on file in the office of the Administrator of the Division of Human Resource Management.

The following changes have been effected:

REPORT OF CLASSIFICATION CHANGES

POSTING#: 11-13
Effective: 5-28-2013

CURRENT				APPROVED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
7.804	Public Information Officer II	37	B	7.804	Public Information Officer II	37	B
7.806	Public Information Officer I	35	B	7.806	Public Information Officer I	35	B

EXPLANATION OF CHANGE

The Division of Human Resource Management recommends minor revisions to the Public Information Officer series. Based on feedback from the Class Specification Survey, the Public Information Officer series concept, and knowledge, skills and abilities have been updated to reflect references to modern communications equipment, social media networks, and web based platforms. The minimum qualifications were also modified to expand the applicant pool.

Agencies utilizing this class specification are in agreement with this recommendation.

POSTING#: 12-13
Effective: 6-10-2013

CURRENT				APPROVED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
10.520	Chief, Bureau of Services For Child Care	38	A	10.520	Child Care Facilities Surveyor Manager	37	B
10.517	Child Care Facilities Surveyor Supervisor	35	B	10.517	Child Care Facilities Surveyor Supervisor	35	B
10.519	Child Care Facilities Surveyor	33	B	10.519	Child Care Facilities Surveyor	33	B
10.523	Child Care Facilities Surveyor Trainee	31	B	10.523	Child Care Facilities Surveyor Trainee	31	B

EXPLANATION OF CHANGE

As requested by the Health Division in the Department of Health & Human Services, the Division of Human Resource Management recommends revisions to the Chief, Bureau of Services for Child Care. The class title was changed to Child Care Facilities Surveyor Manager to better reflect the nature of work performed, and also placed on the Child Care Facilities Surveyor class specification. The class concepts and minimum qualifications were revised to align with the new organizational structure of the agency, identify the removal of overall Bureau of Services for Child Care responsibilities, to clarify the duties of the position which include removal of licensing responsibilities for foster care, and to articulate the education and experience required.

Positions in this series conduct independent surveys of child care facilities, child welfare emergency shelters, educational facilities, and facilities serving emotionally disturbed children, to determine compliance with State licensing regulations and to make licensure recommendations.

Incumbents in the Child Care Facilities Surveyor Manager class plan, organize, and implement statewide day care licensing services. Incumbents may draft legislation and develop rules and regulations; solicit and respond to public comments; develop and monitor budgets; prepare and apply for federal, State or private grants; develop statistical reports; prepare and conduct child care licensing hearings; direct on-site inspections for compliance with established regulations and the issuance of licenses; investigate complaints of regulation violations and non-compliance by conducting on-site inspections; prepare and organize meetings; maintain comprehensive records and reporting systems for licensed and unlicensed care; and directly supervise Child Care Facilities Surveyor Supervisors. This is the managerial level in the series.

It is recommended that the Child Care Facilities Surveyor Manager class be established at grade 37 to align two grades above the supervisor level to recognize the responsibility for supervision of professional staff and preparation of policies, procedures, regulations, reports and other materials at the managerial level.

Management at the Health Division participated in this study and support this recommendation.

POSTING#: 13-13
Effective: 6-19-2013

CURRENT			APPROVED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
12.554	Correctional Classification and Planning Specialist	42 B	12.554	Correctional Classification and Planning Specialist	42 B

EXPLANATION OF CHANGE

As requested by the Nevada Department of Corrections (NDOC), Human Resource Management recommends revisions to the Correctional Classification and Planning Specialist to aid in the recruitment process and clearly define the duties being performed by the position.

Positions in this class supervise the Research and Planning Programs, the classification system, and the automated inmate information system.

During the review, Human Resource Management worked closely with management of NDOC which supports this recommendation.

POSTING#: 14-13
Effective: 6-19-2013

CURRENT			APPROVED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
12.551	Chief of Classification and Planning	44 A	12.551	Division Administrator, Offender Management	44 A

EXPLANATION OF CHANGE

The Nevada Department of Corrections has requested revisions to the Chief of Classification and Planning. Under general direction, the incumbent has statewide responsibility for planning, organizing, implementing and controlling the department's inmate classification system, statistical information and planning system, the criminal justice records system and central transportation services. The title was changed to better express the duties and responsibilities of the position.

