



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
*Division of Human Resource Management*  
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**PERSONNEL COMMISSION**

**Meeting Notice**

**DATE:** Friday, March 2, 2018

**TIME:** 9:00 a.m.

**LOCATION:** Legislative Counsel Bureau                      Grant Sawyer Building  
401 S. Carson St.    555 E. Washington Ave.  
Room 3138    Room 4401  
Carson City, Nevada 89701                              Las Vegas, NV 89101

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

**Notice:** 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. 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 public comment on a specific agenda item when the item is being considered.

**Agenda**

**I. Call To Order, Welcome, Roll Call, Announcements.**

**II. 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)

**FOR POSSIBLE ACTION III. Approval of Minutes of Previous Meeting dated December 7, 2017 ..... 6-15**

**FOR POSSIBLE ACTION**

**IV. Prohibitions and Penalties: Discussion and Approval of Specific Activities Considered Inconsistent, Incompatible or in Conflict with Employees' Duties and the Process of Progressive Discipline ..... 16-33**

Office of the Attorney General

**FOR POSSIBLE ACTION**

**V. Discussion and Approval of Proposed Regulations Changes to Nevada Administrative Code, Chapter 284..... 34-74**

- A. LCB File No. R098-17
  - Sec. 1. Amends Chapter 284 to add the following new section:  
Letter of instruction: Use and administration.
  - Sec. 2. NAC 284.458 Rejection of probationary employees.
  - Sec. 3. NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action.
  - Sec. 4. Section 19 of LCB File No. R033-17 Removal of ineligible grievance or complaint from procedure.
- B. LCB File No. R118-17
  - Sec. 1. Amends Chapter 284 to add Sections 2 and 3.
  - Sec. 2. NEW Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license.
  - Sec. 3. NEW Report of arrest, charge, or conviction of an offense.
  - Sec. 4. NAC 284.646 Dismissals.
  - Sec. 5. NAC 284.650 Causes for disciplinary action.
  - Sec. 6. NAC 284.653 Driving under the influence; unlawful acts involving controlled substance.
  - Sec. 7. NAC 284.890 Transportation of employee to and from location of screening test.
- C. LCB File No. R119-17
  - Sec. 1. NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form.
- D. LCB File No. R0121-17
  - Sec. 1. NAC 284.358 Types of lists and priority for use.
  - Sec. 2. NAC 284.360 Reemployment lists; certification or waiver of lists.
  - Sec. 3. NAC 284.361 Use of lists and consideration of eligible persons.
  - Sec. 4. NAC 284.618 Layoffs: Voluntary demotions.
- E. LCB File No. R151-17
  - Sec. 1. NAC 284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability.
  - Sec. 2. NAC 284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.

- Sec. 3. NAC 284.5775 Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay.
- Sec. 4. NAC 284.882 Administration of screening tests.

**FOR POSSIBLE ACTION**

**VI. Discussion and Approval of Addition of Classes and Positions Approved for Pre-employment Screening for Controlled Substances and Revisions to Class Specifications. .... 75-92**

A. The Attorney General’s Office requests the addition of positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances:

- 1. Classes and positions requested for approval of pre-employment screening for controlled substances:

- 13.237 AG Cybercrime Investigator II – All PCNs
  - 13.238 AG Cybercrime Investigator I – All PCNs

- 2. Request for approval of class specification change to include pre-employment screening for controlled substances for some positions:

- 13.237 AG Cybercrime Investigator II
  - 13.238 AG Cybercrime Investigator I

**FOR POSSIBLE ACTION**

**VII. Discussion and Approval or Denial of Individual Classification Appeal ..... 93-94d**

James Reynolds, Compliance/Audit Investigator III  
Department of Employment, Training and Rehabilitation

**FOR POSSIBLE ACTION**

**VIII. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Revisions or Abolishment ..... 95-117**

- A. Agriculture & Conservation/Agriculture & Related
  - 1. Subgroup: Parks
    - a. 1.907 Parks Regional Manager (Non-Commissioned)
    - b. 1.967 Park Supervisor Series (Non-Commissioned)
- B. Fiscal Management & Staff Services
  - 1. Subgroup: Administrative & Budget Analysis
    - a. 7.644 Fatality File Analyst
  - 2. Subgroup: Actuarial/Research/Grants Analysis
    - a. 7.704 Tort Claims Manager
  - 3. Subgroup: Public Information
    - a. 7.843 Technical Production Editor
- C. Mechanical & Construction Trades
  - 1. Subgroup: Skilled Trades and Allied
    - a. 9.407 Precision Machinist
    - b. 9.438 Computer Facility Technician

**IX. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160. .... 118-124**

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore the changes automatically went into effect.

- Posting: #9-18  
10.368 Certified Nursing Assistant Series
- Posting: #10-18  
9.201 Equipment Operation Instructor
- Posting: #11-18  
13.246 AG Criminal Investigator Series
- Posting: #12-18  
3.237 AG Cybercrime Investigator Series

**X. Discussion and Announcement of Dates for Upcoming Meetings. Next Meeting Scheduled for June 8, 2018.**

**XI. Commission Comments**

**XII. 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)

**XIII. Adjournment**

Supporting material for this meeting is available at the Division of Human Resource Management, 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, Nevada, 89101; or on our website [http://hr.nv.gov/Boards/PersonnelCommission/Personnel Commission - Meetings/](http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/). To obtain a copy of the supporting material, you may contact Carrie Lee at (775) 684-0131 or [carrie.lee@admin.nv.gov](mailto:carrie.lee@admin.nv.gov).

Inquiries regarding the items scheduled for this Commission meeting may be made to Carrie Lee at (775) 684-0131 or [carrie.lee@admin.nv.gov](mailto:carrie.lee@admin.nv.gov).

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, Suite 101, Carson City, Nevada, 89701, no less than (5) five working days prior to the meeting.

Persons who wish to receive notice of meetings must subscribe to the Division of Human Resource Management LISTSERV HR Memorandums which can be found on the following webpage: [http://hr.nv.gov/Services/HRM Email Subscription Management/](http://hr.nv.gov/Services/HRM_Email_Subscription_Management/). If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c) which states in part, "A request for notice lapses 6 months after it is made." Please contact Carrie Lee at (775) 684-0131 or [carrie.lee@admin.nv.gov](mailto:carrie.lee@admin.nv.gov) to make such requests.

Notice of this meeting has been posted at the following locations:

**Carson City**

Blasdel Building, 209 East Musser Street  
Nevada State Library & Archives Building, 100 North Stewart Street  
Nevada State Capitol, 101 North Carson Street

**Las Vegas**

Grant Sawyer Building, 555 East Washington Street

**Internet**

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: [www.hr.nv.gov](http://www.hr.nv.gov)

**STATE OF NEVADA  
PERSONNEL COMMISSION**

Held at the Nevada Department of Transportation, 1263 S. Stewart Street, Rooms 301 & 302, Carson City, NV 89712; and via video conference in Las Vegas at the Nevada Department of Transportation, 123 E. Washington Ave., Training Room B, Las Vegas, NV 89101

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**MEETING MINUTES  
Thursday, December 7, 2017  
(Subject to Commission Approval)**

**COMMISSIONERS PRESENT  
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson  
Ms. Patricia Knight, Commissioner  
Ms. Mary Day, Commissioner

**COMMISSIONERS PRESENT  
IN LAS VEGAS:**

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

**STAFF PRESENT IN CARSON CITY:**

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)  
Ms. Shelley Blotter, Deputy Administrator, DHRM  
Ms. Cassie Moir, Deputy Administrator, DHRM  
Ms. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General  
Ms. Carrie Hughes, Personnel Analyst, DHRM  
Ms. Beverly Ghan, Supervisory Personnel Analyst, DHRM  
Ms. Michelle Garton, Supervisory Personnel Analyst, DHRM  
Ms. Carrie Lee, Executive Assistant, DHRM

**STAFF PRESENT IN LAS VEGAS:**

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM  
Ms. Amy Taylor, Administrator, Equal Employment Opportunity, DHRM

**I. CALL TO ORDER; WELCOME; ROLL CALL; ANNOUNCEMENTS**

**Chairperson Fox:** Opened the meeting at approximately 9:00 a.m. She welcomed everyone, took roll and noted the presence of a quorum. There were changes to the definition of the establishment of a quorum during the last legislative session; five Commissioners must be present to constitute a quorum. During this meeting, alternate Commissioner Mary Day will be serving for Commissioner Spurlock, who is absent. Alternate Commissioner Priscilla Maloney is available in the north and Alternate Commissioner Armen Asherian is available in the south. The five Commissioners that make up the quorum will be actively participating in the meeting.

**II. PUBLIC COMMENT**

**Chairperson Fox:** Advised that 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. She asked if there were any public comments. None were put forth.

### III. APPROVAL OF MINUTES OF PREVIOUS MEETING – Action Item

**Chairperson Fox:** Called for revisions, additions or deletions. There were none recommended.

**Held September 29, 2017**

**MOTION:** Moved to approve the minutes of the September 29, 2017, meeting.  
**BY:** Commissioner Mauger  
**SECOND:** Commissioner Sanchez  
**VOTE:** Motion passed. Commissioner Day abstained due to the fact she was not present at the September 29, 2017, meeting.

### IV. DISCUSSION AND APPROVAL OF REMOVAL AND ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES – Action Item

- A. The Division of Human Resource Management in concurrence with the Department of Public Safety requests the removal of positions to the list approved for pre-employment screening for controlled substances:

7.901 Chief IT Manager, PCN: 0005  
7.902 IT Manager III, PCN: 0127  
7.904 IT Manager I, PCN: 0020  
7.921 IT Professional IV, PCN: 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125  
7.925 IT Professional III, PCN: 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145  
7.926 IT Professional II, PCN: 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450, 0677, 0681, 0129  
7.928 IT Technician VI, PCN: 0026, 0204, 0205  
7.929 IT Professional I, PCN: 0090  
7.935 IT Technician IV, PCN: 0065, 0075, 0080, 0085, 0095, 0096  
7.943 IT Technician Trainee, PCN: DPS – All PCNs  
7.951 IT Professional Trainee, PCN: DPS – All PCNs

**Carrie Hughes:** Introduced herself as a Personnel Analyst for the Division of Human Resource Management (DHRM). She explained that NRS 284.4066 provides for the pre-employment screening for controlled substances of candidates for positions affecting public safety prior to hire. The statute requires an appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission. Additionally, federal courts have indicated that pre-employment drug screening by public entities may constitute a search within the meaning of the Fourth Amendment and, if so, must be justified by a special need that outweighs a reasonable expectation of privacy. DHRM, in concurrence with the Department of Public Safety, is requesting the removal of the positions listed in Agenda Item IV-A as a housekeeping item. Some or all of these positions have been moved from the Department of Public Safety to the Department of Administration's Enterprise IT Services. These position numbers were approved specifically as Department of Public Safety positions and they no longer exist within the Department of Public Safety.

**Commissioner Mauger:** Inquired as to the rationale for discontinuing controlled substance screenings, particularly in light of the fact that the positions are within the Department of Public Safety. **Carrie Hughes:** Explained that DHRM did reach out to the Department of Administration's Enterprise IT Services. Their administrator indicated that they are not seeking pre-employment drug screening for these positions at this time; candidates do complete a background screening, however. **Commissioner Mauger:** Asked for clarification that the screening would be done prior to employment. **Shelley Blotter:** Clarified that both would be done prior to employment. Unfortunately, the

Administrator for the Enterprise IT Services Division was unable to attend today. The information provided by the Administrator is that they were not intending to pursue pre-employment drug testing. The positions no longer exist within the Department of Public Safety. It would be up to the appointing authority, the Administrator of the Enterprise IT Services Division, to make the request to have them added back on with their position control numbers, if they so choose to. **Chairperson Fox:** Summarized that the positions no longer exist within the Department of Public Safety. The positions are provided by Enterprise IT Services in a broader group within the State of Nevada, as well as the Director's thought is that the background investigation is a more robust, comprehensive check to ensure that the positions meet the requirements. **Shelley Blotter:** Believed that is an accurate description.

**Chairperson Fox:** Asked if there were additional questions or public comment. There were none. Hearing no questions or comments, she entertained a motion.

MOTION: Moved to approve Item IV-A.  
BY: Commissioner Mauger  
SECOND: Commissioner Sanchez  
VOTE: Motion passed unanimously.

