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

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

AGENDA: Personnel Commission Meeting
January 10, 2014 at 1:30 p.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** – 1:30 p.m.

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

FOR POSSIBLE ACTION III. **Adoption of Minutes of Previous Meeting dated October 10, 2013.....1-14**

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 Commission 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 Possible Selection of Hearing Officers.....15-16**

A. Continuation and/or Expansion of Interlocal Agreement with the Hearing and Appeals Division of the Department of Administration to Hear Employee Appeals
B. Extension of Current Hearing Officer Contract(s)

VI. **Report of Uncontested Classification Changes.....17-19**

A. Postings #06-14, #07-14

VII. **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

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

VIII. Discussion and Announcement of Dates for Upcoming Meetings

IX. 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
Division of Human Resource Management website:
www.hr.nv.gov

LAS VEGAS
Grant Sawyer Building
555 E. Washington Avenue

STATE OF NEVADA
PERSONNEL COMMISSION
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

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MEETING MINUTES (Subject to Commission Approval)
Thursday, October 10, 2013

COMMISSIONERS PRESENT IN CARSON CITY:

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

STAFF PRESENT IN CARSON CITY:

Ms. Lee-Ann Easton, Division Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Carrie Parker, Deputy Attorney General

COMMISSIONERS PRESENT IN LAS VEGAS:

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

I. OPEN MEETING

Chairperson Katherine Fox: Opened the meeting at 9:00 a.m. and confirmed they had a quorum. Welcomed new Commissioner Mr. Nathaniel Waugh.

II. ADOPTION OF AGENDA — No Action Taken

III. ADOPTION OF THE MINUTES OF PREVIOUS MEETING — Action Item

MOTION:	Move to approve the Minutes of the 06/20/13 meeting
BY:	Commissioner Read
SECOND:	Commissioner Mauger
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. DISCUSSION AND APPROVAL OF PROPOSED REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 **Action Item**

Chairperson Fox: Noted that she would like the Division of Human Resource Management (DHRM) to present each item and they would have a discussion about each followed by a vote.

A. LCB File No. R137-12
   - 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

Michelle Garton, Supervisory Personnel Analyst, DHRM: Stated that for several years the DHRM had undertaken the process of organizational climate studies as a tool to identify issues within an agency and to assist management in developing strategies with a view to resolving problems. She noted that for the climate studies to be successful and for individuals to feel comfortable participating, two regulations related to confidential records and access to those records were being proposed to be amended and a new section was being proposed to be adopted.

She stated that Section 1 defined the term organizational climate study. She added that the studies are conducted by the DHRM at the request of another department or agency. She noted that the division could use a variety of methods and techniques in the study process. She said that Section 2 incorporated the definition of the organizational climate study into the general provisions of NAC 284 which was the section of the regulations that defined specific terminology. She stated that the DHRM was proposing a permanent amendment to NAC 284.718 to ensure that information gathered during the study that related to an employee's performance or conduct would remain confidential. She added that they were also proposing a permanent amendment to NAC 284.726 which would establish rules of access to the confidential information.

Commissioner Mauger: Referred to associations not being able to get the results of the study and asked what process the employee would have to use to include the association's written authorization. **Michelle Garton**: Responded that the employee would be provided with the information and could then directly distribute it to whomever they desired. **Commissioner Mauger**: Acknowledged that information and then asked if the employee could give a written request to the state to forward that information to the association. **Shelley Blotter**: Responded that they could if they authorized the employee's association to be their representative. She gave the example of a grievance and said if the employee had designated the association as their representative then they could get that directly. She emphasized that it was the employee who would be the conduit to make that happen.

Chairperson Fox: Stated that it was her understanding that the organizational climate studies were designed to be a management tool where, for example, there was an issue related to communication within a particular organization or morale issues. She stated that the study would be designed to improve the effectiveness of that particular department. **Shelley Blotter**: Confirmed that was correct.

Commissioner Sanchez: Asked if during the study process, violations of policies and procedures would be determined, what type of remedy would there be? **Shelley Blotter**: Responded that it would be the typical remedy. She explained that studies of this type were not meant to be studies that would find issues of that type for particular employees. She said if it was determined that there was inappropriate behavior or violations then progressive discipline would apply, prohibitions and

penalties would apply. **Chairperson Fox**: Stated that if it was determined that that type of information or allegation came to light that the employee would be given first notice of an investigative interview and that process would first occur to ensure that they were being investigated accurately. **Shelley Blotter**: Responded absolutely.

Chairperson Fox: Asked for any further questions from the Commissioners. There were none. She asked if there was any public comment. There was public comment from the north.

Kareen Masters, Deputy Director, Department of Health and Human Services (DHHS): Indicated that she wanted to testify in support of the change. She indicated that she also supported the changes being made under Item V. B. She said the DHRM had conducted organizational climate studies in divisions within her department and they had found them to be very helpful. She noted that it was important for the employees to feel that sense of confidentiality when participating in the studies.

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

MOTION:	Move to approve proposed regulation changes to NAC, Chapter 284 specifically LCB File No. R137-12 that includes the New Section 284 and revises NAC 284.010, NAC 284.718 and NAC 284.726.
BY:	Commissioner Gary Mauger
SECOND:	Commissioner Sanchez
VOTE:	The vote was unanimous in favor of the motion

B. LCB File No. R045-13
   Sec. 1 NAC 284.718 – Confidential records.
   Sec. 2 NAC 284.726 – Access to confidential records.

