**TO:** Personnel Commission
Katherine Fox, Chair
Mitch Brust, Member
David Read, Member
David Sánchez, Member
Gary Mauger, Member

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

**AGENDA:** Personnel Commission Meeting
**June 20, 2013 at 1:30 pm**

**LOCATION:** 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.

***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** – 1:30 p.m.

**FOR POSSIBLE ACTION** **II.** **Adoption of Agenda**

**FOR POSSIBLE ACTION** **III.** **Adoption of Minutes of Previous Meeting dated May 10, 2013…….……..…1-12**

**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.** **Approval of Proposed Emergency Regulation Changes to Nevada Administrative Code, Chapter 284 ...……...…….13-14**

**A. NAC 284.531 – Furlough Leave**

**VI.** **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.

**VII.** **Discussion and Announcement of Dates for Upcoming Meetings**
September 20, 2013; December 13, 2013

**VIII.** **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

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

Division of Human Resource Management (formerly Dept. of Personnel) website:
**www.hr.nv.gov**

**STATE OF NEVADA**
**PERSONNEL COMMISSION**
Carson City at the Gaming Control Board, Meeting Room, 1919 College Parkway and in Las Vegas at the Grant Sawyer Building, Room 2450, 555 East Washington Avenue via videoconference
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**MEETING MINUTES (Subject to Commission Approval)**
**Friday, May 10, 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, HRM
Mr. Peter Long, Deputy Administrator, HRM
Ms. Shelley Blotter, Deputy Administrator, HRM
Mr. Shane Chesney, Sr. Deputy Attorney General

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

**I. OPEN MEETING**

**Chairperson Katherine Fox:** Opened the meeting at 9:00 A.M.

**II. ADOPTION OF AGENDA** **Action Item**

MOTION: Move to approve the adoption of the Agenda
BY: Commissioner Read
SECOND: Commissioner 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 03/08/13 meeting
BY: Commissioner Mauger
SECOND: Commissioner 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. **Commissioner David Sanchez**: Advised Chairperson Fox that there would be public comment from the south under Item VIII.; however, that person wished to speak at this point in the meeting.

**Ron Cuzze**, President, Nevada State Law Enforcement Officers' Association: He referred to Item VII on the agenda concerning the discussion and approval of the revised class specifications for the Sworn Law Enforcement Occupational Group, specifically 13.205 – DPS Sergeant/Officer Series. He recommended the decision of the Commission to adopt the proposed class specifications be contingent on the Legislature approving the movement of these positions to Corrections. There were no questions.

## V. APPROVAL OF PROHIBITIONS AND PENALTIES Action Item

**Chairperson Fox:** Noted that there were two items under this section and they would begin with A. Department of Education.

**Denise Woo-Seymour**, Personnel Analyst, Human Resource Management (HRM): Stated that in accordance with NAC 284.742 agencies developed policies that described activities considered inconsistent, incompatible or in conflict with employees' duties and penalties and such. These policies were subject to the approval of the Personnel Commission. She stated that the Department of Education (DOE) had updated their Prohibitions and Penalties previously approved by the Commission and that had been in effect since April 25, 1980. She confirmed that prior to the revised version the Prohibitions and Penalties were presented to employees via a video-conferenced town hall meeting. She added that the recommendations from that meeting were reflected in the revision, #B-26 which is unique to the DOE. She noted that HRM recommended approval of the revised Prohibitions and Penalties. She confirmed that the items submitted for approval had been reviewed by the HRM and would be considered consistent with those previously approved by the Commission including those recommendations from Commission members approved at the meeting on December 7, 2012. She stated that Amy Davey, Personnel Officer, Agency HR Services and Deborah Cunningham, Deputy Superintendent for Business and Support Services, DOE were available to answer any questions.