- B. The Department of Public Safety requests the addition of positions to the list approved for pre-employment screening for controlled substances:

12.616 Parole & Probation Specialist III, PCN: 3740-1251, 3740-0564

**Carrie Hughes:** Explained that the Department of Public Safety has requested to add the requirement of pre-employment screening for controlled substances to the Parole & Probation Specialist III positions. Approval of these positions is recommended as safety sensitive, as they will be working in correctional facilities and interacting with inmates on a regular basis. Additionally, similar positions were approved at the September 29th meeting. Mavis Affo, representing the Department of Public Safety, is available for questions.

**Chairperson Fox:** Asked if there were questions or public comment. She asked that the record indicate that the position is part of a program which has the purpose of helping support the efforts to successfully reintroduce offenders into the community and their work locations will be in correctional and traditional housing facilities.

**Chairperson Fox:** Invited public comment. None was put forth.

MOTION: Moved to approve Item IV-B.  
BY: Chairperson Fox  
SECOND: Commissioner Knight  
VOTE: Motion passed unanimously.

**Chairperson Fox:** Stated that before addressing Agenda Item V for possible action, Commissioner Sanchez has a specific request for the Division related to the Affirmative Action Program with the State as well as the 700-Hour Program. **Commissioner Sanchez:** Clarified that he has a question regarding V-A, Section 4. He previously served under Governor Miller as a member of the Governor's Committee on Employment of People with Disabilities. He would like an update in terms of how individuals who are seeking employment from the State are certified as being disabled. In addition, he would like clarification on the logic behind the 700-hour rule.

**Janice John:** Introduced herself as the Deputy Administrator of the Rehabilitation Division, DETR [Division of Employment, Training & Rehabilitation]. She noted that the 700 regulation was originally approved in 1965 under Governor Sawyer. Since then, there have been a number of amendments to the regulation to remain in compliance with federal ADA regulations and guidelines. The process of certifying people as being disabled during their employment application process falls onto the Vocational Rehabilitation Division. Clients with disabilities come to



the Division to enter the eligibility program. Clients are certified that they have a disability that is an impediment to employment. The Division becomes an agent able to recommend the individual for a State position in the 700-Hour Program; counselors working in the program are all Master's level employment experts. An applicant's qualifications, education, work experience and skills are matched to State positions. The Division writes a letter, which is certified through State Personnel [Division of Human Resource Management]. The applicant completes their application and accompanied with the Division's letter, are submitted to State Personnel [Division of Human Resource Management] for review and matching to applicable positions.

**Commissioner Sanchez:** Asked a follow-up question. If there is a combat veteran with PTSD certified by the Veterans Administration who comes to apply for job at the State, does the individual have to complete vocational rehabilitation or follow another process to become certified? **Janice John:** Explained that if the individual wished to become certified 700-hour, they would apply through the program. The Division makes the determination in terms of vocational rehabilitation and is the only agency with the authority to submit the supporting letter on behalf of the applicant to State Personnel [Division of Human Resource Management] for review to a matching position.

**Commissioner Sanchez:** Referenced Agenda Item V-D, Section 5. He asked how the Affirmative Action Program is operating and who are the individuals responsible for operating the program in the State of Nevada. **Amy Taylor:** Introduced herself as Administrator, Equal Employment Opportunity, DHRM. The office works in conjunction with Recruitment and Placement (sic), Consultation and Accountability, and with minority outreach groups. They interact with Nevada educational institutions to provide information regarding opportunities for State employment. They offer quarterly EEO meetings, during which EEO and HR professionals come together to discuss challenges in affirmative action in an effort to achieve parity. They review statistics on a quarterly basis and share the information with agency regional EEO Officers in an effort to achieve parity with the U.S. Census Bureau. They conduct outreach to agencies, commissions and departments and offer services.

**Commissioner Sanchez:** Asked if there is a published affirmative action plan that is regularly revisited. **Amy Taylor:** Confirmed that there is a regularly reviewed plan which is currently in the midst of being updated. **Commissioner Sanchez:** Inquired as to whether there is any interaction between the Affirmative Action [EEO] Office and the Nevada Human Rights Commission on cases. **Amy Taylor:** Confirmed that there is frequent interaction. **Commissioner Sanchez:** Asked if the office has staff in the north. **Amy Taylor:** Confirmed there is staff working in the north.

**Chairperson Fox:** Addressed Ms. Taylor's reference to parity with the U.S. Census Bureau and posed a procedural question. That is, whether the Affirmative Action [EEO] Office looks at both applicants as well as the workforce (i.e. adverse impact analysis of applicants and how they are doing in the selection process) or is that a separate unit in the State or is her role to look truly at employees within the organization and how they compare to numbers in the U.S. Census. **Amy Taylor:** Explained that the office has dual responsibilities. Along with the work with current State employees, the office also reviews applicants, quotas and ratios.

## V. DISCUSSION AND APPROVAL OF PROPOSED REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 – Action Item

- A. LCB File No. R034-17
  - Section 1. NAC 284.358 Types of lists and priority for use.
  - Sec. 2. NAC 284.360 Reemployment lists; certification or waiver of lists.
  - Sec. 3. NAC 284.361 Use of lists and consideration of eligible persons.
  - Sec. 4. NAC 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments.

Sec. 5. NAC 284.618 Layoffs: Voluntary demotions.

Sec. 6. Effective date.

**Chairperson Fox:** Opened the discussion on Item V and indicated items will be heard separately before rendering a decision. **Beverly Ghan:** Introduced herself as a Supervisory Personnel Analyst, DHRM, and explained that the changes proposed in LCB File No. R034-17 are, in part, a result of the 2017 Legislative Session. Assembly Bill 192 amends NRS 284.327 to require appointing authorities to make appointments from the list of persons with disabilities who are eligible for temporary, limited appointments to vacant positions, unless the individual receives benefits from the hiring agency or there is an actual or potential conflict of interest. This list is commonly referred to as the 700-hour eligible list. The amendment proposed in Section 1 by DHRM to NAC 284.358, clarifies the order when using the list of eligible persons and makes mandatory the use of the 700-hour eligible list pursuant to NRS 284.327. The amendment proposed in Section 2 of NAC 284.360 establishes the order of the list to be used when filling a vacancy. The amendment proposed in Section 3 of NAC 284.361 establishes a time frame for offers of employment to be accepted. It is necessary to expand this portion of the regulation, so that the hiring agency can move to the next type of list, if an offer of employment is not answered in the established time frame. The amendment proposed in Section 4 to NAC 284.364 includes language mandating the appointment to the 700-hour list and details how appointments should be made from the list when one or more applicants from the list is qualified. The amendment proposed in Section 5 by the Legislative Counsel Bureau to NAC 284.618 makes a conforming change. The amendment changes the reference from Subsection 2 of NAC 284.361 to Subsection 3 of NAC 284.361, because that regulation is proposed for amendment in Section 3 of the LCB file, and the subsection number has changed as a result. If adopted and approved, these regulations are effective January 1, 2018, or upon filing with the Secretary of State's Office, whichever is later.

**Chairperson Fox:** Asked if there were questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-A

BY: Commissioner Mauger

SECOND: Commissioner Sanchez

VOTE: Motion passed unanimously

- B. LCB File No. R035-17 and response to Commission comments regarding general discharges made at the September 29, 2017, meeting.  
Section 1. NAC 284.325 Preferences for veterans.

**Peter Long:** Stated that prior to the presentation on Agenda Item V-B, Section 1, he would address questions that arose during the September meeting on this regulation. The Commissioners have been provided a handout that notes the various types of discharges that can be granted from service with the military as well as the benefits associated with each type of discharge. There had been a concern that the bill indicated that a veteran was someone with other than a dishonorable discharge. He clarified the definition for a veteran in the bill does indeed refer to an individual with other than a dishonorable discharge. It is the same definition the Division has been using even prior to the current changes. Another concern from a change in the bill was that the veteran's preference was limited to residents of the State. This is also accurate. However, due to changes in the bill, veterans will receive additional preference now for promotional recruitments that they did not receive before. In the past, they were limited to using veteran's points one time on a promotional recruitment. They are now able to use their points on an unlimited basis. The concerns expressed will be forwarded to the Governor's Office veteran's staff to determine what, if anything, we could do next session to change that back to all veterans versus just residents of the State.

**Commissioner Sanchez:** Clarified that the document provided by Mr. Long indicates that individuals with general discharges other than honorable and bad conduct charges would be eligible under the State. He asked whether this is a correct understanding. **Peter Long:** Confirmed that this is correct and noted that this is not a change from how the

policy has been applied in the past. **Commissioner Sanchez:** Noted that he and Commissioner Mauger are veterans. Under the document Mr. Long provided, it states that the Veterans Administration uses the Honorable DD 256-A Form. He stated that he is a little shocked, because we both have Form DD-214s and there may have been a change in the designation of honorable discharges. **Peter Long:** Stated that there are various forms that can express honorable discharge status. As long as a form shows military service and the type of discharge, it is accepted. The typical form received is the DD-214.

**Commissioner Sanchez:** Noted that the State of Nevada is no longer administering written tests. Given that, under Section V-B, there is discussion regarding competitive examinations for veterans. If there are no longer any written tests, he questioned whether the examinations are considered competitive to add 10 points to a non-written test or better. **Peter Long:** Clarified that there are competitive tests in the form of training and experience (T & E) exams; they would have additional points added to those types of lists. **Commissioner Sanchez:** Asked for confirmation that additional credit would be added for T & E. **Peter Long:** Confirmed this. **Commissioner Sanchez:** Inquired as to whether interview scores were subject to the additional credit. **Peter Long:** Stated that they do not receive additional credit.

**Chairperson Fox:** Asked whether the Department of Public Safety still uses written exams, i.e., for an NHP officer or a Correctional Officer. **Peter Long:** Stated that the Department of Public Safety requested permission to still use written exams and they continue to do so through their own system. **Chairperson Fox:** Sought clarification that that is where the 10 points would be applied upon a passing score. **Peter Long:** Stated he did not believe the points would be added there, as they are unranked lists and additional points would not be of any benefit.

**Commissioner Sanchez:** Stated that in the past, the State of Nevada was using an item analysis program to determine adverse impacts, etc. He asked whether this has been abandoned in terms of reviewing the information about the selection process. **Peter Long:** Explained that they can still determine adverse impact on the selection process. He believed the adverse impact Commissioner Sanchez was referring to was if the exam was appropriate and if the exam showed any adverse impact on the test results.

**Chairperson Fox:** Asked whether promotional exams are generally T & E rankings or something other than that? **Peter Long:** Replied it is a mixed bag. Currently all lists are unranked for classes up to the advanced journey level. Supervisory and managerial exams are ranked. **Chairperson Fox:** Stated that, for example, the Department of Public Safety for DPS Sergeant would probably use a written exam to promote to sergeant or lieutenant. **Peter Long:** Said he would defer this question to the DPS representative. He believes that for sergeant and lieutenant or above, they use oral exams. **Mavis Affo:** Introduced herself as a Personnel Officer 3, Department of Public Safety, and stated that the Department currently uses a written exam for DPS Sergeant only as a method of screening. It is unranked and is pass/fail only. Afterwards, there is a T & E 50 percent weighted screening as well as an oral exam, also weighted 50 percent.

**Chairperson Fox:** Inquired as to whether the veteran points would be applied to the T & E. **Mavis Affo:** Said they would apply to the oral exam when combined and processed. Because the written exam is pass/fail only, those who fail do not proceed to the next phase. **Chairperson Fox:** Asked about the ranks of lieutenant and captain. **Mavis Affo:** Explained that the process utilizes the oral exam and T & E as well. **Chairperson Fox:** Summarized that a veteran working at DPS who tests for sergeant receives the application of the points at the sergeant level so long as he receives a passing score. They can then be applied again for the rank of lieutenant and captain as long as passing scores are received. **Mavis Affo:** Confirmed the accuracy of the summary.

**Commissioner Sanchez:** Asked whether the written test was purchased or developed in-house. **Mavis Affo:** Explained that the exam was developed in-house in consultation with DHRM at that time. **Commissioner Sanchez:** Inquired as to whether the written test is updated on a regular basis in terms of item analysis. **Beverly Ghan:** Clarified that the exam used by DPS essentially mirrors the one used by DHRM and has only recently started being

used, so there has not yet been time for updates to occur, only a few months. DHRM would presume through the delegated agreement, DPS will follow that process as required. **Commissioner Sanchez:** Asked without an item analysis, how is adverse impact determined on any written test administered in the State of Nevada. **Beverly Ghan:** Answered that the exam currently being used did have the item analysis done initially. When DPS begins the update process, DHRM will assist them. **Chairperson Fox:** Asked if the written exams for sergeant, lieutenant and captain are based on the KSAs to determine the necessary successful performance at that rank. **Mavis Affo:** Added that written exams are not used for lieutenant, captain and major; they are only given at the sergeant level.