Michelle Garton, Supervisory Personnel Analyst, DHRM: Referred to LCB File No. R045-13 and stated that both regulations related to confidential records and access to confidential records. She stated the DHHS and the Department of Transportation (NDOT) were proposing to the amendments. She added that the DHHS and the NDOT requested that information obtained through an internal study that related to an employee's performance or conduct should also remain confidential and access should be limited. She said, similar to the previous regulations that the studies were intended to identify issues within an agency so that management could make improvements and resolve problems. She stated that if both LCB File No. R137-12 and LCB File No. R045-13 were to be adopted then new subsections within NAC 284.718 and NAC 284.726 would be created.

Commissioner Mauger: Asked what they would learn from the internal study that they could not learn from the organizational climate study. **Michelle Garton**: Responded they would learn similar information and that it just depended on whether the DHRM or the internal human resources departments conducted the studies. **Commissioner Mauger**: Asked if this would be considered duplication. **Michelle Garton**: Responded that it would not be duplication. She said most departments would conduct their own studies or the DHRM study but would not consider doing both. **Chairperson Fox**: Asked if they had added this particular language because some departments preferred not to engage with the DHRM and conduct their own internal study. **Michelle Garton:** Responded yes. **Commissioner Mauger**: Responded he understood that point but this would become a regulation that would have to be adhered to and he continued that he did not realize that they had the option to participate or not participate. He said it was his understanding that if it was a regulation

they had to participate. **Shelley Blotter**: Stated that the studies were optional so the DHRM would not conduct such a study without the support and at the request of the management of that particular organization. She explained that there had to be both a want and desire to seek that type of information and accept the recommendations of the DHRM. **Commissioner Mauger**: Noted for clarification that both studies were optional for the departments, as to whether they chose to participate. **Shelley Blotter**: Confirmed that was correct. **Commissioner Mauger**: Asked what then was the purpose of the regulation if departments would not adhere to it? **Shelley Blotter**: Responded the regulation was stating that if these types of studies were to be conducted that any information that came from such a study reflecting on an employee's performance would remain confidential.

Mark Evans, Employee Development Manager, (NDOT): Stated in response to Commissioner Mauger's queries, that the DOT had conducted an employee satisfaction survey for several years. He said they selected their own questions, noted the trends and noted that one area they concentrated on was communication. They were interested to determine how well they were communicating with their own employees. He stated because they had their own historical data they could use this. He explained that if they brought in the DHRM they might have different questions and measures and then the NDOT would not have that same straight-across comparison.

Commissioner Mauger: Asked if the regulation was there as a guideline. **Shelley Blotter**: Responded, no it was not a guideline but did have the effect of law once put into effect. She explained that its purpose was that if there was a study and information was gleaned from that study that reflected on an individual employee's performance then it would make that information confidential. She continued, the second amendment would allow access to that employee to those portions of the study that might reflect badly on their performance so if there was a subsequent disciplinary action they would have access to that information.

Chairperson Fox: Asked if there was any public comment relating to Item V. B.

Kareen Masters, Deputy Director, (DHHS): Referred to the different types of studies and stated at times it was a matter of scope. She stated for the DHHS they may have had a particular work unit that was experiencing some difficulties so the personnel officer would go in and work with that unit perhaps doing some facilitation to resolve the issues. She stated by comparison, the DHRM studies for the organizational climate studies were typically an entire division or major portions of a division. She gave an example of a study that the DHHS was currently doing to illustrate that point.

Mark Evans, Employee Development Manager, NDOT: Stated that they supported LCB File No. R045-13. He noted that their agency conducted an annual satisfaction survey and the results were used to develop strategies to improve the organization. He stated that the purpose of the survey was to obtain an overall view of the agency and its climate. He said there were times when the comments in the surveys which were both good and bad about employees' co-workers, their supervisors and managers and they felt that those types of comments should remain confidential. He said they thought that it supported the integrity of the survey and allowed employees to express themselves freely. He stated that the NDOT was asking for approval of the regulation.

Ron Cuzze, President, Nevada State Law Enforcement Officers' Association: Referred to the information collected in the studies which was supposed to remain confidential. He noted that such information could be used for a disciplinary issue but then expressed concern that such information might be used against an employee in other ways such as a letter of instruction or that it might be

placed in an employee's evaluation. He asked if there were any safeguards to prevent that. **Shelley Blotter**: Responded that the intent of the study would be to look into communication or other issues going on within the organization. She stated if it revealed an issue that would cause disciplinary action then there would be further investigation into that issue. She reiterated it might cause disciplinary action but the intent was that it would safeguard that employee's information from other employees.