**Chairperson Fox**: Noted there were no questions and no public comment from the north or the south.

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| MOTION: | Moved that the Commission approve Item V. Prohibitions and Penalties A. The Department of Education |
| BY: | Commissioner Mauger |
| SECOND: | Commissioner Sanchez |
| VOTE: | The vote was unanimous in favor of the motion |

**Chairperson Fox**: Noted that they would move on to the second B. State Public Charter School Authority.

**Denise Woo-Seymour**, Personnel Analyst, HRM: Stated that HRM had been advised that the 2011 Legislature had approved the Public Charter School Authority to become its own entity effective July 1, 2013. She stated in the interim they had functioned along with the DOE sharing internal services and policies such as the DOE Prohibitions and Penalties. She added the Prohibitions and Penalties being presented for the State Public Charter School Authority are identical to those submitted earlier

for the DOE. She noted that the agency was seeking an effective date of July 1, 2013. She advised that Amy Davey and Brian Flanner, Administrative Service Officer, Office of Charter Schools were available to answer any questions.

**Commissioner Mauger**: Asked if the Public Charter School employees had an opportunity for input into these prohibitions and penalties.

**Deborah Cunningham**, Deputy Superintendent for Business and Support Services, Nevada Department of Education: Responded yes, the employees had all been involved. She noted that they had a partnership with Agency HR Services and they had collaborated with them throughout the process of updating their policies and that had included a session with Nevada DOE leadership. She added that the session had included Steve Canavero of the Charter School Authority and that also had included an all-staff meeting. She confirmed that members of the Charter School Authority also attended that meeting.

**Chairperson Fox**: Noted there were no further questions and no public comment from the north or south.

MOTION: Moved to approve Item V. Prohibitions and Penalties B. State Public Charter School Authority effective July 1, 2013
BY: Commissioner Brust
SECOND: Commissioner Read
VOTE: The vote was unanimous in favor of the motion

**VI. DISCUSSION AND APPROVAL OF REMOVAL OF CLASSES PREVIOUSLY APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISION OF CLASS SPECIFICATIONS Action Item**

**Chairperson Fox**: Stated that there were two sections and they would consider A. and B. and then entertain separate motions.

**Carrie Hughes**, Personnel Analyst, HRM: Stated that NRS 284.4066 provided for the pre-employment testing for controlled substances of applicants for positions affecting public safety prior to hire. She noted that the law required the appointing authority to identify the specific positions that would affect public safety subject to the approval of the Personnel Commission. She continued that the Department of Transportation (NDOT) had requested the removal of the requirement of pre-employment screening for controlled substances from the positions outlined in the agenda under Item VI.

A. 6.976 – Communications Systems Supervisor – NDOT, PCN 93002
6.977 – Communications Systems Specialist I & II – NDOT, PCN's 91001, 91005, 92002, 93001, 94001, 95001 & 96001

She noted that there was a representative from the NDOT to answer any questions.

**Chairperson Fox**: Noted that there were no questions.

MOTION: Moved to approve Item VI. Removal of Classes Previously Approved for Pre-Employment Screening for Controlled Substances specifically Communications

Systems Supervisor NDOT, PCN 93002 as well as Communications Systems Specialist I & II, NDOT, PCN's 91001, 91005, 92001, 92002, 93001, 94001, 95001 and 96001

BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

**Chairperson Fox**: Noted they would now consider Item VI. B. Approval of Class Specifications.

**Carrie Hughes**, Personnel Analyst, HRM: Stated that the class specifications for Communications Systems Supervisor and Communications Systems Specialist II has been changed to reflect the removal of the requirement for pre-employment screening for controlled substances.

B. Approval of Class Specifications – Communications Systems Specialist I & II – to Remove Testing Requirements

She noted that there was a representative from the NDOT to answer any questions.

**Commissioner Brust**: Asked if this concerned all three classes, Supervisor, Specialist II and Specialist I.

**Peter Long, Deputy Administrator**: Responded yes, it was all three.

**Chairperson Fox**: Noted that there were no further questions.

MOTION: Moved to approve Item VI. B. changes to the class specifications to remove the pre-employment testing for controlled substances for the classes of Communications Systems Supervisor and Communications Systems Specialist I & II.
BY: Commissioner Brust
SECOND: Commissioner Read
VOTE: The vote was unanimous in favor of the motion

## VII. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATIONS AND REQUEST FOR ADDITION OF CLASSES FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES **Action Item**

**Chairperson Fox**: Noted that they would consider the three sections, A. B. and C. separately. She added that if the sections would be considered for approval then the motions would include the date of July 1, 2013 when they would take effect.