**Beverly Ghan:** Stated the proposed amendment is a result of Assembly Bill 309 of the 2017 Legislative Session. The amendment to NAC 284.325 was adopted by the Personnel Commission, endorsed by the Governor and filed with the Secretary of State as an emergency regulation, which became effective October 1, 2017. The regulation in this LCB file virtually mirrors the emergency regulation that was adopted, except for the reference to AB 309, which was not included in the emergency regulation. The regulation now allows veteran preference points to apply to any recruitment, when applicable, and confirms that the verification for eligibility must be with the initial application.

**Chairperson Fox:** Asked if there were questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-B.  
BY: Commissioner Sanchez  
SECOND: Commissioner Mauger  
VOTE: Motion passed unanimously.

C. LCB File No. R036-17

Section 1. NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.

Sec. 2. NAC 284.321 Convictions: Disclosure; factors for consideration.

Sec. 3. Effective date.

**Beverly Ghan:** Stated that Agenda Item V-C is a proposed amendment as a result of Assembly Bill 384 of the 2017 Legislative Session. Assembly Bill 384 amends NRS 284 to add a new section providing that the criminal history of an applicant or other qualified person under consideration for employment in the classified or unclassified service may not be considered until after the final interview has been conducted, a conditional offer of employment has been made or the applicant has been certified by the Administrator. The amendment to NAC 284.374, proposed by the Legislative Counsel Bureau, removes the failure to disclose convictions because NAC 284.321 is proposed for repeal in Section 2 of this LCB File. If adopted and approved, these regulations will be effective January 1, 2018, or upon filing with the Secretary of State, whichever is later.

**Chairperson Fox:** Asked if there were questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-C.  
BY: Commissioner Knight  
SECOND: Commissioner Day  
VOTE: Motion passed unanimously.

D. LCB File No. R088-17

Section 1. Amends Chapter 284 to add Sections 2 and 3.

Sec. 2. NEW "Domestic partner" defined.

Sec. 3. NEW "Spouse" defined.

Sec. 4. NAC 284.010 Definitions.

Sec. 5. NAC 284.114 Affirmative action program and equal employment opportunity.

Sec. 6. NAC 284.2508 Compensatory time: Use.

Sec. 7. Effective date.

**Michelle Garton:** Introduced herself as a Supervisory Personnel Analyst, DHRM. She explained that Section 1 incorporates the two new regulations proposed in Sections 2 and 3 of this LCB file into Chapter 284 of the Nevada Administrative Code. Section 2, “Domestic partner” defined, is a newly proposed regulation, which will define domestic partner for use in Chapter 284 of the Nevada Administrative Code. A person will be considered a domestic partner, based on NRS 122A.030, which is a person in a registered domestic partnership entered into either in Nevada or another state. Section 3, “Spouse” defined, is a newly proposed regulation, which defines the term spouse to include a domestic partner, so that any reference to a spouse in Chapter 284 of the Nevada Administrative Code is equally a reference to a domestic partner. The amendment to the regulation under Section 4, NAC 284.010, “Definitions,” makes a conforming change to include the new defined terms, domestic partner and spouse, into the general provisions of Chapter 284 of the Nevada Administrative Code. For Section 5, NAC 284.114, “Affirmative action program and equal employment opportunity,” NRS 122A.200 states that a public agency shall not discriminate against a person on the basis that that person is in a domestic partnership. It also states that domestic partners have the same right to nondiscriminatory treatment as is provided to spouses. As such, DHRM is proposing that the addition of domestic partnership be included in NAC 284.114. In regard to Section 6, NAC 284.2508, “Compensatory time: Use,” Senate Bill 361 of the 2017 Legislative Session provides new employment benefits and requirements related to domestic abuse and violence. At the September meeting, the Personnel Commission adopted regulations requiring the approval of annual leave, sick leave and leave without pay to an employee who is a victim of an act of domestic violence, or his or her family or household member is a victim of domestic violence. The amendment to this regulation will allow an employee to use compensatory time for this purpose as well. In addressing Section 7, “Effective date,” Sections 1 through 5 of this LCB file become effective upon filing with the Secretary of State. The effective date of Section 6 of this LCB file is based on Senate Bill 361 of the 2017 Legislative Session, which has an effective date of January 1, 2018. Section 6 will become effective on January 1, 2018, or upon filing with the Secretary of State, whichever is later.

**Chairperson Fox:** Asked if there were questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-D.  
BY: Commissioner Mauger  
SECOND: Commissioner Sanchez  
VOTE: Motion passed unanimously.

## **VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR ABOLISHMENT – Action Item**

- A. Agriculture & Conservation/Agriculture & Related
  - 1. Subgroup: Conservation/Forestry
    - a. 1.803 Deputy State Forester
- B. Fiscal Management & Staff Services
  - 1. Subgroup: Public Information
    - a. 7.860 Cultural Resource Technician

**Heather Dapice:** Introduced herself as a Supervisory Personnel Analyst in Classification, DHRM, and stated she was present to recommend abolishment of the Deputy State Forester class specification in the Agriculture & Conservation/Agriculture & Related occupational group in the Conservation/Forestry subgroup. In 2015, the Deputy Administrator Forestry series was amended to separate duties into two options: fiscal management and operations management. The duties allocated to the Deputy State Forester were reallocated to the Deputy Administrator, Forestry. As the duties previously associated with the Deputy State Forester have been reallocated and the class is no longer being utilized, it is recommended that this class be abolished effective this date. Moving on to Item VI-B-1-a, DHRM recommends for abolishment the Cultural Resource Technician class of the Fiscal Management & Staff Services occupational group, Public Information subgroup. As part of the biennial Class Specification Maintenance Review process, DHRM conducted a review of the Cultural Resource Technician class. This class was solely being

utilized by the Cultural Resource Division of the Harry Reid Center at UNLV. During the review, and in conjunction with subject matter experts from UNLV, it was determined that this class has not been recruited for since 2006, there is no incumbent, is not currently being utilized and is not expected to be utilized in the future. It is therefore recommended that the Cultural Resource Technician class specification be abolished.

**Chairperson Fox:** Asked if there were additional questions or public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item VI-A-1-a and VI-B-1-a.  
BY: Commissioner Mauger  
SECOND: Commissioner Sanchez  
VOTE: Motion passed unanimously.

**VII. REPORT OF UNCONTESTED CLASSIFICATION PLAN CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160**

Posting: #1-18  
7.776 Fiscal/Business Professional Trainee  
Posting: #2-18  
7.208 Organizational Change Manager, PMO  
Posting: #3-18  
7.209 Director, Office of Project Management  
Posting: #4-18  
7.210 Administrator, Office of Project Management  
Posting: #5-18  
7.753 Grants & Projects Analyst III  
7.755 Grants & Projects Analyst II  
7.757 Grants & Projects Analyst I  
7.759 Grants & Projects Analyst Trainee  
Posting: #6-18  
7.856 Cultural/Natural Resource Specialist III  
7.857 Cultural/Natural Resource Specialist II  
7.858 Cultural/Natural Resource Specialist I  
Posting: #7-18  
12.619 Parole & Probation Supervisor  
12.618 Parole & Probation Specialist IV  
12.616 Parole & Probation Specialist III  
12.614 Parole & Probations Specialist II  
12.615 Parole & Probation Specialist I  
Posting: #8-18  
7.215 Administrative Services Officer IV  
7.216 Administrative Services Officer III  
7.217 Administrative Services Officer II  
7.218 Administrative Services Officer I

**Chairperson Fox:** Asked if there were questions. There were none.

**VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS. NEXT MEETING SCHEDULED FOR MARCH 2, 2018.**

**Chairperson Fox:** Noted that the next meeting is scheduled for March 2, 2018. Discussion ensued regarding the date for the June meeting. There was agreement that the June meeting would occur on June 8, 2018.

**IX. COMMISSION COMMENTS**

**Chairperson Fox:** Invited comments from Commissioners. **Commissioner Mauger:** Jested that he is getting a complex as he is the only non-HR member on the Board. **Chairperson Fox:** Stated that she values the perspective Commissioner Mauger brings and that he plays a critical role for the Commission in terms of the balance of the needs of management as well as the needs and concerns of employees.

**X. PUBLIC COMMENT**

**Chairperson Fox:** Advised 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. She asked if there were any public comments. **Peter Long:** Commented that Deputy Attorney General Dawn Buoncristiani is retiring with her last day being December 14th. He thanked Ms. Buoncristiani for her service to DHRM. **Dawn Buoncristiani:** Thanked Mr. Long for the kind words and noted that it is time to retire after 21 years. She expressed best wishes to everyone. **Chairperson Fox:** Added that Ms. Buoncristiani would be missed and she wished her luck.

**XI. ADJOURNMENT**

**Chairperson Fox:** Adjourned the meeting.

**FOR DISCUSSION AND POSSIBLE ACTION**

**Prohibitions and Penalties**

In accordance with NAC 284.742, an agency shall identify specific activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These Prohibitions and Penalties are subject to the approval of the Personnel Commission.

**Office of the Attorney General - DHRM Recommendation**

The Office of the Attorney General has updated their Prohibitions and Penalties previously approved by the Personnel Commission and in effect since December 10, 2010. Prior to the submitted revised version, department employees and the employee associations were requested to submit comments and suggestions.

Please note the discipline levels in items #B-26, #C-13, #E-14, #F-4, #H-21, #H-23, #H-24 and #H-25 were elevated to a higher level than all other agencies due to violations of these types could compromise the agency's operations and professional conduct. Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission. Revisions have been tracked with new matter in blue font and deletions as red strikethroughs. Prohibitions that were relocated from a section to a more appropriate section were not noted since language had already been previously approved by the Commission.



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PROHIBITIONS AND PENALTIES

A Guide ~~F~~ for Classified Employees of the Office of the Attorney General

As required by NAC 284.742, ~~T~~ the following ~~is a guide for employees of the Attorney General's Office identifying those activities which will be considered~~ identifies activities that are prohibited as inconsistent, incompatible or in conflict with ~~their~~ an employee's duties ~~as employees, and will be cause for disciplinary action~~ and identifies a range of penalties for various violations. ~~In compliance with the Nevada Administrative Code 284.742, it~~ This guide is ~~meant~~ intended as a supplement to the Nevada Rules for Personnel Administration and does not ~~attempt to cover~~ constitute coverage of all possible violations ~~that could conceivably occur of the existing rules nor does it preclude other prohibitions and penalties as contained in the Nevada Administrative Code.~~ It is intended to ~~be used~~ clarify existing rules and regulations and to assist ~~the~~ supervisors in taking appropriate corrective discipline action. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree than indicated depending on the circumstances and the seriousness of the offense(s). The extent of progressive discipline ~~imposed~~ will be at ~~the direction of~~ the Appointing Authority's ~~discretion~~ and ~~should be in proportion to the seriousness of the offense.~~

TYPES OF CORRECTIVE ACTION AND CODE DESCRIPTION

- |                      |   |
|----------------------|---|
| 1. Oral Warning      | <del>May</del> Shall be oral <del>or written</del> and documented.  |
| 2. Written Reprimand | <del>Written memo reprimand or special evaluation. (Form NPD-52)</del>  |
| 3. Suspension        | <del>May be for a period of from one working day to</del> Not to exceed 30 <del>calendar days. (Form NPD-41)</del>  |
| 4. Demotion          | <del>Reduction in the</del> Movement of employee to class <del>level the</del> employee currently occupies having lower grade than class previously held. <del>(Form NPD-41).</del> |
| 5. Dismissal         | <del>Termination. (Form NPD-41).</del>  |

Appropriate disciplinary or corrective action may also be taken for any cause listed in Chapter 284 of the Administrative Code (e.g., NAC 284.646 (Dismissals) and NAC 284.650 (Causes for Disciplinary Action). If disciplinary action of suspension, demotion or dismissal (code 3, 4 or 5) is recommended for ~~a supervisor recommends disciplinary action of~~ a permanent classified employee ~~to codes 3,4 or 5 above~~, the pre-disciplinary guidelines set forth in NAC 284.656 **must** be followed.