Commissioner Mauger: Asked if there was a violation that would then trigger another type of investigation. He asked if that was correct. **Shelley Blotter**: Responded yes, that is what would happen. **Mark Evans**: Stated that a comment on a survey would be from a confidential source so that might make the agency aware of a situation in a division or section and that might cause an investigation but an employee would not be disciplined based on a comment on a survey. **Ron Cuzze**: Stated he was not concerned with disciplinary issues as they had their own procedures to deal with that. He stated he was talking about non-disciplinary issues such as a letter of instruction or comments of an adverse nature in an employee's evaluation. **Mark Evans**: Stated that comments were not necessarily shared with a division or section for that reason. He said if the exact content of a comment was shared with a supervisor they would make assumptions about who made the comment. He said those types of comments were not put into the employee's file or used for their evaluation. **Commissioner Waugh**: Asked if it was assumed that those types of comments would not be applied or was there something set in policy that would address Ron Cuzze's concerns. **Chairperson Fox**: Stated that it was her understanding according to the proposed changes on the agenda that access to any notes, records, recordings, findings or other information obtained from an internal study or an organizational climate study conducted that directly related to an employee's performance would be limited to the employee, the appointing authority who would typically be the department head, persons authorized to this information and to any state or federal law, or order of the court or the governor. She said, for example, if comments came out related to an office assistant's performance, the supervisor of that office assistant would not be entitled to that information. She stated that was her understanding. **Shelley Blotter**: Stated that it said the appointing authority or a designated representative, so as Mr. Evans stated, it would typically be a high-level type of a study and result. She said if there were issues going on within a particular unit then they would have to step back and look at the whole unit and see how it was functioning. She said that automatically that supervisor would not necessarily get that information. **Mark Evans**: Stated that the proposed regulation was giving confidentiality to the results.

MOTION:	Move to approve proposed regulation changes to NAC, Chapter 284 specifically LCB File No. R045-13, related to NAC 284.718 – Confidential Records and NAC 284.726 – Access to confidential records.
BY:	Commissioner Waugh
SECOND:	Commissioner Sanchez
VOTE:	The vote was four Yeas and one Nay in favor of the motion. The motion passes.

C. LCB File No. R021-13
Sec. 1. NAC 284.5811 – Family and Medical Leave: Maximum amount in 12-month period; eligibility; use.

Carrie Hughes, Personnel Analyst, DHRM: Stated that the DHRM was proposing a permanent amendment to NAC 284.5811 in LCB File No. R021-13. She stated that the intent of the amendment was to clarify that an employee may not be required to use his or her accrued paid leave when on

approved Family and Medical Leave Act (FMLA) and also receiving payment from the Disability Benefit Plan such as short or long-term disability at the same time. She explained that currently employees are required to exhaust all of their applicable paid leave while on FMLA leave with the exception of workers' compensation. She noted that the amendment would allow an agency and employee to jointly agree to allow the employee to use his or her accrued paid leave while receiving his or her disability benefit. She stated that the amendment was based on the FMLA federal regulations.

Chairperson Fox: Asked if there were questions from the Commissioners or public comment. There was none.

MOTION:	Move to approve proposed LCB File No. R021-13 related to NAC 284.5811 – Family and Medical Leave.
BY:	Commissioner Mauger
SECOND:	Commissioner David Read
VOTE:	The vote was unanimous in favor of the motion

D. LCB File No. R022-13

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.

Michelle Garton, Supervisory Personnel Analyst, DHRM: Referred to NAC 284.531 and stated that it set the rules surrounding the furlough requirement. She noted that the regulation was the same as the emergency regulation adopted at the June 2013 meeting and was now due to expire. She stated that the Commissioners' action today would allow the regulation to become permanent until its expiration on June 30, 2015. She stated there were several sections to the file for the ease of administration. She explained that Section 1 changed the reference in Section 10 of the regulation to the new bill AB 511 of the 2013 Legislative Session. Section 2 of the file repealed NAC 284.531 as of June 30, 2015. Section 3 of the file repealed the regulation related to the furlough requirement during the previous biennium. Section 4 of the file repealed the emergency regulation that was adopted at the June 20, 2013 meeting as the new permanent regulation would replace it upon filing with the Secretary of State. Section 5 of the file set timeframes for the different actions in the regulations.

Commissioner Sanchez: Asked if she could go over the details of how State employees are currently being furloughed and the procedures. **Michelle Garton**: Responded that AB 511 of the 2013 Legislative Session mandated that most State employees would be required to take 48 hours of unpaid furlough during each fiscal year of the biennium. **Commissioner Sanchez**: Asked how that was implemented. **Michelle Garton**: Explained that different agencies had their own individual ways of handling the furloughs. She explained that some agencies would allow one-hour increments and some agencies would allow four-hour increments. **Chairperson Fox**: Asked for clarification and said that generally speaking it was four hours per month. **Michelle Garton**: Responded, exactly.