A. 1. Approval of Class Specifications – *Parole Command Staff Series*
2. Request for Newly Proposed Class of – *Parole Command Staff Series* to be added to the List Requiring Pre-Employment Screening for Controlled Substances per NRS 284.4066

**Rachel Baker**, Personnel Analyst, Compensation, Classification and Recruitment Section, HRM: Referred to section A. 1. and noted that Governor Brian Sandoval as part of his Executive Budget had recommended the transfer of parole functions from the Department of Public Safety (DPS), Division of Parole & Probation to the Department of Corrections (DOC). She added that the request

was currently in a bill before the Legislature. If this was approved HRM would recommend the creation of a three-level Parole Command Staff Series specific to the DOC, Community Services Division (CSD) which would be responsible for parole functions. She said at the Parole Major level primary emphasis would be on developing long-range and short-term goals and objectives consistent with the division and department mission. She noted that the Parole Major would: plan, organize, direct, control, and coordinate resources and personnel ensuring efficiency and effectiveness; formulate budget development; participate in and/or direct the development of the division/department mission goals and objectives, long-range plans and programs; identify parole issues, concerns and projected trends affecting the division and department mission to include impact statements; direct the development of division operating policies and procedures to fulfill operational needs and ensure compatibility with department policies and procedures; and manage commissioned and civilian personnel to ensure law enforcement and support activities are performed efficiently.

She discussed the level Parole Captain and stated that they would plan, coordinate and direct the law enforcement activities and operations of a geographical area in the CSD. She added the position would perform duties including but not limited to: the review of requests for assistance, staffing and equipment; coordinates assignments based on changes in priorities, equipment and resources; oversees and maintains recordkeeping and recording systems; and releases information to the local media concerning division operations or on a statewide basis to other agencies as directed.

She discussed the level Parole Lieutenant and stated that they would be considered the first management level within the department. She stated that incumbents would be responsible for the operations and administrative functions of an assigned work unit which would include: overseeing law enforcement activities, services and programs; providing direction to staff regarding law enforcement practices in compliance with policies and department procedures; enforcing policies and procedures regarding personnel and performance issues; develop work schedules; approve leaves; assign work and ensure staffing levels are adequate; and administer and monitor established budgets and participate as part of the comprehensive law enforcement effort in local areas by interfacing with allied agencies. She stated that HRM was requesting approval of this class specification effective July 1, 2013 contingent upon the Legislative approval and passage of the bill. She confirmed that there were no grade changes associated with the request.

She referred to VII. A. 2. and stated that as the positions performed law enforcement duties HRM was requesting the addition of a Parole Major, Parole Captain and Parole Lieutenant classes to the list of classes approved for pre-employment screening for controlled substances. She confirmed that the request was contingent upon approval and passage of the bill.

**Commissioner Sanchez: S**tated that she had referenced a bill pending in the legislature and he asked if that was SB 397. **Rachel Baker**: Responded that it was before the legislature and was AB 497.
**Commissioner Sanchez**: Asked if the bill did not pass would that mean that there would be no funding for the proposed positions. **Rachel Baker**: Responded that she did not know if funding was a separate issue.

**Mr. Peter Long**, Deputy Administrator, HRM: Confirmed that if the bill did not pass there would not be funding for the positions in the DOC budget. He said that funding would continue at the DPS.

**Chairperson Fox**: Noted that there were no further questions or public comment.
MOTION: Moved to approve Item VII. Class Specifications and Request for Addition of Classes for Pre-Employment Screening for Controlled Substances for Parole Command Staff

Series that specifically included Major, Captain and Lieutenant which would be contingent upon approval and passage of the legislation with the effective date of July 1, 2013.