	1 <sup>st</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
<b>A. FRAUD IN SECURING APPOINTMENT OR FAILURE TO SIGN REQUIRED HIRING DOCUMENTS</b>			
1. <del>Willful</del> Falsification of application for employment or other personal records with respect to a material point which would have adversely affected selection appointment.	5		
2. Willfully withholding information which may appear when initial background check completed or <del>agencies</del> agency mandated 3 year background re-check completed.	5		
3. Failure to report an arrest or conviction when disclosure is required by law, regulation or agency policy.	5		
4. Taking for another person, or permitting another person to take for you, an examination or a portion thereof	5		
5. Refusal upon hire to sign the Acknowledgment of Receipt of Prohibitions and Penalties.	5		
6. Refusal upon hire to sign the Acknowledgment of the Governor's Policy Against Sexual Harassment and Discrimination	5		
7. Refusal to undergo a criminal background check or fingerprinting when it is required by law, regulation, or Office policy.	5		
<b>B. PERFORMANCE ON THE JOB</b>			
1. Failure or refusal of an employee to carry out work assignments or instructions of supervisors after a reasonable period of instruction or without a reasonable and bona fide excuse.	2, 3	3, 4	3,4,5
<del>1. Failure of an employee, who is designated as a supervisor and had supervisory authority, to take corrective disciplinary action where such action is needed.</del>	<del>1,2</del>	<del>2,3</del>	<del>3,4,5</del>
2. Misconduct of supervisor because of prejudice, anger or other unjustifiable reason.	1,2,3,4	2,3,4,5	4,5

<del>3. Failure of employee to maintain performance after reasonable period of instruction.</del>	<del>1,2,3</del>	<del>2,3</del>	<del>3,4,5</del>
43. Failure to maintain prescribed records.	1,2,3	2,3,4,5	5
4. Failure to maintain appropriate personal appearance standards.	1,2	2,3	3,4,5
5. Willfully and/or negligently withholding or concealing information regarding their job from official records or from supervisors or other persons having necessity for said information.	1,2,3,4,5	3,4,5	5
6. Endangering self, fellow employees, clients or public through careless or willful violation of agency policy as contained in performance standards, procedures and various Federal and State laws, regulations and guidelines.	2,3,4,5	3,4,5	5
7. Failure to cooperate with other employees and/or supervisor.	1,2	2,3	3,4,5
8. Failure to properly account for State or Federal funds where it is a known requirement of the position.	2,3,4,5	3,4,5	5
9. Negligent waste or loss of material, property or equipment.	1,2,3	3,4,5	5
10. Willful or negligent destruction or damage to State property.	2,3,4,5	3,4,5	5
11. Unauthorized and/or willful destruction of State records.	2,3,4,5	3,4,5	5
12. Divulging official client, employer or job order information obtained in the performance of his/her official duties to any person outside the <del>Department</del> -Office except as specified by law or policy.	2,3,4,5	5	
13. Soliciting or accepting a bribe for activities related to the employee's State employment.	5		
14. Negligent and/or willful falsification or inaccurate preparation of any public record, including biweekly timesheets, leave requests, overtime, compensatory time, travel vouchers, and/or information in client or agency files.	1,2,3	3,4,5	5
15. The willful falsification of any prescribed report or work-related records	1,2,3,4,5	3,4,5	5
16. Negligent and/or willful falsification of inaccurate preparation of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents resulting in personal gain that is not subsequently reported.	2,3	3,4,5	5

17. Negligent and/or willful falsification of inaccurate preparation of financial records, such as travel, payroll, purchase vouchers, or their supporting documents, no personal gain.	2,3	3,4,5	5
18. Willful concealment of material facts by omission from records.	5		
<del>15</del> 19. Willful falsification of any public record that involves misuses of State or Federal funds.	2,3,4,5	3,4,5	5
20. Negligent and/or willful failure to participate in required firearms qualification.	2,3,4,5	3,4,5	5
<del>16</del> 21. Unauthorized taking and/or using property belonging to the State/Federal government, other employees, removal of secure or personal records, correspondence or documents from <del>Departmental Office</del> files.	<del>2,3,4,5</del>	<del>5</del>	
<del>17</del> 22. Knowingly making a personal profit from State transactions.	2,3,4,5	5	
<del>18</del> 23. Deliberate failure to enforce or comply with law(s) and/or agency policies and regulations which directly relate to the employee's work activities.	<del>2,3,4,5</del>	5	
<del>19</del> 24. The suspension, revocation, cancellation or lapsing of any valid licenses, certificate or permit when the possession of a valid license, certificate, or permit is required as an essential function of the job.	2,3,4,5	5	
<del>20</del> 25. Failure to notify the appointing authority within 5 days of the suspension, revocation or cancellation of a professional or occupational license or certification when such possession is a job requirement.	1,2	3,4	5
26. Jeopardizing the security of Office property.	5		
27. Theft or misappropriation of property belonging to the Office, Federal or State government or fellow employees.	5		
28. Making unauthorized Office transactions for personal profit or that result in excessive costs to the State for the transaction.	5		
29. Endangering self, fellow employees, clients, or public through negligent violation of agency or division policy as contained in performance standards, safety rules, procedures and any other State and Federal laws, regulations or guidelines.	2,3,4,5	5	

30. Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job.	1,2,3,4,5	2,3,4,5	4,5
31. Failure of a supervisor to fulfill their supervisory responsibilities, including but not limited to (1) ensuring that employees adhere to the policies and procedures of the Office, (2) ensuring the actions of all personnel comply with all laws, (3) taking corrective disciplinary action where such action is needed, (4) preparing timely reports of performance, and (5) accounting for employees' time and leave.	2,3,4,5	2,3,4,5	4,5
32. Converting found, recovered, or seized property to personal use.	3,4,5	5	
33. Engaging in any investigation or official action which is not part of their assigned duties without the authorization of a supervisor or commander unless the circumstances demand immediate action.	3,4,5	4,5	5
34. Embezzlement or misappropriation of State funds or of other funds for personal gain which come into the employee's possession by reason of his/her official position.	5		.
<b>C. NEGLECT OF JOB RESPONSIBILITY, OR INEXCUSABLE ABSENCE FROM THE JOB</b>			
1. Negligence in performing official duties including failure to follow instructions or regulations.	1,2,3	2,3,4,5	3,4,5
2. Carelessness, indifference, laziness and/or inattention to duty.	1,2	2,3,4	3,4,5
3. Failure to notify supervisor promptly when unable to report for work or failure to report to work at specified times and in the prescribed manner.	1,2,3	2,3,4	3,4,5
4. <del>Carrying on</del> Conducting excessive personal business during work hours.	1,2,3	2,3,4,5	3,4,5
5. Continual or frequent tardiness.	1,2,3	2,3,4,5	3,4,5
6. <del>Absence from duty</del> Leaving work area or a job without permission or without adequate justification or when specifically instructed to remain in work area or at the job.	1,2,3	3,4,5	5
7. Willful absence from duty without leave after having been denied permission to take such leave.	3,4,5	5	
8. Violations of one or more of the	2,3,4	3,4,5	5

provisions for use of sick leave not authorized by NAC 284.554.			
9. Repeated unauthorized extension of designated lunch periods, or of rest periods beyond the prescribed 15 minutes of NAC 284.524	1,2	2,3,4,5	3,4,5
10. "Loafing" on the job; wasting time; failure to put in a full day's work.	1,2	2,3	3,4,5
11. Unauthorized absence from duty or abuse of leave privileges.	1,2,3	2,3,4	3,4,5
12. Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification.	2,3,4,5	5	
13. Failure to appear or provide testimony at a hearing when duly notified or subpoenaed.	5		
14. Repeated extension of designated lunch or rest periods beyond the prescribed 15 minutes in NAC 284.524 without supervisor approval.	3,4,5	5	
15. Failure to report to duty as ordered during public safety emergencies.	2,3,4,5	3,4,5	5
<b>D. RELATIONS WITH SUPERVISORS, FELLOW EMPLOYEES OR THE PUBLIC</b>			
1. <b>Insubordination:</b> Refusal to comply with reasonable or proper instruction from a supervisor and disobeying or refusing to abide to a Statute or regulation.	2,3,4,5	3,4,5	5
2. Threatening, attempting or doing bodily harm to a supervisor, a member of the public or a fellow employee; using any act of violence in the course of duties including stalking, threats, intimidation, assault or battery.	2,3,4,5	3,4,5	5
3. Discourteous treatment of the public or a fellow employee.	1,2,3,4,5	<del>2</del> ,3,4,5	3,4,5
4. Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public; or intended to disrupt the work environment.	2,3,4,5	3,4,5	5
5. A willful or reckless act to a supervisor, co-worker, or the public; abuse or omission to act which causes physical or mental injury including, but not limited to sexual exploitation, hitting or use of excessive force towards a supervisor, co-worker, or the public.	2,3,4,5	4,5	5
6. Knowingly providing false or misleading statement, either	3,4,5	5	

verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statement in response to any question or request for information in any official investigation, interview, hearing or judicial proceeding.			
7. Using insulting, abusive, intimidating, or profane language to a supervisor, a subordinate, the public, or a fellow employee	2,3	3,4,5	4,5
8. Deliberately making false or misleading statements to or about supervisor or fellow employee.	2,3,4,5	5	
9. Engaging in a sexual relationship with any State employee while in the workplace.	5		
10. Failure to work with fellow employees as a team to best reach the goals of the agency and create an environment which promotes group work cohesiveness.	1,2	2,3	3,4,5
11. Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	1,2,3	3,4,5	4,5
12. Failure to represent the Office in a professional manner during any court or administrative proceeding.	2,3	3,4	4,5
13. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm or destroy the reputation, authority, or official standing of the Office or members thereof.	5		
14. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.	3,4,5	5	
15. Causing discord among employees to the detriment of morale.	1,2	2,3	3,4,5
<b>E. USE OF ALCOHOLIC BEVERAGES, NARCOTICS OR HABIT FORMING DRUGS</b>			
1. Inability to perform the duties of his/her position properly because of being under the influence of <del>liquor</del> alcohol, narcotics, drugs or other controlled substances, <del>unless including</del> prescribed <del>by a physician</del> medication.	3,4,5	4,5	5
2. <del>Convicted of d</del> Driving under the influence <del>as enumerated in</del> <i>per</i> NRS 484.379 <i>and</i> NAC statutes and	5		

<i>regulations</i> or any other offense where driving under the influence is an element of the offense and the offense occurred; while driving a State vehicle at anytime or a privately owned vehicle on State business.			
3. <del>Drinking intoxicating liquor</del> Consuming alcohol or taking any controlled substances during working hours <del>unless in accordance with a valid prescription issued by a certified medical provider.</del>	2,3,4,5	3,4,5	5
4. Appearing for duty or operating a motor vehicle while under the influence of drugs or alcohol and confirmed by <del>laboratory</del> testing.	2,3,4	5	
5. Failure to complete any rehabilitation program recommended in the evaluation of an employee who is referred to an employee assistance program.	<del>3</del> ,5	<del>5</del>	
6. Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.	5		
7. Convicted of violating any State or Federal law prohibiting the sale, manufacture, distribution, dispensing, or possession of a controlled substance.	5		
8. Convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at work or while on State business.	5		
9. Unlawful manufacture, distribution, dispensing, possession, selling, of any controlled substance, narcotic, and/or drug at place of work or on State business. This includes during meal or break periods or while in uniform off-duty.	5		
10. Refusal to take any drug or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	5		
11. Refusal to submit to a screening test for any drug or alcohol test mandated by Federal or State law or agency policy.)	5		
12. Unlawful possession of a controlled substance at work or while on Office business.	5		
13. Failure to pass any drug or alcohol test that mandated by Federal or State law or employer requested.	2,3,4,5	3,4,5	5



14. Failure to notify a supervisor after consuming any drug, alcohol, or substance which could interfere with the safe and efficient performance of an employee's duties.	3,4,5	5	
<b>F. MISUSE OF STATE PROPERTY</b>			
1. Using or authorizing the use of State owned or leased equipment for other than official use.	1,2,3,4,5	1,2,3,4,5	5
2. Removing property, equipment, or documents from the workplace unless approved by the appropriate appointing authority.	1,2,3,4,5	2,3,4,5	5
3. Operating State vehicle in negligent manner resulting in damage to <del>the</del> State equipment, <del>or</del> other property <b>or personal injury</b> .	1,2,3,4,5	2,3,4,5	5
4. Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreement.	1,2,3,4,5	3,4,5	5
5. Using State or Federal property without proper authorization in accordance with Office policy.	1,2	2,3	3,4,5
6. Speeding or committing other traffic violations while driving a State or Federally owned vehicle, or reckless handling of other State equipment.	1,2,3,4,5	2,3,4,5	3,4,5
7. Unsafe or improper driving habits or other personal action contributing to involvement in a preventable traffic collision or resulting in bodily injury to the employee or another person, or other unsafe or improper driving habits or actions in the course of or impacting employment.	2,3,4,5	2,3,4,5	3,4,5
8. Failure to have State or Federal vehicles or equipment properly maintained or serviced resulting in damage to equipment or personal injury.	2,3	3,4,5	4,5
9. Negligent operation of State vehicles or equipment without valid or proper authorizations, credentials and/or licensure <b>without</b> knowledge that the license/credentials are no longer valid.	2,3	3,4,5	
10. Willful operation of State vehicles and/or equipment without valid or proper authorization, credentials and/or licensure <b>with</b> knowledge that the license/credentials are no longer valid.	2,3,4	5	