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

Ron Cuzze, President, President, Nevada State Law Enforcement Officers' Association: Stated that he had brought the issue up previously and would say it once more, that four hours per month when completing 10 or 12 hours shifts in law enforcement did not work. He stated that they had asked that language be inserted to have law enforcement and correctional managers be able to manage those hours in a more accommodating manner. He referred to the shortage of employees in correctional facilities and the fact that they were losing law enforcement officers as a reason why they needed additional flexibility. **Commissioner Mauger**: Asked how that was currently being utilized and what was the impact on law enforcement officers and at corrections? **Shelley Blotter**: Responded and noted that they had heard the concerns of Ron Cuzze and the law enforcement agencies had also expressed their concerns. She said that during the last biennium and continuing into this biennium, in Subsection 6 of the regulation, it allows an employee to take up to 12 hours at a time so that would cover those situations where an employee might have a 10, 8 or 12-hour shift. She said they were aware of the concerns and they had been addressed in the regulation. **Ron Cuzze**: Read from a section and said that it noted that an appointing authority shall not require or allow an employee to take more than 12 hours of furlough leave in a work week. He thought that it did not fully address the issue. **Commissioner Sanchez**: Asked Ron Cuzze if he had given the Commission or the department such wording that we could look at? **Ron Cuzze**: Responded no but said he would be happy to do that. **Chairperson Fox**: Suggested that he do that and have that conversation at the department level, with the Department of Corrections (NDOC) and the Department of Public Safety (DPS) to ascertain how it was working or not working. **Ron Cuzze**: Indicated he had been speaking with management. **Chairperson Fox**: Requested that he then bring some suggested language before the commission.

MOTION:	Move to approve proposed LCB File No. R022-13, Sections 1 through 5.
BY:	Commissioner Read
SECOND:	Commissioner Waugh
VOTE:	The vote was unanimous in favor of the motion

E. LCB File No. R023-13
Sec. 1. NAC 284.374 – Active Lists; Removal and reactivation of names; refusal to consider certain persons.

Dana Carvin, Supervisory Personnel Analyst, Recruitment: Referred to LCB File No. R023-13 and she advised the DHRM was recommending the permanent adoption of the proposed amendment to NAC 284.374. She noted that the amendment would require an appointing authority to consider an eligible person only one time from a recruitment list. The Nevada State Law Enforcement Officers' Association testified that they were neutral on the proposal. She said the Nevada System of Higher Education (NSHE) Business Center North submitted written comments in support of the proposed regulation. She said additionally comments were received at the workshop that indicated that when positions are highly technical and it had already been determined that the candidate did not have the appropriate skill set for a particular position the change would reduce unproductive required interviews.

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

Gennie Hudson, Personnel Analyst, Agency HR Services: Stated that Agency HR Services represented 15 State agencies. She stated these included the Departments of Administration, Agriculture, Business and Industry, Education, Taxation, Tourism and Cultural Affairs, Public Employees Benefits and the Secretary of State. She confirmed that Agency HR Services supported

the changes proposed to NAC 284.374. She explained how these changes would facilitate the departments in the recruiting process. She said Agency HR Services had asked for feedback from their agencies. She stated that the feedback was supportive.

Peter Barton, Administrator of the Division of Museums and History, Department of Tourism and Cultural Affairs: Stated that he was present to indicate his support for the proposed change. He stated that they had highly skilled, technical positions. He noted as an example that they hired curators but noted within the curatorial series they might still be looking for someone with a specialized skill in collections management for example. He said many positions were historically difficult to fill and sometimes recruitments went on for six to eight months. He explained how some applicants showing up on lists repeatedly hampered them in their ability to fill positions efficiently.

Paulina Oliver, Deputy Director, Department of Taxation: Advised that she wanted to testify in support of the change. She considered that it would be a major improvement affecting the interview process for many reasons already discussed.

Julia Teska, Deputy Superintendent, Department of Education: Advised she wanted to support the comments of HR Services as well as the Department of Tourism and Cultural Affairs. She indicated that they also experienced similar issues when they wanted to fill positions for very specific curriculum-based backgrounds and specialists for special student populations. She stated that increased flexibility with the lists was critical to their department when filling positions.

Nancy Corbin, Deputy Commissioner, Department of Business and Industry, Division of Mortgage Lending: Stated that she wanted to show her support for the change of NAC 284.374. She said she had been serving in the Deputy position since 1997 and handling personnel had often become part of her position. She described some of the issues which arose when interviewing applicants multiple times. She noted that the recruitment process was lengthy and while she supported the process in identifying the best candidate she supported the change of having to consider an eligible candidate only once.

Chairperson Fox: Asked if there were any additional questions from the Commissioners or further public comment.

Commissioner Sanchez: Stated that he had struggled with the issue throughout his career as an HR director. He noted that he liked the flexibility of the language because it gives the appointing authorities the option to consider the individuals again. He supported the change.

MOTION:	Move to approve proposed LCB File No. R023-13 related to Section 1 of NAC 284.374
BY:	Commissioner Waugh
SECOND:	Commissioner Sanchez
VOTE:	The vote was unanimous in favor of the motion

F. LCB File No. R024-13
Sec. 1 NAC 284.373 – Inquiry of availability of eligible person.

Dana Carvin, Supervisory Personnel Analyst, Recruitment: Stated that the DHRM was recommending the permanent adoption of proposed amendment NAC 284.373. She stated that the amendment would reduce the number of days from three to two for an applicant to respond to an

email, voicemail or other similar electronic inquiry of the availability of an applicant. She noted that a representative from the Nevada State Law Enforcement Officers' Association testified against this amendment at the workshop. She stated that the NSHE, Business Center North submitted written comments stating with the increase in handheld technology they had seen applicant response times decrease after receipt of electronic message. She stated this change was consistent with applicant behavior and would allow agencies to move more quickly when hiring.