The class concepts were expanded to include population projections and analysis of trends and demographic factors that may impact the intake population and supervision of the division's statisticians. Minimum qualifications were revised to include a master's degree and five years of relevant experience; or one year experience as an Associate Warden in Nevada State service; or one year as a Correctional Classification and Planning Specialist in Nevada State service. These changes involved no change in grade level.

During the review, Human Resource Management worked closely with management of Nevada Department of Corrections which supports this recommendation.

POSTING#: 15-13
Effective: 7-8-2013

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
12.553	Associate Warden	43* A	12.553	Associate Warden	43* A

* Reflects a 3-grade, special salary adjustment authorized by the 2005 Legislature to improve recruitment and retention.

EXPLANATION OF CHANGE

At the request of the Department of Corrections, Human Resource Management has removed from the minimum qualifications, the language "at or above the Associate's degree level". The language resulted in the denial of many qualified internal applicants and is detrimental to recruitment efforts overall. Furthermore, the Department of Corrections believes that applicants who do not possess an Associate's degree, but who have five (5) years of satisfactory requisite experience as a supervisory Correctional Casework Specialist III or a Correctional Lieutenant, can successfully perform the duties of Associate Warden.

POSTING#: 01-14
Effective: 7-31-2013

CURRENT			PROPOSED		
CODE	TITLE	GRADE/ EEO-4	CODE	TITLE	GRADE/ EEO-4
1.812	Fire Management Officer II	37 D	1.812	Fire Management Officer II	37 D
1.814	Fire Management Officer I	36 D	1.814	Fire Management Officer I	36 D
1.816	Battalion Chief	35 D	1.816	Battalion Chief	35 D
1.850	Fire Captain	33 D	1.850	Fire Captain	33 D
1.819	Firefighter II	31 D	1.819	Firefighter II	31 D
1.852	Firefighter I	28 D	1.852	Firefighter I	28 D

EXPLANATION OF CHANGE

Human Resource Management recommends revisions to the Firefighter I and II classes, to more clearly describe the duties being performed by the positions and to distinguish the higher level duties between the levels.

Positions in the Firefighter I class perform all or part of the duties outlined in the series concept. They perform fire suppression, emergency medical services, basic fire inspection and related duties. This is the entry level of the series.

Positions at the Firefighter II level have greater responsibility in operating and maintaining fire apparatus than the Firefighter I. Incumbents perform leadwork duties and are required to obtain and maintain the required certification as identified by the agency.

During the review, Human Resource Management worked closely with the management of Forestry who assisted in this study.

POSTING#: 02-14
Effective: 7-31-2013

CURRENT			PROPOSED		
CODE	TITLE	GRADE/ EEO-4	CODE	TITLE	GRADE/ EEO-4
10.520	Child Care Facilities Surveyor Manager	37 B	10.520	Child Care Facilities Surveyor Manager	38 B
10.517	Child Care Facilities Surveyor Supervisor	35 B	10.517	Child Care Facilities Surveyor Supervisor	35 B
10.519	Child Care Facilities Surveyor	33 B	10.519	Child Care Facilities Surveyor	33 B
10.523	Child Care Facilities Surveyor Trainee	31 B	10.523	Child Care Facilities Surveyor Trainee	31 B

EXPLANATION OF CHANGE

As requested by the Department of Health & Human Services, Human Resource Management recommends revisions to the Child Care Facilities Surveyor Manager class. The class specification series was revised earlier this month. During the initial study, the Manager position was re-titled from Bureau Chief, the grade was lowered from 38 to 37, and the class concepts and minimum qualifications were revised to align with the new organizational structure of the agency. The Department requests additional changes to reflect the references to 'day' care be replaced with 'child' care in the class concepts and minimum qualifications; and restoration of the grade to 38 based upon receipt of additional information relating to the requirements of the position. Therefore, it is determined the Child Care Facilities Surveyor Manager class maintain the original grade 38.

The Child Care Facilities Surveyor Manager classification aligns with the Health Facilities Inspection Manager and the Health Resource Analyst III classes. These classes are comparable based upon the complexity of work; level of independence; authority to take action; and managerial knowledge, skills, and abilities required.

Positions in this series conduct independent surveys of child care facilities, child welfare emergency shelters, educational facilities, and facilities serving emotionally disturbed children, to determine compliance with State licensing regulations and to make licensure recommendations.