11. Negligently leaving State equipment or machinery, which results in damage to the equipment or other property.	1,2,3,4	3,4,5	4,5
12. Rendering of services or goods to a recipient that is not in accordance with Office or divisional policies.	1,2	2,3	3,4,5
13. Failure to report an arrest or conviction or any misdemeanor, gross misdemeanor, or felony within 5 working days.	3,4,5	5	
14. Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2,3,4,5	3,4,5	5
15. Requesting, receiving and cashing a paycheck before the State's designated payday without prior written approval.	<del>1</del> ,2,3	<del>2</del> ,3,4,5	4,5
<b>G MISUSE OF INFORMATION TECHNOLOGY</b>			
1. Use that interferes with employee performance or Office functions to include the downloading and using entertainment software such as games or other non-work related materials, or on-line gambling.	1,2	2,3	3,4,5
2. Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State , unless such viewing or distributing is a requirement of the employees position (includes off premises activity with State systems)	5		
3. Use that violates copyright law, software licensing agreements, property rights; the privacy of others, or local, State or Federal laws, or Office policy	2,3,4,5	3,4,5	5
4. Revealing passwords or using another person's user identification or password to access confidential information without authorization.	5	5	
5. Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1,2,3,4	3,4,5	5
6. Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices,	5		

or any device that can cause damage or limit access to the equipment, software, or data (or attempting to, or intentionally using email or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users).			
7. The unauthorized use, or manipulation of, production data or information outside the scope of one's job responsibilities, or for personal or non-business reasons, is strictly prohibited and may be subject to prosecution under NRS 205.481.	3,4,5	5	
8. Installing or using personal or unauthorized software on State information technology resources without proper authorization and approval.	2,3	3,4,5	5
9. Using State information technology resources, including but not limited to computing and communications equipment, services or facilities for soliciting business, selling products, or otherwise engaging in commercial activities.	2,3,4,5	3,4,5	4,5
10. Misuse or abuse of the email system, or other violations of the Computer Usage Policies regarding email.	1,2,3	3,4,5	5
11. Use of Office email or Internet system that violates any law.	3,4,5	3,4,5	5
12. Downloading, sharing, or duplicating confidential data either onto a laptop computer, PDA, CD or any other portable device without proper authorization.	5		
13. Misrepresenting oneself on the Internet as another person without authorization.	3,4,5	3,4,5	5
14. Forging or using an electronic or digital signature, graphic, or otherwise, for any unauthorized purpose.	5		
15. Using Office/State information technology resources to access Criminal Justice Information System (CJIS) and/or other criminal justice information without authorization or for other than official purposes.	5		
16. Malicious and willful alteration, deletion or other destruction of documents, data, information or	5		

other materials stored on any Office information technology system.			
17. Excessive Internet usage for personal or non-work related purposes, during normal working hours.	1,2,3	3,4	4,5
<b>G.H. OTHER ACTS OF MISCONDUCT OR INCOMPATIBILITY</b>			
1. Engages in outside employment activity or enterprise without authorization.	1,2,3	3,4,5	5
2. Disgraceful personal conduct which impairs job performance or causes discredit to the institution including, but not limited to, lewd, disorderly and indecent conduct.	2,3,4,5	3,4,5	5
3. Accepting or soliciting gifts, service, favor, employment, engagement, or economic opportunity from any individual, firm, or organization doing business with the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	2,3,4,5	3,4,5	5
<del>1.4</del> Unauthorized bringing to agency grounds or buildings a firearm, or other implement generally construed to be a weapon without authorization.	2,3,4,5	5	
5. Accidental discharge of firearm because of negligence without injury or substantial damage.	2,3,4,5	3,4,5	5
6. Accidental discharge of a firearm due to negligence with substantial injury/damage.	3,4,5	3,4,5	5
7. Dishonesty.	2,3,4,5	3,4,5	5
<del>2.8.</del> Improper disclosure of confidential information or theft of confidential written matter either digital or electronic.	2,3,4,5	3,4,5	5
<del>3.9.</del> Conviction of any criminal act related to their work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work activity.	5		
10. Misrepresentation of official capacity or authority.	1,2,3,4,5	2,3,4,5	5
<del>6.11.</del> Performing an act in an unofficial capacity which is subject to the control, inspection, review, audit or enforcement by the employee or agency.	1,2,3,4,5	2,3,4,5	5
<del>7.12.</del> Without the appointing authority approval, allowing unauthorized personnel to enter	1,2	2,3	5

work area.			
813. Sleeping (or failing to stay fully awake) on duty.	1,2,3,4,5	3,4,5	5
914. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive, and responsive to their surroundings while on duty.	1,2,3,4,5	2,3,4,5	5
15. Failure to provide name, identification, or display proper ID when requested (except when the withholding of such information is necessary for the performance of specific law enforcement duties or as otherwise authorized by a supervisor.)	1,2	2,3	3,4,5
16. Failure to promptly and fully report misconduct.	1,2	2,3	3,4,5
17. Concealing, covering up, or attempting to conceal or cover up defective work product.	2,3	3,4	4,5
18. Concealing, altering, falsifying, destroying, removing, tampering, or withholding any property or evidence associated with any alleged misconduct or performance, criminal, or administrative investigation, arrest, or other administrative or enforcement action.	3,4,5	4,5	5
19. Unlawful gambling or betting at any time or any place.	5		
20. Gambling or betting while on duty, in uniform, or while using any Office equipment or systems.	5		
21. Improperly identifying self, displaying badge or identification, or making improper use of status as an Office employee, including activity that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.	3,4,5	5	
22. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, or cases involving the rendering of assistance to law enforcement) or having been notified that investigation is proceeding against employee.	2,3,4,5	3,4,5	5
23. Associating with any member of a criminal gang, organized crime, a criminal syndicate, or other group engaged in or continuing to engage in serious violation of laws, when an employee knew or reasonably	3,4,5	5	

should have known of the criminal nature of the person or organization. This includes any organization involved in a definable criminal activity or enterprise except where specifically directed and authorized by the Office.			
24. Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of State or Federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Office.	3,4,5	5	
25. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.	3,4,5	5	
26. Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State.	3,4,5	3,4,5	5
27. The unauthorized use of any badge, uniform, identification card or other Office equipment or property for personal gain or any other improper purpose.	2,3,4	3,4,5	5
28. Using Office resources in association with any portion of an employee's independent civil action. These resources include, but are not limited to personnel, vehicles, equipment and non-subpoenaed records.	2,3,4	3,4,5	4,5
29. Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy.	5		
30. Failure to meet Peace Officer Standards & Training (POST) requirements, where it is a requirement of the position.	4,5	5	
1031. Any conduct whether on or off duty which negatively reflects upon the image of the State or the Attorney General's Office.	1,2,3,4,5	2,3,4,5	5
<b>H. IMPROPER POLITICAL ACTIVITY</b>			
1. Directly or indirectly solicit, or be involved in soliciting or receiving any assessment, subscription, monetary, or non-monetary contributions for a political purpose from anyone who is in the same Department-Office and who is a	1,2,3,4,5	4,5	5

subordinate of the solicitor.			
2. Engage in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1,2	1,2,3,4	3,4,5
3. Engaging in political activity for the purpose of securing preference for promotion, transfer, or salary advancement.	1,2,3	2,3,4,5	3,4,5
4. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration.	2,3	3,4	3,4,5
5. Engaging in any unauthorized political activity, while on duty, while in uniform or at public event.	2,3,4	3,4	5
6. Soliciting and/or influencing any employee to engage or not engage in any political activities with the direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of benefits, reward, promotion, advancement or compensation.	3,4,5	5	
<b>U. DISCRIMINATION AND HARASSMENT</b>			
1. Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, genetic information (GINA,) gender identity and expression, or other violations of Title VII of the Civil Rights Act.	2,3,4,5	4,5	5
2. Engaging in sexual harassment as defined in NAC 284, the Governor's policy, or Departmental Office policy against another employee, client, or any other persons in the work place.	2,3,4,5	4,5	5
3. Creating or endorsing a hostile work environment.	2,3,4,5	3,4,5	5
4. Making a negative discriminatory remark based on any Federal or State protected status.	2,3	3,4,5	5
5. Failure of a supervisor to report instances of sexual harassment or discrimination as defined and required by Federal and State law, the Governor's policy, or the agency's policy.	2,3,4,5	3,4,5	5
6. Retaliation. Taking adverse action against an employee for: 1) complaining about harassment or discrimination; 2) supporting another employee's complaint about	2,3,4,5	3,4,5	5

harassment or discrimination; 3) disclosing improper governmental action; 4) filing a grievance or appeal; or 5) exercising any employment right protocol under State or Federal law.			
<b>K. SAFETY AND HEALTH</b>			
1. Willful removal or interference with a safety device or safeguard	2,3	2,3,4	3,4,5
2. Dangerous horseplay or inattention that threatens the life or health of an individual or property damage.	2,3,4,5	2,3,4,5	5
3. Disregard of safety rules.	2,3	3,4,5	5
4. Creating a situation where force must be used unnecessarily.	3,4,5	4,5	5
5. Failing to report any use of force either as a participant or a witness.	4,5	4,5	5
6. Knowingly failing to appropriately and timely report any on the job or work related accident or injury (including accident involving State equipment or vehicles assigned to the employee).	1,2,3	2,3,4	3,4,5
<b>L. RELATIONSHIPS WITH CLIENTS</b>			
1. Entering into a transaction involving the transfer of property for personal use or gain with, borrowing items from, or selling or trading items to a client (or a known victim, witness, suspect, defendant or Office contact).	2,3,4,5	3,4,5	5
2. Entering into a romantic, sexual, or otherwise inappropriate relationship with any client (or known victim, witness, suspect, defendant or Office contact) when said employee is involved in the care, treatment, or delivery of service to such individual.	2,3,4, 5	3,4, 5	5
3. Having personal or business relationships with a client (or known victim, witness, suspect, defendant or Office contact) for the purpose of, or which results in, any program advantages, considerations or benefits to either party which exceeds normal entitlement.	3,4,5	3,4,5	5
4. Soliciting clients (or known victim, witness, suspect, defendant or Office contact) for the establishment or maintenance of a private professional practice similar to their work activities.	2,3,4,5	3,4,5	5



Any [permanent](#) classified employee has the right to file a grievance or [appeal](#) for any condition arising out of the employer-employee relationship including, but not limited to, compensation, working hours, working conditions or the interpretation of any law, regulation or disagreement.

Refer to Nevada Administrative Code 284.658 through 284.697 for the grievance procedure-, [Nevada Administrative Code 284.774 through 284.818 for the appeal procedure.](#)

**CERTIFICATION OF UNDERSTANDING**

I \_\_\_\_\_, have read the Attorney General's Prohibitions and Penalties as approved by the Personnel Commission on \_\_\_\_\_, 20\_\_ and have discussed any questions about it with my immediate supervisor. I understand the Prohibitions and Penalties ~~document~~ and have been given a personal copy for future reference. I agree to comply with ~~same~~them.

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Employee Signature

Date

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Immediate Supervisor Signature

Date

Personnel Commission Meeting  
March 2, 2018

**FOR INFORMATION ONLY**

Attached are several items included for your information and consideration with regard to the proposed regulations. The minutes of the August 30, 2017 and December 12, 2017 regulation workshops, and the Small Business Impact Statement have been provided, as they are related to all regulations proposed for permanent adoption.

**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**  
**REGULATION WORKSHOP**

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 2135, Carson City, Nevada; and via video conference in Las Vegas at the Grant Sawyer State Building, Room 4412E, 555 East Washington Avenue.

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**MEETING MINUTES**  
**Wednesday August 30, 2017**

**STAFF PRESENT IN CARSON CITY:**

Peter Long, Administrator, DHRM  
Shelley Blotter, Deputy Administrator, DHRM  
Cassie Moir, Deputy Administrator, DHRM  
Michelle Garton, Supervisory Personnel Analyst, DHRM  
Beverly Ghan, Supervisory Personnel Analyst, DHRM  
Carrie Hughes, Personnel Analyst III, DHRM

**STAFF PRESENT IN LAS VEGAS:**

None

**I. Call to order**

**Shelley Blotter:** Opened the meeting and explained that the reason for the workshop was to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. Based on the feedback received, the proposed language may be changed or deleted and additional regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed change with time allowed for comments.