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

Kathleen Kirkland, Personnel Officer, Agency HR Services: Stated that representatives from the agencies they served agreed that most people had the ability to provide an immediate response to an inquiry given the current technology available. She stated the decreased the number of days accelerated the recruitment process and provided a more expedient process overall. She noted that Agency HR Services and the agencies they served supported the change.

Nancy Corbin, Deputy Commissioner, Department of Business and Industry, Division of Mortgage Lending: Stated that she was present to support NAC 284.373. She indicated that filling a position with the most qualified person as soon as possible was important to every agency. She noted problems with contact slowed the process. She indicated that in her experience truly interested candidates responded quickly and typically always under 24 hours.

Ron Cuzze, President, President, Nevada State Law Enforcement Officers' Association: Stated that his association opposed the change. He stated the reason was that his members did not work Monday through Friday, 8 to 5. He said they worked shifts and on periods of three days off took part in activities and might not be in an area where they could pick up cell service. He said it was just one day and they were asking for consideration for his members. **Commissioner Sanchez**: Responded that it was not necessarily for current employees but for employees coming in on an alternate list or who may have never worked for the State of Nevada. He said in 1988 when he served as the director of personnel and employee relations for the City of Las Vegas they had re-written the civil service rules and they had reduced the number of contact days from three to two. He said they had had no problems with any of the organized units then and that was before there was so much electronic technology. He supported the change. **Commissioner Read**: Asked if they were referring to business days or were weekends included. **Dana Carvin**: Responded that they looked at business days.

Chairperson Fox: Asked if there were any further questions from Commissioners or public comment. There was none.

MOTION:	Move to approve proposed LCB File No. R024-13 related to NAC 284.373.
BY:	Commissioner Waugh
SECOND:	Commissioner Sanchez
VOTE:	The vote was unanimous in favor of the motion

G. LCB File No. R025-13
Sec. 1. NAC 284.361 – Use of lists and consideration of eligible persons.

Dana Carvin, Supervisory Personnel Analyst, Recruitment: Stated that the DHRM was recommending the permanent adoption of proposed amendment to NAC 284.361. She said the amendment allowed an appointing authority to interview five persons from the top ten ranks of a list

of eligible candidates. She noted that a representative from the Nevada State Law Enforcement Officers' Association testified against the amendment at the workshop. She said a representative from the American Federation of State, County, and Municipal Employees submitted written comments indicating the association's opposition to the amendment. She added that a personnel officer representing management of 14 departments and agencies testified in support of the proposed changes. She said the NSHE, Business Center North submitted an argument why the score ranking due to bonus points, for example, for Nevada residency, might not place the candidate with the best knowledge, skills and abilities in the top five ranks.

Chairperson Fox: Asked how many points were awarded for a Nevada residency. **Dana Carvin**: Responded that was five points. **Commissioner Sanchez**: Asked if there were points awarded for veterans. **Dana Carvin:** Responded yes, there were five points for being a veteran and five extra points for being a disabled veteran. **Commissioner Sanchez**: Asked if there were defined periods of services for veterans. **Dana Carvin**: Responded yes but she did not have the details available at the meeting.

Alys Dobel, Personnel Officer, Nevada Department of Motor Vehicles: Stated that they supported the regulation. She commented that they liked the idea of a broader candidate pool.

Chairperson Fox: Asked for clarification. She asked whether the eligible lists were open competitive eligible lists or did it also include promotional lists. **Dana Carvin**: Responded both. **Chairperson Fox**: Asked if the promotional lists awarded Nevada residency points. **Dana Carvin**: Responded they did. She clarified that if they applied for a promotional recruitment they could only use their veteran's points once for a promotional. **Commissioner Sanchez**: Asked how the lists were assembled. He said was it a written test or a composite score of written and interview or other performance tests. **Dana Carvin**: Responded they had different types of testing tools, written, training and experience which gave the candidate a score based on their training and experience. **Commissioner Sanchez**: Asked how promotional lists were established. **Dana Carvin**: Responded they were established the same way. She explained the different categories using division, state and national lists.

Chairperson Fox: Indicated there was public comment in the north.

Kathleen Kirkland, Personnel Officer with Agency HR Services: Stated that expanding the base of eligible applicants allowed the agencies more flexibility in selecting qualified individuals. She said currently employees who were qualified and had the experience were being excluded from the process due to limited ranking. She said the change would allow more opportunity for applicants who could be considered based on their overall experience rather than test scores. She confirmed that Agency HR Services had received overwhelming support from Agency representatives.

Nancy Corbin, Deputy Commissioner, Department of Business and Industry, Division of Mortgage Lending: Stated that she was there to support the change and noted that she agreed with some of the previous comments. She thought it would allow agencies to consider a larger pool of qualified persons.

Ron Cuzze, President, President, Nevada State Law Enforcement Officers' Association: Noted that they were primarily concerned with the advancement and promotional not the initial testing. He stated that they did not believe that it should be expanded from the top five to the top ten. He said they thought that if there was a problem with the process of determining the top five then that issue

should be addressed. He thought they should look at the testing procedure. He thought expanding the list suggested that there might be politics involved versus getting the best candidate.