BY: Commissioner Read
SECOND: Commissioner Mauger
VOTE: The vote was unanimous in favor of the motion

**Chairperson Fox**: Noted that they would now move on to B. approval of class specifications for Parole Sergeant/Agent Series.

B. 1. Approval of Class Specifications – *Parole Sergeant/Agent Series*

2. Request for Newly Proposed Class of – *Parole Sergeant/Agent Series* to be added to the List Requiring Pre-Employment Screening for Controlled Substances per NRS 284.4066

**Rachel Baker**, Personnel Analyst, Compensation, Classification and Recruitment Section, HRM: Stated that HRM was recommending establishing a new three-level class specification for the Parole Agent Series. She noted that parole agents perform law enforcement and public safety parole functions and are POST (Peace Officer Standards and Training) certified. She stated the Parole Sergeants supervise subordinate law enforcement officers within the CSD and may also be assigned to other administrative duties. She noted that incumbents either manage a rural satellite office or act as a first-line supervisor for subordinate staff and conduct initial reviews of reports in case law. She said they also: monitor casework activities; establish internal controls of staff activities; implement training; provide direction; and ensure parole agreements and offender needs are met.

She referred to the Parole Agent II level and noted that they either perform a variety of law enforcement duties in the CSD including: enforcing laws, codes, regulations, ordinances and standards; arresting criminal offenders; and maintaining appropriate use of force to subdue violators or they supervise daily operations by planning, organizing and monitoring field operations. She stated that incumbents: assign work schedules and evaluate employee performance; review officers' written reports; ensure proper training is provided; and develop and present training classes. She referred to the Parole Agent I level and noted it was the trainee level. She noted that on graduation from POST incumbents would work under supervision as a trainee within the CSD performing law enforcement duties.

She noted that they were requesting approval of the class specification effective July 1, 2013 and being contingent upon legislative approval and passage of the bills. She confirmed that no grade changes were being requested.

**Chairperson Fox**: Noted that there were no questions or public comment.

MOTION: Moved to approve Item VII. B. 1. & 2. Class Specifications for Parole Sergeant/Parole Agent II and Parole Agent I to Include Pre-Employment Screening for Controlled Substances contingent upon the legislative approval of the bill moving it from the Department of Public Safety to the Department of Corrections effective July 1, 2013
BY: Commissioner Brust
SECOND: Commissioner Read

VOTE: The vote was unanimous in favor of the motion

**Chairperson Fox**: Noted they would move on to VII. C. 1 approval of the class specifications for the Parole Specialist Series.

C. 1. Approval of Class Specifications – *Parole Specialist Series*

**Rachel Baker**, Personnel Analyst, Compensation, Classification and Recruitment Section, HRM: Noted that Item VII. C. related to the Parole Specialist and once again was in conjunction with the Governor's Executive Budget and the request to move parole functions under the authority of the DOC. She stated that HRM was recommending the establishment of three-level classes of a Parole Specialist. She noted that Parole Specialists performed technical duties and administrative functions in units and would not require POST status. She noted that duties included: casework services; investigations, tracking and monitoring assigned parolees and referral services; obtain and verify information; prepare and process parolee case files; and monitor offender status.

She noted that incumbents at the Parole Specialist III level perform some of the following: act as lead workers to other parole specialists; train and provide guidance to lower-level specialists; prepare statistical reports; and review and approve work during peak periods and in the absence of the supervisor. She stated that Parole Specialist II level would perform professional level duties but did not require POST certification. She noted that incumbents: track and monitor a caseload of parolees who are currently incarcerated; and process documentation associated with the release of offenders being paroled and for inmates allowed to reside in Nevada communities under residential confinement or who have requested permission to reside in a state other than Nevada during the term of their parole. She noted that the Parole Specialist I level would be the entry level in the series and incumbents performed duties outlined in the concept. She stated that HRM was requesting approval of the class specification effective July 1, 2013 contingent upon the bill for approval and passage. She confirmed that no grade changes were associated with the request.

**Commissioner Brust**: Asked if the classes required pre-employment testing for controlled substances. **Rachel Baker**: Confirmed that they did not. **Commissioner Brust**: Asked if someone could respond to that.