**II. Review of Proposed Changes to NAC 284**

NEW	Filling a vacancy.
NEW	“Spouse” defined.
284.114	Affirmative action program and equal employment opportunity.
284.027	“Budget Division” defined.
284.126	Creation of new class, reclassification of position or reallocation of existing class.
284.2508	Compensatory time: Use.
284.458	Rejection of probationary or trial status employees.
NEW	Letter of Instruction: Use and administration.
NEW	Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license.
284.653	Driving under the influence; unlawful acts involving controlled

- substance.
- 284.890 Transportation of employee to and from location of screening test.
- 284.692 Agreement for extension of time to file grievance or take required action.

**Shelley Blotter:** Explained the process and invited attendees to provide their comments upon presentation of the changes.

**Beverly Ghan:** Explained that as a result of regulation changes related to filling vacancies pertaining to reassignments and a recent change per Assembly Bill 192 as to how the 700-hour program list is handled, DHRM is proposing an amendment. The amendment adds a new section to NAC 284 in order to clarify the process that must be used prior to filling vacancies through either competitive or noncompetitive means. The regulation will clarify that prior to filling any vacancy in State service in the classified system, the appointing authority must contact DHRM to verify if there is anyone on the reemployment list or through the reassignment process or on a list of persons with disabilities, commonly known as the 700-hour list. The appointing authority can also check to see if there is anyone on a transfer list when applicable. Transfer lists are only maintained during a Legislative year, until November 1st of that year for the Legislature transfer employees.

**Shelley Blotter:** Invited comments.

**Cadence Matijevich:** Acknowledged that the recent legislation makes hiring from the 700-hour list mandatory. She asked whether the other types, including reemployment, reassignment or transfer are mandatory or whether an interview is the only requirement. **Beverly Ghan:** Explained that the reemployment list is mandatory. The 700-hour list is also mandatory. Even though there is not an official list for the reassignment, it will take priority over both of these if someone is in the reassignment process.

**Cadence Matijevich:** Requested that there be clarification in the regulation, that it direct not only to see if a list is available, but also what the process is for using any person on the list. It seems that the intent is that if there are persons on the list that the agency would indeed have to hire them. **Beverly Ghan:** Concurred, adding that the regulation will be made clearer.

**John Scarborough:** Asked how this applies to NSHE with the delegation agreement. **Peter Long:** Stated that now that NSHE may or not have access to NVAPPS, because of NSHE’s new system, the agreement was that the process must still be followed. If needed, they may reach out to verify whether there are any of these types of lists or potential employees available. They are still required to follow the regulation.

**Janine Nelson:** Acknowledged that she did not realize there was an Assembly Bill associated with this and requested an outline of the bill. **Beverly Ghan:** Explained that AB 192 essentially states that if anyone is on the 700-hour list, which is accumulated through the DETR Vocational Rehabilitation office. The normal process by DHRM, upon request for recruitment, is to send out the reemployment list first. If that is not used for whatever reason, DHRM issues the 700-hour list. When the 700-hour list is issued, agencies are now required to work with the person on the list, including reach out efforts. The person may be provided the essential functions of the job. If the individual signs off stating the functions can be performed, the job must be offered to the person. If there is more than one person on the list, they will not be ranked. The agency must decide which person is the most qualified. **Janine Nelson:** Noted that it has always been the State philosophy to first try to hire from within. She inquired whether this takes away the ability to manage an internal, noncompetitive appointment within the department for a vacancy. **Beverly Ghan:** Affirmed this understanding. The regulations require that the mandatory lists be addressed first, followed with the normal process, if needed. **Peter Long:** Agreed, noting that statute

requires this. He compared it to the process of reemployment. If a person on the 700-hour list is capable of performing the essential functions, it is mandatory that they be offered the position.

**Alys Dobel:** Sought clarification on reemployment, posing a scenario where a person is reverted back to their position, which has already been filled. The person who is reverted back has rights to the position as long as they have more seniority than the person currently in the position. In a case where they do not have greater seniority, they are placed on the reemployment list. **Peter Long:** Stated that recent steps have been added in the restoration process. Reemployment would apply for the person who had backfilled. This is specifically addressed in regulation. Before a vacancy is filled, the question must always be asked as to whether there is a reemployment available.

**Susie Bargmann:** Referred to the 700-hour list. Because this is not a ranked list, she questioned whether the mandatory five must be contacted. Alternatively, if an individual can be selected as the most qualified and subsequently chooses not to select the person, must the agency move on with the 700-hour list or is it now finished with the 700-hour list? **Beverly Ghan:** Clarified that if there is more than one person on the list, the agency has the authority to choose the most qualified person, based on the information available. If the choice does not work out, the agency can send the list back to DHRM. **Peter Long:** Stated that this is a good question, which may need to be looked at more closely. The intent is for the agency to review the various people on the 700-hour list. He stated that agencies should reach out to all the individual's on the list, partly because the agency needs an understanding of an individual has any personal limitations. The ability to perform the essential functions has the potential to narrow down the list. In summary, the agency could not simply choose the most qualified and if the individual cannot perform the essential functions, the agency may not disregard the other individuals, but would need to reach out to all of them that are available. Once it is determined which individuals meet the essential functions, the agency can choose the one it deems most qualified.

**Carrie Hughes:** Addressed the new regulation, which defines the term "spouse" as an individual who is in a marriage, as well as a domestic partner, to be used throughout Nevada Administrative Code, Chapter 284. The reference to NRS 122A.100 refers to domestic partnerships entered into in Nevada. The reference to NRS 122A.500 refers to partnerships entered into outside the State of Nevada.

**Shelley Blotter:** Invited comments. There were none.

**Michelle Garton:** Addressed NAC 284.114, affirmative action program and equal employment opportunity. NRS 122A.200 states that a public agency shall not discriminate against a person on the basis that that person is in a domestic partnership, rather than a spouse. It also states that domestic partners have the same right to nondiscriminatory treatment as that provided to spouses. As such it is proposed to add "domestic partnership" to NAC 284.114.

**Shelley Blotter:** Invited comments. There were none.

**Michelle Garton:** Addressed NAC 284.027, Budget Division defined and NAC 284.126, creation of new class, reclassification of position or reallocation of existing class. The purpose of the amendments is to reflect that the Budget Division was moved from the Department of Administration to the Governor's Office of Finance in Assembly Bill 469 of the 2015 Legislative Session. This type of change is generally handled through codification. However, because the Legislative Council Bureau has not codified NAC 284 for more than two years, DHRM is proposing these changes to the regulations at this time.

**Shelley Blotter:** Invited comments. There were none.

**Carrie Hughes:** Discussed NAC 284.2508, compensatory time: use. In conjunction with the regulations and amendments proposed at the July Regulation Workshop, the amendment to NAC 284.2508 is proposed to address the provisions of Senate Bill 361 of the 2017 Legislative Session, which provides for new employment benefits and requirements relating to domestic abuse. The amendment will allow an employee who has been employed at least 90 days and is a victim of an act of domestic violence or his or her family or household member is a victim of domestic violence to take accrued compensatory time up to a combined maximum, potentially including annual leave, sick leave and leave without pay of 160 hours in 12 month period following the act of domestic violence.

**Shelley Blotter:** Stated that this is a companion to regulations that were proposed at a previous workshop. She invited comments. There were none.

**Michelle Garton:** Addressed NAC 284.458, Rejection of probationary or trial status employee. This amendment will make it clear in regulation that an employee who was rejected from probation or trial status may not submit an appeal or a grievance as a result of the decision by the appointing authority. The new Subsection 3 in the regulation will allow the Administrator to remove an appeal or a grievance from the process, when either is filed as a result of a rejection from probation or trial status. Removing appeals and grievances from the process that have been inappropriately filed will improve efficiency in both of the processes.

**Shelley Blotter:** Stated that Kevin Ranft, labor representative with AFSCME was unable to attend, but provided written comments. She read his comments into the record:

*“Regarding NAC 284.458, Rejection of probationary or trial status employees. These recommended changes in regard to NAC 284.458 don’t address a concern that employees often see when being rejected. There has been many cases where an employee is rejected off of a probationary or trial status and are very confused with their situation. The confusion is based upon two main concerns. One, the agency supervisor/manager has not met the requirement of providing the three, seven and/or 11 month appraisal evaluation process with the employee. This is a very important process for the employee to succeed. The employee hasn’t received their full training or the training they have received is insufficient. I understand that these concerns are not always relevant in an employee’s rejection. However, a process should be in an NAC regulation that requires an agency supervisor or manager to meet their obligation prior to any employee being rejected, unless egregious circumstances exist. There have been times where an employee is being set up to fail by the supervisor’s inaction. There is no recourse for the employee in these situations and little to no accountability for the supervisor or manager. Our organization would like to see these concerns addressed.”*

**Shelley Blotter:** Invited comments. There were none.

**Michelle Garton:** Addressed a new regulation, letter of instruction: use and administration. This amendment was proposed by the College of Southern Nevada and will place into regulation the use and administration of letters of instruction, which many agencies currently use as a coaching or performance management tool. A letter of instruction is not part of the disciplinary process and no threat of discipline should be included. This regulation specifies the contents that should be included in a letter of instruction and what it must not contain. The requirement of a meeting between the supervisor and employee is included in the regulation and the retention of a letter of instruction is also addressed. Because many agencies have utilized letters of instruction for many years, DHRM is particularly interested in feedback related to this regulation.

**Shelley Blotter:** Invited Mr. Scarborough or a representative from CSN to the table for comments. **John Scarborough:** Stated that he and Ms. Blotter discussed this several months ago when they proposed this,

in order to remove any ambiguity about exactly what a letter of instruction is. CSN uses letters of instruction extensively, not only for classified employees, but for academic and administrative faculty as a way of coaching employees so that they improve problem areas or correct misunderstandings. CSN appreciates the fact that DHRM has developed a regulation to address this. **Shelley Blotter:** Commented that some agencies were receiving grievances from employees, where the employee had received a letter of instruction. And because there was a consequence associated with the letter of instruction, the Employee-Management Committee viewed it as a documented oral warning. This effort is intended to clarify that the letter of instruction does not include any consequences and is truly meant as a training tool. She invited further comments.

**Alys Dobel:** Noted that the letter of instruction has been around for quite some time, but may not always be called a letter of instruction. It could also be referred to as a memorandum to the employee. The retention schedule indicates that letters of instruction are to be removed from the employee's file. If it is in the supervisor's file, it indicates it must be removed after a year. She does not necessarily agree with this. Part of an employee's supervisor's file is the history of the employee. Letters of instruction should remain in the employee's file for even two to three years, as it demonstrates improvement. If an employee knows the letter will be removed after one year, they may revert to previous behavior. **Shelley Blotter:** Stated she would be happy to look into this. There are sometimes agreements made between the employee and the supervisor. She does not recall the provision where the letter is removed after a year, but she will review this. **Alys Dobel:** Added that she likes the policy overall, in that it clarifies what needs to go in a letter of instruction. She would like more information on whether a memorandum of understanding or similarly titled document must be specifically called a letter of instruction. **Shelley Blotter:** Noted that at this point, it is still in the formulation stage. She would see all such documents as similar coaching tools commonly referred to as a letter of instruction. This can be looked at for the possibility of creating a broader net. She invited further comments.

**Brian Boughter:** Stated that he likes the regulation. However, recently he was asked the following question: "Can we pull a document out of a supervisor file? Can the supervisor do that?" His advice to the employee was to share his preference for a complete supervisor file, where nothing is removed. The same would apply to letters of commendation. Another reason he likes the regulation is because DETR has difficulty having people understand what the letter of instruction is, what information it will contain, whether it will contain violations, whether it can be listed as a violation or an applicable rule. DETR had ended up listing items as applicable rules instead of violations in order to minimize the perception of the disciplinary aspect.

**Gennie Hudson:** Referred to Ms. Dobel's earlier comments regarding a letter of instruction not necessarily being termed "letter of instruction." Simple items such as an email can serve to document a conversation between an employee and a supervisor and are not necessarily given formal document titles. **Renee Depaoli:** Echoed the comments, noting that when she took Progressive Discipline training, it was referred to in tools and training that it could be a memorandum of understanding or called something else. Welfare and Supportive Services uses letters of instruction on a daily basis. She appreciates that this regulation provides clarity to the process. However, sometimes what such a document is called can make a difference in how it is received. The term "letter of instruction" has a bite to it, where a memorandum of understanding might be received more easily. She stated that records retention to working files may need to be revised. **Shelley Blotter:** Assured that she would look at this. There is opportunity to provide feedback to the committee that oversees records retention.