Commissioner Waugh: Stated if there was a top ten, what would prevent numbers five through ten being interviewed instead of one through five. He said he understood it was agency discretion. He asked about issues such as additional eligibility with veterans' points and high testing scores. **Dana Carvin**: Responded that the regulation would expand the top five to top ten. She said it was optional to agencies. She said the only thing the regulation stated was that they must attempt to communicate with the top ten. **Chairperson Fox**: Asked for clarification and said they were not circumventing the top ones, just expanding those to be invited for an interview. **Dana Carvin**: Responded yes. **Commisioner Sanchez**: Asked if the State of Nevada had the ability to do a statistical analysis on the written tests that were given. **Dana Carvin**: Responded that they could do that. She said just recently they had changed their testing process and had reduced the number of written exams. She described the change. She said they had reduced the number of written exams so that if an individual came in and for example, took an exam for Accountant I that exam would encompass numerous positions. **Commissioner Sanchez**: Asked if they had a way to determine the reliability of the written tests. **Dana Carvin**: Responded yes, they could bring their administrator and test validator together and do that. **Commissioner Sanchez**: Stated that he supported the point system for veterans as that was how he was hired and began his career. He noted however that there was a certain amount of error in testing and establishing eligibility lists. He said at times the best candidate could fall by the wayside due to a compounding of error in testing, interviewing issues and points. He thought it was a good idea to open up lists at times as there was very little difference between the first and last candidate. **Commissioner Mauger**: Referred to the minutes of the July 17th workshop and noted he had a question for Ron Cuzze. He noted that there were comments he made and he was asking for clarification.

Dennis Perea, Deputy Director, Department Employment, Training and Rehabilitation (DETR): Stated that he was there to support the change.

Julia Teska, Deputy Superintendent, Department of Education: Stated that her department supported the change. She said the flexibility was good and they were still talking about the top ten candidates.

Shannon Chambers, Department of Business and Industry: Stated that she echoed the comments made by other representatives as well as Agency HR Services. She thought by expanding the applicant pool to ten it would allow them to get the best person for the position.

David Badger, Personnel Officer, Nevada Department of Wildlife: Stated that he supported the regulation change. He commented that he had hoped that exams would cover every aspect of the job but they did not. He noted that people that did well on exams were not necessarily the best person for the position. He gave an example of this from within his own department.

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

MOTION:	Move to approve proposed LCB File No. R025-13 revising Sec. 1 of the NAC 284.361.
BY:	Commissioner Waugh
SECOND:	Commissioner Sanchez
VOTE:	The vote was unanimous in favor of the motion

VI. DISCUSSION AND APPROVAL OF REMOVAL OR ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES

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

Carrie Hughes, Personnel Analyst, DHRM: 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 stated that the law required the appointing authority to identify the specific positions that affected public safety requiring pre-employment testing subject to the approval of the Personnel Commission. She said the NDOT had requested the removal of the requirement of pre-employment screening for controlled substances for position number 027036, Class Code 6.229, Staff I, Associate Engineer and outlined in Agenda Item VI. A. She stated that they recommended the position be removed as it was their understanding that the position no longer required a commercial driver's licence and did not have safety-sensitive tasks.

Chairperson Fox: Asked if there were questions from the Commissioners or public comment. There was none.

MOTION:	Move to approve proposed the removal of Staff I, Associate Engineer for NDOT, PCN 027036.
BY:	Commissioner Mauger
SECOND:	Commissioner Waugh
VOTE:	The vote was unanimous in favor of the motion

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 PCNs beginning with 805 & 813
7.714 – Transportation Technician IV – NDOT, All PCNs beginning with 805 and 813
7.715 – Transportation Technician II – NDOT, All PCNs beginning with 805 and 813
7.722 – Traffic Center Technician Supervisor – All PCNs
9.609 – Facility Supervisor II – NDOT, PCN 302001

Carrie Hughes, Personnel Analyst, DHRM: Stated that the NDOT had requested the approval of positions for pre-employment screening for controlled substances in class codes 6.313 Engineering Technician III, 7.713, Transportation Technician III, 7.714, Transportation Technician IV, 7.715, Transportation Technician II, 7.722, Traffic Center Technician Supervisor and 9.609, Facility Supervisor II as outlined in Agenda Item VI. B. They were recommending that the positions be added as it was their understanding that the positions had safety-sensitive tasks.

Chairperson Fox: Asked if there were questions from the Commissioners or public comment. There was none.

MOTION:	Move to approve the classes approved for pre-employment screening specifically 6.313, Engineering Technician III; 7.713, Transportation Technician III; 7.714, Transportation Technician IV; 7.715, Transportation

Technician II; 7.722, Traffic Center Technician Supervisor; and 9.609, Facility Supervisor II and all positions within the Nevada Department of Transportation.

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

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Posting #11-13, #12-13, #13-13, #14-13, #15-13, #01-14, #02-14, #03-14, #04-14 and #05-14.

Chairperson Fox: Stated that it did not require Commission approval.

VIII. SPECIAL REPORTS

A. Bills Affecting Employees

Lee-Ann Easton, Division Administrator, DHRM: Stated that they wanted to bring to the attention of the Commission bills that were passed during the 2013 Legislative Session that affected employees. She stated that there was a list of bills for various agencies that had been included in everyone's packets. She noted she would be happy to answer any questions.

Chairperson Fox: Stated that she saw under AB 511 that effective July 1, 2013 the 2.5% was restored to employees' salaries. **Lee-Ann Easton**: Confirmed yes. Chairperson Fox: Asked if longevity pay was still not being awarded. Lee-Ann Easton: Confirmed no.