**Stephanie Neill**, Supervisor, Personnel Analyst, HRM: Stated that the positions are not in direct contact with the parolees and were therefore not in a public safety circumstance that would require that action.

**Chairperson Fox**: Asked if there was any public comment.

**Ron Cuzze**, President, Nevada State Law Enforcement Officers' Association: Stated that he felt strongly that they should consider pre-employment screening for controlled substances for the class of Parole Specialist Series.

**Mr. Peter Long**, Deputy Administrator, HRM: Stated that the current Parole and Parole Specialists at the DPS within Parole and Probation do not have the requirement of pre-employment screening for controlled substances. He noted that they had simply taken the current requirements and moved them over to the new class specification.

**Chairperson Fox**: Asked Rachel Baker if there were representatives from the DOC to comment.

**Susie Bargmann**, Human Resources, Department of Corrections: Stated she was available for any questions. **A Member**: Asked what potential there might be for people within this class to have significant contact with clients that would require that they should be free from controlled substances. **Susie Bargmann**: Responded that as Peter Long had noted the positions currently at the DPS did not require it. She said they had mirrored the class specifications currently in the DPS over to the DOC. **Mr. Peter Long:** Noted that the DPS had not made a case to the Personnel Commission that the positions would require drug testing and he said that the DOC did not make the case. He noted that they would rely on the agency to determine whether or not the positions required drug testing. **Chairperson Fox**: Acknowledged that the HRM did find itself in a balancing act with regard to the issue, weighing privacy rights and issues. She stated her concerns arose from the series' concept in which it related the many ways the Parole Specialists would be involved and in contact with the parolees and members of the community ensuring the parolee was in compliance. **Peter Long**: Responded if the Personnel Commission agreed to approve the proposed specifications at the current meeting the HRM could reach out to the agency and bring the issue back to the June meeting and it would then still be before the proposed effective date of July 1, 2013. **Susie Bargmann**: Stated that she agreed with Mr. Long to allow the agency to evaluate the issue and then make a decision based on that evaluation. **Chairperson Fox**: Thanked them and agreed that was acceptable. **Commissioner Brust**: Agreed it was a preferred approach. **Commissioner Sanchez**: Noted that he wanted a specific agenda item for the June meeting to address the issue of pre-employment screening for controlled substances. **Commissioner Mauger**: Stated that he felt strongly about the issue and wanted to go on the record with regard to the importance of pre-employment screening for controlled substances.

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| MOTION: | Moved to approve Item VII. C. 1. Class Specifications for the Parole Specialist Series effective July 1, 2013 and contingent upon approval and passage of the legislative action. |
| BY: | Chairperson Fox |
| SECOND: | Commissioner Read |
| VOTE: | The vote was unanimous in favor of the motion |

## VIII. DISCUSSION AND APPROVAL OF REVISED CLASS SPECIFICATIONS Action Item

A. Sworn Law Enforcement Occupational Group
   1. 13.205 – DPS Sergeant/Officer Series

**Brenda Harvey**, Personnel Analyst, HRM: Stated that she worked on the revisions to the DPS Sergeant Series. She stated that the DPS Sergeant coordinates and administers the division's air enforcement safety program for the northern or southern regions and supervises and evaluates assigned staff. She noted that pilot duties were added to the DPS Officer II level. She said that during the posting period concerns were raised about the revisions and subsequently the posting was redrawn. It is being presented today for the consideration of the Commission. She stated that management from the DPS was present to defend the changes.

**Sergeant Todd Hartline**, Nevada Highway Patrol: Stated that the flight program with NHP was being restructured and said it was their intention to take the supervisory duties that were before held by pilots and move them to the Officer II position. He stated the reason for that was that they would not be supervising people or programs moving forward under the reconstruction of the program.