**Janine Nelson:** Stated that she likes the regulation. She noted that item 2(d) states that "The letter of instruction should contain the following elements." The term "should" seems to provide wiggle room, which would be helpful. Some letters of instruction may not include an associated time frame. She asked whether it is okay to exclude whether something is applicable, according to how the regulation is written.

**Shelley Blotter:** Stated her belief that this is correct, that it is meant to be a framework for use. Otherwise the regulation would read “shall include” rather than “should include.”

**Janine Nelson:** Addressed number 5 and noted that the language is soft, that as an FYI, the document can be used to build upon discipline. Some employees are surprised that a letter of instruction may be referenced in an oral warning. Therefore the language in 5 is good to have and in her opinion, could be a little more firm that the document can be used in the progressive progress. **Shelley Blotter:** Commented that this is something that she and the Employee’s Association representatives have spoken about, specifically whether the document can be used in future discipline. The Division feels firmly that it establishes previous efforts with the employee to change behavior.

**Shelley Blotter:** Read into the record an additional written comment from Kevin Ranft as follows:

*“In regards to the new NAC being proposed addressing the use of letters of instruction, this has been a topic for years and I am grateful that it is being addressed. Although our organization disagrees with an LOI being used in discipline, as it is not grievable and sometimes used inappropriately, I am hopeful that supervisors will use this regulation change to draft an LOI properly and the situation is corrected by the employee. I know that we all agree that when an LOI is used properly, it can prevent a situation from becoming a bigger issue. Again, I am grateful to see the LOI process being added to the NAC. I would like to suggest that this regulation add a Section 6 citing something similar to the following: A supervisor must attach a written response, if submitted by the employee to the letter of instruction. Any use of the letter of instruction for future discipline must include the employee’s response, if submitted.”*

**Shelley Blotter:** Noted some confused reaction as to what the comments mean. She surmised that if an employee responds to a supervisor in writing to the letter of instruction, then that response would be attached to the letter of instruction, in the event that the letter of instruction is used for future discipline.

**Shelley Blotter:** Invited further comments. There were none.

**Michelle Garton:** Discussed a new regulation, report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license. The regulation will require that an employee report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license within five days, if holding such a license or certificate is stated in the work performance standards or essential functions of the employee’s position. When DHRM submits the regulation to the Legislative Council Bureau for pre-adoption review, it will be proposing that the five day requirement is five working days. The regulation supports NAC 284.646 for the immediate dismissal and NAC 284.650, causes for disciplinary action, by requiring a notification to the agency.

**Shelley Blotter:** Invited comments.

**Janine Nelson:** Asked whether the requirements must be included in each document, as the department does not typically include these requirements in work performance standards. **Michelle Garton:** Stated that the way it is written in terms of intent, it would be “or,” as in whether it is work performance standards or the essential functions.

**Janine Nelson:** Asked about the rationale for adding NPD-19 in. **Peter Long:** Replied that he would not be opposed to adding it. Furthermore, it could be looked at to clarify that the requirements are “or,” rather than “and.” The intent is that the employee be notified somewhere that the licensure is appropriate. **Shelley Blotter:** Commented that it would be appropriate to include on essential functions, as this would be the document to be used for reassignments.



**Alys Dobel:** Stated that within the DMV, if a position requires an employee to have a driver's license, it is included in essential functions. She feels it is appropriate for inclusion in work performance standards, as the license must be maintained. She has worked in other agencies with employees such as social workers, nurses, psychologists, nurses, etc. The requirement is included on the documents, because CEUs must be maintained to retain licenses.

**Shelley Blotter:** Invited further comments. There were none.

**Carrie Hughes:** Addressed NAC 284.653, driving under the influence: unlawful acts involving controlled substance. The amendment will require employees to report to their appointing authorities within five working days arrests and convictions relating to driving under the influence, the unlawful manufacture, distribution, dispensing, possessing or use of a controlled substance or violation of any state or federal law prohibiting the sale of a controlled substance. The report is required, regardless of whether the incident leading to the arrest or conviction occurs while an employee is working or is on his or her own personal time. Violation of this requirement will require the dismissal of the employee.

**Shelley Blotter:** Invited comments.

**Cadence Matijevich:** Asked for clarification on the intent of the requirement, particularly in terms of something that happens off duty, noting that an arrest is not a conviction. In addition, she asked why an employee must report the loss of a license, if it is not associated with the performance of their duties.

**Peter Long:** Clarified that the requirement only states that if the employee fails to make the report, they would be dismissed. They will not necessarily be dismissed for being arrested, as current verbiage says "upon conviction." This was brought to our attention, because there have been situations where a State employee on their private time was arrested and did not report it to their appointing authority. For example, an employee receives a DUI arrest. Typically upon arrest, their license is suspended. The employee's job may require a valid driver's license. The employee may continue to illegally drive while on duty. It is at the discretion of the appointing authority, but the intent is to give the appointing authorities the tools to make this decision. **Carrie Hughes:** Added that the regulation is specific as to the types of offenses which are applicable. She does not believe that the regulation ties it to job duties.

**Cadence Matijevich:** Suggested that perhaps the regulation could be narrowed to those circumstances where the ability to operate a motor vehicle is specifically noted. She has concern regarding the employee/employer relationship outside of the workplace. If the employee's behavior outside of the workplace does not relate to his or her job duties and the consequences would not prevent them from performing their duties, she questioned the nexus.

**Shelley Blotter:** Invited further comments.

**Susie Bargmann:** Agreed with the prior comments. Based on how this is written, it does not indicate that it would be relevant to the person's job duties. It merely indicates that an employee must report it. In the example of an administrative assistant, there is likely no requirement for a driver's license. If such an employee does not report the act, the regulation indicates that the employee must be dismissed.

**Janine Nelson:** Agreed with the prior comments with the exception that the regulation should not only tie to a driver's license, but also to job duties. For example, the department would not want to have a substance abuse counselor providing services when they themselves have been arrested for this type of conviction. She suggested specificity that it be related to duties versus licensure. However, she agrees that it does not apply to everyone. **Shelley Blotter:** Stated that Ms. Nelson raises a good point. In situations where there is not necessarily a license requirement, certain classes of employee may be required to have pre-employment drug testing. She questioned whether these classes would be covered

in this situation and how they would be linked in order for the employee to be informed that an arrest would need to be reported. **Janine Nelson:** Stated she would need to think through the various customers to answer the question, however, she likes the idea to tie to the class. For example, childcare workers do not have to have a license, but they do have to pass certain background check requirements.

**Peter Long:** Noted that the intent is to assist the agencies as well as the employees. The idea is that the employer is at least made aware of any arrests and potential loss of licensure. **Alys Dobel:** Commented that on a personal level, she would not want her rights to be violated. The DMV runs background clearances. Incidents only show up if they are a true conviction. Because the DMV must follow federal and state laws, they have drafted disclosure statements for employees to sign, if they are in positions that would require a specific clearance to continue in their jobs. **Peter Long:** Added that some agency positions have certain criteria they must meet, which may not fall under drug or substance abuse violations.

**Shelley Blotter:** Invited further comments.

**Brian Boughter:** Said that he was curious as to how this reconciles with recent legislation regarding “Ban the Box” and background information. The guidance essentially states that the employer should not be seeing background information until after someone has been offered a job. **Peter Long:** Acknowledged the comments, but stated that “Ban the Box” was specific to not discriminating based on background of this type for employment. This regulation refers to current employees.

**Shelley Blotter:** Invited further comments. There were none.

**Carrie Hughes:** Discussed NAC 284.890, transportation of employee to and from location of screening test. As the use of alcohol and/or drugs can at times lead to a need for immediate medical intervention, the intent of the amendment is to provide agencies with the flexibility to respond as necessary to ensure an employee’s safety when arranging for appropriate transportation following a screening test that does not immediately establish an employee is not impaired. The determination that an employee needs emergency medical assistance does not necessarily require a medical professional’s evaluation, but instead, this regulation relies upon the reasonable person standard. Additionally, it allows for an employee to choose to make his or her own transportation arrangements. However, all three options in the regulation continue to require an appointing authority to actively ensure that an employee has appropriate transportation.

**Shelley Blotter:** Invited comments. There were none.

**Michelle Garton:** Explained that amendment to NAC 284.692, agreement for extension of time to file a grievance or take required action, was proposed by the Department of Employment, Training and Rehabilitation. There are times when an employee or agency representative are out of the office for an extended period of time and unavailable to enter into a written agreement for the extension of time to file a grievance or take required action. This amendment will allow for an exception to the agreement in these types of documented situations, which would be granted or denied by DHRM. Examples of such absences are listed in the regulation and the granting or denial of the exception could be reviewed by the Employee-Management Committee, if the grievance proceeds to a hearing. She invited Mr. Boughter to provide comments.

**Brian Boughter:** Stated that the Department of Employment, Training and Rehabilitation recently experienced a grievance situation whereby this regulation change was proposed. The Department had an employee who went out on a short-term disability event and was unable to be reached. In terms of the spirit and intent of the grievance process, a meeting should take place at the lowest level and each

proceeding level with the employee. If the employee is unavailable, they have the right to go into the NEATS system and escalate their grievance without having any conversation or interaction. This is an attempt to give the agency an opportunity to get to the employee at the lowest level, if possible.

**Shelley Blotter:** Invited further comments. There were none. She thanked everyone for their attendance at the workshop. She further invited attendees to forward additional comments and questions. The proposed changes will be submitted within the next few days to the Legislative Council Bureau for pre-adoption review.

### **III. Adjournment**

**Shelley Blotter:** Adjourned the meeting.

**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**  
**REGULATION WORKSHOP**

Carson City at the Legislative Counsel Bureau, 401 S. Carson Street, Room 3137, Carson City, Nevada; and via video conference in Las Vegas at the Grant Sawyer State Building, Room 4412E, 555 East Washington Avenue.

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**MEETING MINUTES**  
**Tuesday December 12, 2017**

**STAFF PRESENT IN CARSON CITY:**

Peter Long, Administrator, DHRM  
Shelley Blotter, Deputy Administrator, DHRM  
Michelle Garton, Supervisory Personnel Analyst, DHRM  
Carrie Hughes, Personnel Analyst, DHRM

**OTHERS PRESENT IN CARSON CITY:**

Alys Dobel, Personnel Officer, DMV

**I. Call To Order**

**Shelley Blotter:** Opened the meeting and introduced herself as the Deputy Administrator for DHRM. She explained that the reason for the workshop was to solicit comments from affected parties with regard to the regulations proposed for permanent adoption. Based on the feedback received, the proposed language may be changed or deleted and additional regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed change with time allowed for comments.

**II. Review of Proposed Changes to NAC 284**

284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation.

**Carrie Hughes:** Addressed NAC 284.544, sick leave; leave without pay, catastrophic leave; receipt of benefits for temporary total disability; computation. The intent of the amendment is to resolve the apparent conflict with NAC 284.5775 and clarify that an employee receiving benefits for a temporary total disability may not use annual leave to supplement the benefit, unless he or she has exhausted his or her sick leave or is on federally protected family and medical leave. **Shelley Blotter:** Stated that the change came about during a request for interpretation of regulations and the realization that there was a conflict between two regulations. When looking at the history, this language had been removed in rule simplification in an attempt to make the regulations simpler, however in the end, it was determined necessary to add the language back in.

**Shelley Blotter:** Invited questions or comments regarding the regulation. **Alys Dobel:** 44

Introduced herself as the Personnel Officer at the DMV. She sought clarification of the explanation. If a person is off on disability for workers' compensation and they are in a use it or lose it situation with their annual leave, would they be allowed to take the annual leave in such a circumstance? **Shelley Blotter:** Stated she believed this was the example brought to DHRM's attention and she believes the answer is no, however she deferred to Carrie Hughes for further clarification. **Carrie Hughes:** Confirmed that this was the precise question brought to attention. There was consultation with Risk Management to inquire as to current recommendations as they manage the State's Workers' Compensation Program. This is aligned with current practice. The question with regard to annual leave and lose it or use it comes back to how NRS 281.390 subsection 5 mandates that it be handled. **Alys Dobel:** Asked for clarification on the following question: "So departments, if they are in a situation like that with an employee, at the end of the year, we would have to pay them up to the 240 hours. Am I clear on that?" **Carrie Hughes:** Explained that there are provisions in NRS 284 in terms of how the procedure for request of leave must take place.

**Shelley Blotter:** Invited further comments. There were none.

284.589	Administrative leave with pay.
284.656	Notice.
284.6561	Hearing.
NEW	Procedure to request hearing to determine reasonableness of dismissal, demotion or suspension.
284.778	Request for hearing and other communications.