B. Update regarding Parole functions from the Department of Public Safety, Division of Parole and Probation to the Department of Corrections

Rachel Baker, Personnel Analyst, Classification Unit: Stated that on May 10, 2013 the classes, Parole Command Staff Series consisting of the Parole Major, Parole Captain and Parole Lieutenant, Parole Sergeant Agent Series and the Parole Specialist Series were presented to the Commission and approved contingent upon the transfer of parole functions from the Department of Public Safety, the Division of Parole and Probation to the Department of Corrections. She noted that the proposal to move these functions was not approved by the 2013 Legislative Session and therefore the classes would not go into effect. She added subsequently the pre-employment screening for controlled substances was null and void. She noted the existing Parole and Probation Specialist Series did not require pre-employment screening for controlled substances as the Department of Public Safety, Division of Parole and Probations had not identified the positions as affecting public safety under NRS 284.4066.

C. Award for NVAPPS

Lee-Ann Easton, Division Administrator, DHRM: Stated that she wanted to bring to the attention of the Commission the fact that the Nevada Application System was given an international award. She asked one of the project coordinators, Micheal Shannon, to stand up. She noted that Micheal Shannon and Alan Rogers were the project managers for the project and they also submitted the application to obtain the award. She thanked them and noted they had received the G2 Award – the Government to Citizens Award.

Chairperson Fox: Asked if they had used their own in-house developed application or something off the shelf that was then customized.

Micheal Shannon, Business Process Analyst, DHRM: Responded that the application was developed through a contracted vendor who had done other work with the State of Nevada. He stated that it was a customized solution. He said it is currently maintained by internal staff but initially was developed by a contractor.

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

IX. 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.

Commissioner Waugh: Expressed his appreciation to the staff in the DHRM and his fellow Commissioners for helping him with his responsibilities at the Personnel Commission.

Commissioner Read: Asked Lee-Ann Easton to share the information they had just received regarding the Highway Patrol and aircraft situation raised at a previous meeting. **Lee-Ann Easton**: Indicated that she had spoken with Director Wright with DPS and he informed her that they had disbanded the flight program with DPS and were in the process of excessing all the planes.

X. ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Stated that they had tentatively scheduled December 13, 2013 but there had been some suggestions to move it. It was decided that the next meeting would be January 10, 2014 at 1:30 p.m. She then noted a date of April 11, 2014 for the following meeting.

XI. ADJOURNMENT

MOTION:	Move to adjourn the meeting at
BY:	Chairperson Fox
SECOND:	Commissioner Read
VOTED:	The vote was unanimous in favor of the motion

Personnel Commission Meeting
January 10, 2014

FOR DISCUSSION AND POSSIBLE ACTION

Beginning on July 1, 2010, a group of 12 Hearing Officers were contracted to perform personnel hearings related to demotions, suspensions, terminations, involuntary transfers, and Whistle Blower complaints. Vacancies occurred during this contract period, which were subsequently filled. Many of those contracts were renewed and/or new Hearing Officers were selected as of July 1, 2012 with contracts in effect through June 30, 2014. On February 12, 2013, the Board of Examiners also approved the Personnel Commission's request to use Appeals Officers from the Department of Administration's Hearings and Appeals Division for such hearings. From that point, the Department of Administration Hearing Officers were subject to the same strike method that the contractors were subject to. Additionally, one of the Hearing Officers that had been a contractor has now become an employee of the Department of Administration, Hearings and Appeals Division.

The purpose for entering into an interlocal agreement with the Hearings and Appeals Division was to evaluate the relative satisfaction and cost of hearings conducted through this Division compared to the cost of those conducted by the contracted Hearing Officers. To-date relatively few cases have been heard by the Hearings and Appeals Division Hearing Officers, but there does already appear to be at least some direct and indirect savings.

The Hearings and Appeals Division appears to be providing similar services for a comparable or lower average cost per case. This appears to be largely due to their use of clerical support staff to perform duties such as opening a case file, calendaring the hearing, copying, and preparing mailings. Indirect savings occurs when the Hearing and Appeals Division conduct hearings at their offices as Division of Human Resource Management staff does not need to attend the hearing, allowing them to perform other duties.

Billing Structure

Contracted Hearing Officers
$100/hr in 10 minute increments
May request reimbursement for travel expenditures (mileage, hotel, meals)
May not charges for work performed by someone else
May not charge for copying or postal costs

Division of Hearings and Appeals, Hearing Officers
$70/hr in 1 minute increments
$45/hr in 1 minute increments for clerical assistance
Charge for postal expenditures
Hearing Officers have not been required to travel yet but would be reimbursed for travel expenditures (mileage, hotel, meals) if they were required to do so

The Division of Human Resource Management has also conducted a customer satisfaction survey. In order to get a more timely response and to avoid the hearing decision from swaying the survey result, the survey timing was changed to immediately follow the hearing. (Dissatisfaction with the decision is expressed by a party when it is submitted for judicial review.) The survey group consisted of agency human resource staff and/or management, Deputy Attorneys General who represent the State, labor representatives, and attorneys that have represented employees at hearings.