Incumbents in the Child Care Facilities Surveyor Manager classification: plan, organize, and implement statewide child care licensing services and directly supervise Child Care Facilities Surveyor Supervisors. This is the managerial level in the series.

Management at the Health Division supports these recommendations.

POSTING#: 03-14
Effective: 8-16-2013

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
6.102	Photogrammetrist/Cartographer IV	39	B	6.102	Photogrammetrist/Cartographer V	39	B
				6.103	Photogrammetrist/Cartographer IV	37	B
6.107	Photogrammetrist/Cartographer III	35	B	6.107	Photogrammetrist/Cartographer III	35	B
6.110	Photogrammetrist/Cartographer II	33	B	6.110	Photogrammetrist/Cartographer II	33	B
6.116	Photogrammetrist/Cartographer I	30	B	6.116	Photogrammetrist/Cartographer I	30	B

EXPLANATION OF CHANGE

The Nevada Department of Transportation has requested revisions to the series concepts, class concepts and minimum qualifications for the Photogrammetrist/Cartographer series, along with the addition of a new level in the series. To accommodate the new level numeric numbers were changed. The current Photogrammetrist/Cartographer IV level is changed to V, while the new level in the series becomes the IV.

References to the Location Engineer and Photogrammetry and Cartographic Sections were removed from the Photogrammetrist/Cartographer V level. The new Photogrammetrist/Cartographer IV level was developed to recognize the position serving in the Imagery Section. This new position is responsible for the supervision of the Imagery Section; perform quality control checks, create RFPs and manage agreements with outside contractors for photo flight missions, aerial film processing and scanning and preparing the Imagery Section budget. It is recommended to be established at a grade 37 to align two grades below the Photogrammetrist/Cartographer V.

Management at the Nevada Department of Transportation participated in this study and supports this recommendation

POSTING#: 04-14
Effective: 8-16-2013

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
				7.722	Traffic Center Technician Supervisor	31	F
7.724	Traffic Center Technician II	29	F	7.724	Traffic Center Technician II	29	F
7.725	Traffic Center Technician I	27	F	7.725	Traffic Center Technician I	27	F
7.726	Traffic Center Technician Trainee	25	F	7.726	Traffic Center Technician Trainee	25	F

EXPLANATION OF CHANGE

As a result of an Individual Study (NPD-19), and in partnership with Subject Matter Experts from the Department of Transportation, Human Resource Management has determined that added responsibilities to the position in question makes it necessary to create an additional level within the Traffic Center Technician series. These additional duties and responsibilities include, but are not limited to, the planning, coordination, direction, and oversight of Traffic Center activities for a specified district and the direct supervision of Traffic Center personnel.

As a result of added responsibilities it is recommended that the Traffic Center Technician Supervisor be allocated at a grade 31, two grades above the Traffic Center Technician II, which is consistent with supervisory positions throughout State service.

POSTING#: 05-14
Effective: 8-16-2013

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
11.405	Insurance Regulation Liaison***	42	A	11.405	Insurance Regulation Liaison	42	A

*** Abolish through attrition

EXPLANATION OF CHANGE

On March 9, 2012, through an uncontested posting, it was recommended this class be abolished through attrition due to the long term plan to make the position unclassified during the 2013 Legislative session. Subsequently, the Division of Insurance determined this position should remain in the classified system and the request to abolish the classification through attrition has been rescinded.

Management in the Department of Business & Industry support this recommendation.