**Chairperson Fox**: Asked if they anticipated that pilots would be supervised by a lieutenant instead whether or not they are assigned there. **Sergeant Hartline**: Responded that there would not be a sergeant assigned. He said currently the program restructuring was being considered under executive management level at the NHP and also with the DPS Director's Office. He added that where it would be managed was still being discussed. He confirmed that they did not want supervisory duties remaining with the pilot as they would not be supervising people or programs but would be DPS Officer IIs participating in the flight program. **Chairperson Fox**: Asked if the only thing that the DPS Officer IIs would do was pilot. **Sergeant Hartline**: Responded that was correct.

**Commissioner Sanchez**: Stated that there had been a reference to an audit in emails they had received and he asked Sergeant Hartline for information about the audit. **Sergeant Hartline**: Responded that the audit was requested by Chief Troy Abney from the NHP. He stated that he had some concerns about the program and had requested the audit. He said that Tom Navin, at the time the Chief of the Capital Police Division and a subject matter expert, performed the audit. He stated that once the information was delivered to Chief Abney he grounded the program. He added that process initiated part of the necessitation of why they wanted to make the changes.

**Commissioner Sanchez**: Stated that he understood there was a grievance filed. **Sergeant Hartline**: Responded that he unfortunately was not privy to that information regarding the grievance but did know it was settled through the grievance process. **Commissioner Mauger**: Stated that he was wondering whether they would find themselves as Commissioners in the middle of a legal situation. **Commissioner Sanchez**: Asked the sergeant if the department was fully backing the changes. **Sergeant Hartline**: Responded yes, the information had gone all the way to the Director's Office and that Director Perry was behind the changes that had been proposed. **Commissioner Brust**: Stated it was his understanding that the supervisory responsibilities of the program would go to the lieutenant's position or if that was incorrect, he asked where were they going? **Sergeant Hartline:** Responded that that was yet to be determined.

**Commissioner Brust**: Stated if the duties were assigned to a lieutenant then they would have to revise that class to incorporate the supervisory duties**. Sergeant Hartline**: Responded that currently they did not lie with the lieutenant. **Commissioner Brust**: Stated that wherever they would be assigned then that class specification would have to reflect supervision as the sergeant's specification as it currently was reflecting that responsibility**. Sergeant Hartline**: Responded, yes, if they decided to make it that a lieutenant would supervise the program then they would have to add that. **Commissioner Brust**: Asked why was there an urgency to move forward with it now if they did not know where the responsibility for supervision would lie? **Sergeant Hartline**: Responded that one could say that the urgency was in the fact that the department knew they did not want supervisory duties to lie with the pilot. **Chairperson Fox**: Stated that if the Commission would take action today they would remove the supervision of the pilot function from the DPS Sergeant. She said that in her opinion it would leave supervision of a group of pilots in a limbo state. She said if those duties are removed who would supervise the pilots? **Peter Long**: Stated that the existing class specifications for lieutenants, captains, majors, what was currently shown were benchmark descriptions not options and at higher levels the lieutenant, captain, major had duty statements that were sufficiently generic that they could cover that. He said they could come back and insert specific language to the pilot program but the existing specifications would cover assignment of that program without modifying the specifications.

**Commissioner David Read**: Stated that it was his understanding that they currently did not have a program. That it was grounded. **Sergeant Hartline:** Responded that was correct based on the audit

that was performed and it was grounded so the supervisory need that was being discussed currently did not exist until they finished deciding where the supervisory aspects would be assigned. **Commissioner Read**: Referred to pilots in the military who were given a lieutenant's status minimum as officers. He said in a civil organization was there a possibility that this was the situation that had sometime in the past got overruled? **Sergeant Hartline**: Responded that the way the program was set up before, when a person became a pilot you were automatically moved up to a sergeant with the provision that you had to pass the test. He said for a period of about seven years they did have a lieutenant who supervised two pilots who were sergeants. He said the sergeants had never done any supervision. **Commissioner Mauger**: Stated he thought the audit was excellent and they should move ahead with the program. **Sergeant Hartline**: Agreed and stated there were was some severely limiting aspects of trying to promote people who needed special knowledge, skills and abilities to be a pilot.

**Chairperson Fox**: Asked if there any further questions or public comment. **Commissioner Sanchez**: Noted that there was public comment in the south.