The Division of Human Resource Management is recommending that the Department of Administration, Hearings and Appeals Division become the primary Hearing Officers for personnel appeals as of July 1, 2014. We are further recommending that 2 contracted Hearing Officers be selected to perform hearings in the event that the Hearings and Appeals Division is not available and/or there is a conflict of interest for the period from July 1, 2014 through June 30, 2016. If these recommendations are adopted, the *Hearing Officer Rules of Procedure* will need to be revised and brought to the Commission for approval at the April 2014 Personnel Commission meeting.

Personnel Commission
January 10, 2014

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 #: 6-14
Effective: 10-15-2013

CURRENT				APPROVED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEC -4	
12.457	Disability Adjudicator Supervisor	35	B	12.457	Disability Adjudicator Supervisor	35	B
12.456	Disability Adjudicator IV	33	B	12.456	Disability Adjudicator III	33	B
12.428	Disability Adjudicator III	32	B	12.428	Disability Adjudicator II	32	B
12.425	Disability Adjudicator II	30	B	12.425	Disability Adjudicator I	30	B
12.403	Disability Adjudicator I	28	B		ABOLISH		

EXPLANATION OF CHANGE

At the request of the Department of Employment, Training and Rehabilitation, Human Resource Management recommen making revisions to the Disability Adjudicator class specifications in an effort to decrease attrition rates and improve t applicant pool.

Disability Adjudicators evaluate disability claims and make determinations in accordance with laws, rules, regulatior policies and procedures governing Social Security Disability Programs. Work involves the evaluation of medical evidence make judgments about the presence, onset, clinical severity and prognosis of physical or mental impairments a determination of the vocational potential of claimants in order to allow or deny Social Security benefits.

The agency continues to experience difficulty retaining employees during the initial training period and desires to be able recruit at the professional (grade 30) level. It is their belief that in doing so, a pool of more highly qualified applicants w result. In an effort to accommodate this desire, Human Resource Management recommends abolishing the ***existing*** Disabili Adjudicator I level and making revisions to the minimum qualifications of the ***new*** Disability Adjudicator I to strengthen tl minimum qualifications of the training level.

Human Resource Management recommends the series concept be expanded to reflect the scope of work and level responsibility that has always been associated with these positions. Furthermore, revisions were made to the knowledge, skil and abilities and minimum qualifications to clarify the type of acceptable degrees and relevant experience necessary perform adjudicator duties.

In addition, an informational note is being added to assist the agency in identifying applicants - in the recruitment process who may not feel they are able to deny benefits to claimants with severe and/or terminal conditions.

During this review, Human Resource Management worked closely with staff from the Department of Employment, Trainir and Rehabilitation who assisted in revising the class specification.

POSTING #: 07-14
Effective: 10-15-2013

CURRENT			APPROVED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEC
	New		10.248	Compliance Coordinator –Registered Nurse	38 E
	New		10.249	Compliance Specialist – Registered Nurse	37 E

EXPLANATION OF CHANGE

As a result of an Individual Study (NPD-19), and in conjunction with Subject Matter Experts from the Division Industrial Relations, Human Resource Management has recommended the creation of a new Compliai Coordinator – Registered Nurse series.

The Compliance Specialist – Registered Nurse provides medical expertise for the Division of Industrial Relatio Workers' Compensation Section. Incumbents monitor compliance and detect violations of State laws and regulations by medical providers, insurance carriers, Third Party Administrators (TPAs), medical billing vendc employers, and in Permanent Partial Disability (PPD) reports; supervise lower-level Compliance/Au Investigators; and oversee the Medical Unit in their assigned regions. Furthermore, they gather data and revise t regulation of fees and charges pertaining to the Nevada Medical Fee Schedule (MFS); inform medical providers fee schedule; ensure reimbursement is appropriate based on relevant resources and Nevada's MFS; train intern and external staff and Panels of Treating and Rating Physicians and Chiropractors on various medical top including PPDs; participate in independent professional reviews of providers to ensure that quality of care provid is in compliance with workers' compensation statute and regulations; review, identify potential errors and re PPD reports to Quality Assurance (QA) Panel to provide opinions as necessary, facilitate QA Panel meetings a provide written correspondence to rating physicians and chiropractors as needed; and plan, organize and oversee t work of professional and support staff.

In addition to those duties outlined, the Compliance Coordinator – Registered Nurse serves as leadworker for t Compliance Specialist - Registered Nurse; provides training and technical expertise to staff in the unit; ensures t panels of treating and rating physicians and chiropractors consist of appropriately licensed and qualified provide and provides testimony in public hearings and workshops. The class is distinguished from the Complian Specialist - Registered Nurse by the broader scope of responsibility and additional experience required to overs statewide activities of the Medical Unit.

It is recommended that both the Compliance Coordinator – Registered Nurse and Compliance Specialist Registered Nurse align with the Registered Nurse 3, grade 38 and Registered Nurse 2, grade 37, respectively. Tl recommendation is being made due to the knowledge, skills and abilities required to ensure Northern Nevada injured workers receive the appropriate medical care as required and defined by relevant statutory, regulatory ai other applicable medical resourced mandated.

During this review, Human Resource Management worked closely with staff from the Department of Business ai Industry, Division of Industrial Relations, who assisted in developing the class specification.