Bills Affecting Employees

Bill #	Description
AB41	Existing law prohibits a department, division or other agency of the Executive Department of the State Government from entering into certain contracts to provide services unless approved by the State Board of Examiners. (NRS 284.1729) This bill repeals NRS 284.1729 but replaces that section with section 1 of this bill, to be added to chapter 333 of NRS, which relates to State purchasing. The new section contains the same provisions as existing law except that the new section amends that existing law by: (1) requiring the using agency to submit a written disclosure to the Board regarding the services to be provided; and (2) specifying when approval by the Board must occur.
AB181	Except as specifically provided for, it prohibits an employer from conditioning the employment of an employee or prospective employee or taking other employment related actions based upon on his or her consumer credit report or other credit information. Additionally, it prohibits employers from conditioning employment or promotion or to discharge, discipline, or to discriminate against a prospective employee or an employee who declines or fails to disclose the user name, password, or any other information that provides access to his or her personal social media account. Effective Date: 10/1/2013
AB321	Requires a supervisor to provide to this or her employees, at the time of the employee's evaluation, information relating to the Merit Award Program. As soon as practicable on or after July 1, 2013, each state agency shall when the next reprint of any manual or handbook that the state agency provides to employees is prepared, add a description of the Merit Award Program to the manual or handbook. Additionally when any Internet website maintained by the state agency is updated, add to the website a description of the Merit Award Program that is readily available to employees of the state agency. Effective Date: July 1, 2013
AB364	Increases, from not more than 15 working days to not more than 39 working days in a calendar year, the period during which certain public officers and employees of the State who are active members of the military must be relieved from their duties to serve under orders without loss of compensation. Employees whose work schedule includes Saturday and Sunday are eligible for the additional days. Effective Date: 10/1/13
AB511	Establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State including restoring the 2.5% that employee salaries had previously been decreased. Additionally it requires most full-time employees to use 48 hours of furlough leave in each year of the 2013-2015 biennium and prorates the full-time requirement for part-time employees. It also extends the temporary suspension of the semiannual payment of longevity pay during the 2013-2015 biennium and extends the temporary suspension of merit pay increases during Fiscal Year 2013-2014. Effective Date: July 1, 2013
SB4	Allows an employee or a volunteer of a public agency, who comes in contact with human blood or bodily fluids in the course of his or her official duties, or his or her employer or the public agency for which he or she volunteers, to seek a test of the person or decedent who

possibly exposed the public employee or volunteer to a communicable disease; and providing other matters properly relating thereto. Effective: 5/27/13

- SB 21 Requires the State Controller: (1) to establish an electronic payment system to pay the salaries and wages of certain state officers and employees through the use of direct deposit; and (2) to pay the salaries and wages of certain state officers and employees through the electronic payment system unless the State Controller determines that participation in the electronic payment system would cause the state officer or employee to suffer undue hardship or extreme inconvenience or the state officer or employee does not have an account at a financial institution that accepts direct deposit. Additionally, this bill authorizes the Board of Regents of the University of Nevada to establish a similar electronic payment system for academic staff and employees of the Nevada System of Higher Education. An employee not currently receiving his or her salary and wages paid by direct deposit shall, not later than Sept. 30, 2013 provide the Division of Human Resource Management the information needed to received his or her salary and wages by direct deposit or apply to the Controller for a waiver. Effective Date: 7/1/13
- SB127 Except as specifically provided for, it prohibits an employer from conditioning the employment of an employee or prospective employee or taking other employment related actions based upon on his or her consumer credit report or other credit information. Effective Date: 10/1/13
- SB228 On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with NRS 281A.500. For an appointed public officer, the appointing authority of the public officer must provide such notice and for an elected public officer of the Executive Department of the State Government, the Director of the Department of Administration or his or her designee must provide the notice. Additionally within 30 days after a public employee begins employment the Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards. Effective Date: 1/1/14
- SB518 Establishes the amount of the State's share of the costs of premiums or contributions for group insurance for active state officers and employees who participate in the Public Employees' Benefits Program.

Other Changes

- PERS As of July 8, 2013 the retirement contribution rate for employees on the Employee/Employer Contribution Plan is increasing by 1.115% for regular members and by .052% for Police/Fire members. Contribution rates for employees on the Employer Pay Contribution Plan are increasing by 1.97% for regular members and by 0.79% for Police/Fire members.
- PEBP Health insurance premiums will remain unchanged for FY14 for both the High Deductible plan and for HMO plans. The premiums for FY15 will be set at a later date.

Employees on the High Deductible health insurance plan will receive one-time contributions to the health savings accounts. In FY 2014, they will receive the standard \$700 contribution and they will also receive an additional payment of \$697. If they have dependents, they will

receive the standard \$200 per individual plus an additional one-time payment of \$215, up to three dependents. Rates and HSA / HRA contributions have yet to be set for 2015.

The Legislature and the Governor approved defunding the NVision wellness program. Any incentives earned by participants will be applied through June 2014. Funds for the Plan Year 2015 incentives will be used by the Board during the plan design and rate setting process for PY 2015 in a manner that will benefit all participants of the Plan. Interested parties can continue to follow the Board's action via attendance at Board meetings or by viewing the meetings on the PEBP website.