**Tom Donaldson**, Legal Counsel for the Nevada Department of Public Safety Association (also known as the Nevada Highway Patrol Association): He noted that their association had sent the email and attachments expressing concerns about the proposed changes to the class specifications. He said he considered it premature based on Sergeant Hartline's comments. He referred to the proposed changes and specifically the lack of supervisory duties being assigned to anyone. He said that none of the class specifications above the rank of sergeant had any requirement for any type of pilot or flight experience. He said they had three pilots being supervised by no one with any kind flight or pilot experience. He thought that could lead to problems. He referred to the audit and said it made no mention whatsoever of reassigning the duties from sergeant to officer. He said that the NHP or DPS had taken on itself to accept a flawed audit. He noted it was prepared by a person who had been with the DPS for one month prior to conducting the audit and had himself no experience, knowledge or history with the NHP flight program. He added that it had been in operation for over 60 years without one significant incident.

He said based on a review over the period of one month and in talking to people he had produced an audit report identifying supposed unsafe practices. He disputed that the practices were unsafe. He stated that the DPS then took the audit and grounded the program, relieved the two pilots of their duties who had been employed for many years and it had been grounded ever since. He continued that they were now using the audit to make changes that were not even recommended in the audit itself. **Chairperson Fox**: Asked him where the two pilots were reassigned. **Tom Donaldson**: Responded that they had one of the former pilots down south and he said he might be better able to speak of the history of the program and what had transpired over the past year.

**Sergeant Tony Sabino**: Stated that he was a pilot since 2003. He said that they were under the direction of a lieutenant who ran the program in its entirety. He said that lieutenant reported to the chief directly. He said the comments made by Sergeant Hartline from the department in the last year were prior to them being let go due to unsafe practices. He said this was prior to the release of the audit when they removed the lieutenant's position which was then demoted to sergeant. He said his then supervisor changed his specifications from pilot and they incorporated sergeant's duties. He stated he did supervise other members such as a squad in special flight operations in addition to being the pilot. He said there was restructuring and the lieutenant retired. He said he was looking for a resolution and discussed his position where he had the duties of a sergeant but the main focus was to be a pilot. He said he had filed a grievance and described the resolution.

**Chairperson Fox:** Asked Sergeant Sabino for confirmation that his job title was sergeant. Sergeant Sabino: Confirmed yes. **Chairperson Fox**: Asked where he was assigned. **Sergeant Sabino**: Responded he was assigned with the DPS, the Nevada Highway Patrol, Southern Command, Las Vegas. **Chairperson Fox**: Asked if he supervised a group of DPS officers. **Sergeant Sabino**: Responded yes. **Chairperson Fox**: Asked if she had heard correctly that he did not specifically test and promote into the job class of sergeant. **Sergeant Sabino**: Responded that was correct. **Chairperson Fox**: Said she heard him say he had supervised squads before. She asked if there was a time as a pilot sergeant that he was supervising DPS officers assigned to the pilot program. **Sergeant Sabino**: Responded yes and said that in addition when he was a pilot and prior to the audit, he had supervised pilots for a couple of months. **Chairperson Fox**: Stated based up her experience at Las Vegas Metro and their pilot program and classes she said, did he have some FAA requirements regarding flight books, flight hours that demand your logbooks, your flight hours etc. to be certified by someone in a job class above your job class. **Sergeant Sabino**: Responded according to the FAA internal aviation trade relations, as a pilot, his instructor rating for light aircraft he held an instrument rating in addition to a class. **Chairperson Fox**: Stated she would ask Tom Donaldson, if he had an understanding of the FAA requirement, certification of hours etc. and pilots' demands that there be somebody that certified that those hours are accurate. **Tom Donaldson**: Stated he was not licensed as a pilot and was not aware of FAA regulations.

**Commissioner Brust**: Asked if there was a grievance or an appeal pending or had it been settled. **Tom Donaldson**: Responded that the grievance was challenging the audit. He said there were numerous untrue facts in the audit, what were supposedly unsafe practices that had no foundation. He said the resulting removal of their flight duties and the grounding of the program which he said ended up at the EMC and the day before the hearing was to be conducted the EMC issued a decision denying the grievance. He said they also directed the NHP to remove the memo that referenced any type of unsafe flying practices so in essence agreeing with their grievance.

**Mr. Peter Long**, Deputy Administrator, HRM: Indicated that he wanted to ask several questions. He said several issues had been raised. He said in the class specifications for DPS Sergeant/Pilot it referenced supervision and administration. He said that was what was represented to them when they created the specifications, that the DPS Sergeant/Pilot would have responsibility for supervising the squad of DPS troopers. He said if this was not done then they should not be at the level of sergeant and they should not be getting the grade of pay of sergeant. He stated if the Commission wanted HRM could create a new series and he noted that currently they had the Nevada DOT, Forestry, and Wildlife that had pilots. He said they could put a DPS pilot in that series but he said as Mr. Donaldson had said a Pilot III in those agencies who did not supervise anyone would be a Grade 39, the same grade level as a DPS Officer II. He said the Chief Pilot at Wildlife and Forestry and Transportation supervised staff and that was a Grade 41. He said he was therefore concerned that they were trying to get a pilot at DPS being a Grade 41 that did not have supervisory responsibility. He said that would create an inequity with the other pilot positions in state service. He asked about the issue for clarification or why a pilot at DPS would have to be a POST certified police officer if they were just flying a plane.

**Commissioner Read**: Asked about the justification of the program and also asked what the pilots did. **Sergeant Sabino**: Responded that it was part of their duties to enforce the law, make the roads safer and one way they did that was through speed enforcement and revenue was also generated accordingly. He said they also assisted in pursuits and prisoner transports.

**Lee-Ann Easton**, Administrator, HRM: Recommended to the Personnel Commission that no action be taken on Item VIII, A. 1. today as they needed to go back to the agency to clarify information and research the issue before moving forward.

**Commissioner Mauger**: Asked why they were trying to fix something that did not appear to be broken. **Sergeant Hartline**: Responded that they were trying to fix it because with the review in the audit it was deemed that the program was broken and he said there were certain aspects of it that needed review. He said also that as Mr. Long had stated there was no reason to have the sergeants supervise the program, that it was not a necessity.

**Chairperson Fox**: Confirmed that they would take no action on Item VIII.

## IX. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Postings #06-13, #08-13, #09-13

**Chairperson Fox**: Confirmed it was information only and required no action.

## X. SPECIAL REPORT – 2013 SESSION – HUMAN RESOURCE MANAGEMENT BUDGET UPDATE

**Lee-Ann Easton**, Administrator, HRM: Stated that they had their budget hearing. The Legislative Session was held February 6, 2013 and closed April 9, 2013. She said she was happy to let the Commission know that they did get a technology investment request approved in the budget. She explained that what that request would do was automate all of the ESMT (Employee Status Maintenance Transaction) documents. She said it would automate many of the systems and make them more efficient. She added they would also be automating the work performance standards and evaluation process and she said that would be significant for managers across the state.

## XI. PUBLIC COMMENT

Read into record by **Chairperson Fox**:
No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (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**: Noted that there was no public comment in the north or south.

## XII. ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

**Chairperson Fox**: Stated that they had decided upon June 24, 2013 but they might have to reconsider the date. **Lee-Ann Easton**: Asked if June 20, 2013 would work. **Chairperson Fox**: Asked if Thursday, June 20, 2013 was acceptable. It was confirmed for that date. She said the remaining meetings for 2013 were September 20, 2013 and December 13, 2013.

## XIII. ADJOURNMENT

The meeting was adjourned at 10:34 a.m.

## REGULATION PROPOSED FOR EMERGENCY ADOPTION

**Explanation of 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.

**NAC 284.531 Furlough leave. [Effective through June 30, 2015.] (NRS 284.065, 284.345; ch. 374, Stats. 2011)**

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, Statutes of Nevada 2011, at page 2207.

(Added to NAC by Personnel Comm'n by R021-11, 10-26-2011, eff. 10-31-2011)