**Michelle Garton:** Introduced herself as the Supervisory Personnel Analyst with DHRM's Consultation and Accountability Unit. She addressed regulation amendments resulting from a few concept changes related to the disciplinary process. First, the term "hearing" has been changed to "pre-disciplinary review" in the hearing regulation, which also affects the administrative leave and the notice regulations. This change is proposed in order to clarify that this meeting is different from a hearing to determine the reasonableness of a dismissal, demotion or suspension (appeal hearing) with a hearing officer of the Personnel Commission. The next concept is related to the effective date of the disciplinary action. DHRM has included in the hearing regulation and the newly proposed regulation that the effective date of disciplinary action is the first day the discipline takes effect. In the case of a five-day suspension, for example, the effective date of the discipline is the first day. DHRM also proposes to break out subsection 9 of NAC 284.6561 into its own regulation related to the procedure for appealing a disciplinary action. DHRM is proposing to add the requirement that the written notification of an appointing authority's decision regarding discipline, after the pre-disciplinary review is held, must accompany an appeal. This requirement is waived when the disciplinary action is immediate, pursuant to NAC 284.6563. These regulation changes are related to dismissal, demotion and suspension. A whistleblower appeal or an appeal of involuntary transfer have different rules and are not subject to these regulations.

**Michelle Garton:** Reviewed the regulations individually. In NAC 284.589, the proposed amendment to subsection 6 simply adds pre-disciplinary review, as that will be the term used to describe the meeting required pursuant to NAC 284.6561. Similarly, the amendments in NAC 284.656 replace "hearing" with "pre-disciplinary review" because the meeting requirement pursuant to NAC 284.6561 is being described. For NAC 284.6561, the regulation is amended with the terminology change previously described. Language has also been added in subsection 5 to explain that during the pre-disciplinary review, an employee will have the opportunity to

rebut any allegations and provide mitigating information. Subsection 9 has been removed and placed into a new regulation. Also included here is that the idea that the effective date of disciplinary action is the first day the disciplinary action takes effect, which was described previously.

In regards to the procedure to request hearing to determine reasonableness of dismissal, demotion or suspension, the new regulation is intended to address the procedure an employee may use for appealing a dismissal, demotion or suspension. It is essentially the language from subsection 9 of NAC 284.6561, with the addition that the written notification of an appointing authority's decision regarding dismissal, demotion or suspension after the pre-disciplinary review is held, must accompany an appeal. The blue underlined font in the handout provided is the waiver of this requirement, when the disciplinary action is immediate, pursuant to NAC 284.6563. The idea that the effective date of disciplinary action is the first day the disciplinary takes effect is also included. For NAC 284.778, request for hearing and other request, the underlined blue font in the handout provided includes language referring back to the new regulation just discussed. It falls in the Practice Before Division of Human Resource Management section of NAC 284, and the new regulation previously addressed is intended to go into the Disciplinary Procedures section.

**Shelley Blotter:** Added that DHRM is basically rebranding. Traditionally, this has been called the pre-disciplinary hearing. The language is being changed, so that people are not confused on the process taking place prior to the hearing officer hearing. She invited comments or questions.

**Alys Dobel:** Commented that she likes the changes, believing that they will be very helpful. In the past, employees have been confused by the word "hearing." Sometimes the language about the waivers can also be confusing. She likes the fact that they will have to provide the document that actually is a final say in whether it is a suspension, demotion or termination. At the DMV, it is signed by the director. Employees are told that is the document which will inform them as to the true effective date and what the effective action is. **Shelley Blotter:** Thanked Ms. Dobel for her comments.

284.882 Administration of screening tests.

**Carrie Hughes:** Discussed NAC 284.882, administration of screening tests. For employee candidate and employee breath alcohol testing that is not federally regulated, NAC 284.882 provides an equipment standard similar to the U.S. Department of Transportation's current standard. The U.S. Department of Transportation's current standard is that equipment used for breath alcohol testing not only be approved by the National Highway Traffic Safety Administration (NHTSA) but that it also be published on one of the administration's conforming lists. However, as of January 1st, 2018, alcohol breath testing regulated by the U.S. Department of Transportation may be performed on equipment approved by NHTSA, but not yet published on their conforming list. This amendment is intended to continue the matching equipment standard for federally regulated testing and testing that is not federally regulated. This will prevent the need to identify or track which collection sites can be used for testing.

**Shelley Blotter:** Invited questions or comments. There were none.

284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form.

**Carrie Hughes:** Addressed NAC 284.888, request for employee to submit to screening test; interpretation of grounds; completion of required form. This amendment includes three changes. First, based on legislative changes to the related statute, NRS 284.4065, it adds language to clarify when an accident is intended to reference a motor vehicle crash or a different type of accident. Secondly, language has been removed from subsection 3 to conform the regulation to NRS 284.4065 in identifying the circumstances outlined in subsection 2 of NRS 284.4065, a law enforcement officer discharging a firearm other than by accident, driving a motor vehicle in such a manner as to cause bodily injury, or substantial property damage or involvement in a work-related accident, motor vehicle crash or injury, as exempt from the requirements in subsection 1 of NRS 284.4065, including preparing and presenting to an employee the objective facts leading to reasonable suspicion of impairment. Finally, new language has been proposed since the posting for this workshop; the underlined changes can be found in the provided draft amendment handout. The language is being proposed to clarify that an appointing authority may delegate, in a contract or agreement, the authority to direct an employee to submit to a screening test in the circumstances outlined in paragraphs b and c of subsection 2 of NRS 284.4065, driving a motor vehicle in such a manner as to cause bodily injury or substantial property damage or involvement in a work-related accident, motor vehicle crash or injury.

**Shelley Blotter:** Stated that the current version of the regulation is in conflict with the Drug and Alcohol Program Overview. It was discovered through a hearing officer decision and case that leaving in the reference to paragraph b in subsection 3 created a conflict. This Overview is being updated. However, until this regulation goes into effect, the employee would need to be notified of this type of a test. She asked for confirmation of Ms. Hughes, who confirmed this understanding.

**Shelley Blotter:** Invited questions or comments.

**Peter Long:** Informed attendees of an issue he just became aware of yesterday in working with Fleet Services. Occasionally, employees are bringing vehicles back with damage which they are not reporting to Fleet Services, and the damage is found later. This could have an effect on when or if such a test should be requested. It could also have bearing on someone determining whether it is \$500 of damage or more. It is Mr. Long's understanding that Fleet Services is planning on starting to notify agencies that this has occurred, and that they may want to keep track of more than two crashes in one year. This may be something that the regulation needs to address. He is uncertain how a screening test could be requested when the damage is discovered later and not when the vehicle is returned. **Shelley Blotter:** Commented that in a case of alcohol, it would likely be out of their system already. However, there is a potential for drug detection, depending on the period of time since use. **Peter Long:** Added that agencies might address the issue of vehicle damage being unreported by including a remedy in prohibitions and penalties.

**Shelley Blotter:** Invited additional questions or comments. There were none.

### III. Adjournment

**Shelley Blotter:** Adjourned the meeting.



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
*Division of Human Resource Management*  
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701  
Phone: (775) 684-0150 | [www.hr.nv.gov](http://www.hr.nv.gov) | Fax: (775) 684-0122

November 3, 2017

## **Regulation Small Business Impact Statement**

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

*I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.*

*Peter Long*

\_\_\_\_\_  
Peter Long, Administrator

November, 3, 2017

\_\_\_\_\_  
Date



**FOR DISCUSSION AND POSSIBLE ACTION**

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

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

**LCB File No. R098-17**

The Division of Human Resource Management recommends the amendments included in this LCB File to address various aspects of Chapter 284 of the Nevada Administrative Code.

A new regulation is proposed that will set forth the requirements for a supervisor to issue a letter of instruction to an employee. A letter of instruction is a coaching or performance management tool, and is not part of the formal disciplinary process. The regulation describes what a letter of instruction is, and what it must and must not contain. Also included is the requirement that the supervisor must meet with the employee, and how the supervisor must retain the letter of instruction.

The amendment proposed to NAC 284.458 clarifies that a probationary employee who is rejected from probation may not use the grievance or appeal processes to object to his or her rejection. Additionally, the amendment clarifies that a permanent employee who is rejected from trial status may not use the grievance or appeal processes to object to the rejection. Also included is a process for the Division of Human Resource Management to remove a grievance or appeal that is improperly filed by an employee regarding his or her rejection from probation or trial status.

The amendment proposed to NAC 284.692 allows for the waiver of the existing requirement for an agreement to extend the time limit for filing a grievance. The regulation includes situations where this would be appropriate such as an extended leave of absence or there is an investigation pending a report of alleged unlawful discrimination.

The Division of Human Resource Management is recommending changing the reference to NAC 284.384 in subsection 1 of section 4 of this LCB File to NAC 284.458, due to an error by the Legislative Counsel Bureau.

Comments received at the August 30, 2017 Regulation Workshop were generally in support of the regulations.

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

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to place a commonly used coaching tool, letter of instruction, into regulation. While “letter of instruction” is the commonly used term, it may take the form of a memorandum or other written documentation provided to an employee.

The new regulation explains how a letter of instruction is to be used and clarifies that it is not part of the disciplinary process. The regulation outlines what a letter of instruction must contain, and that it must not contain any threat of disciplinary action or consequences. Also included is the requirement for a discussion about the contents of the letter of instruction between the supervisor and employee, and the retention of a letter of instruction is addressed.

***NEW Letter of instruction: Use and administration.***

- 1. A letter of instruction is a document that is in written or electronic form and that:***
  - (a) A supervisor of an employee may provide to the employee as a coaching or performance management tool to:***
    - (1) Address the job performance or behavior of the employee; and***
    - (2) Provide evidence of the job performance or behavior expected of the employee; and***
  - (b) Is not part of the formal disciplinary process.***
- 2. A letter of instruction must include at least the following elements:***
  - (a) A brief statement identifying the deficiency or area of concern in the job performance or behavior of the employee;***
  - (b) An outline of the expectations of the supervisor of the employee relating to the job performance or behavior of the employee;***
  - (c) Instructions or a recommended course of action for overcoming the deficiency or area of concern and a description of any additional training that will be provided to the employee; and***
  - (d) A time frame for the completion of any recommended action items and for the proposed improvement in the job performance or behavior of the employee.***
- 3. A letter of instruction must not include any reference to disciplinary action or consequences for failure to comply with the expectations of the supervisor of the employee relating to the job performance or behavior of the employee.***
- 4. The supervisor of the employee and the employee must meet to discuss the expectations of the supervisor relating to the job performance or behavior of the employee outlined in the letter of instruction.***
- 5. The supervisor of the employee shall retain a copy of the letter of instruction in the supervisor’s working file for the employee. The supervisor must attach any written response by the employee to the letter of instruction. These documents must not be retained in the permanent personnel file of the employee unless they are attached to documentation of a subsequent disciplinary action taken against the employee as documentation of a nondisciplinary action that was taken before a specified disciplinary action was taken against the employee.***

**Sec. 2. NAC 284.458 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management (Division), addresses the rejection from probation and trial status, and that an affected employee may not file an appeal or grievance as a result of a rejection.

The amendment will also provide the authority to the Administrator of the Division or his or her designee to remove a request for an appeal hearing or a grievance from the grievance process when filed by an employee as a result of a rejection from probation or a trial period.

**NAC 284.458 Rejection of probationary employees. (NRS 284.065, 284.155, 284.290)**

1. During a probationary period, ~~an~~ *a probationary* employee may be rejected for any lawful reason, as determined by his or her appointing authority. ~~An~~ *A probationary* employee rejected pursuant to this subsection has no appeal rights ~~or rights to file a grievance using the procedure set forth in NAC 284.658 to 284.6957, inclusive, concerning the decision by the appointing authority to reject the probationary employee.~~

2. ~~An~~ *A permanent* employee who is serving a trial period may not ~~use~~ :

(a) *File a grievance using* the grievance procedure set forth in NAC 284.658 to 284.6957, inclusive, ~~to appeal~~ *concerning the decision by the appointing authority to reject the permanent employee during his or her trial period; or*

(b) *Appeal* the decision by the appointing authority to reject the *permanent* employee during his or her ~~probationary~~ *trial* period.

3. *If the Division of Human Resource Management determines pursuant to subsection 1 or 2 that a request for the adjustment of a grievance is not eligible for the procedure set forth NAC 284.658 to 284.6957, inclusive, or that a request for an appeal of a decision by the appointing authority is not eligible for appeal, the Division must:*

(a) *Remove the request from the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.6957, inclusive, or from the appeal process, as applicable; and*

(b) *Provide to the person who submitted the request and the appointing authority in which the rejection arose:*

(1) *Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.6957, inclusive, or for the appeal process, and an explanation of that determination; and*

(2) *Notice that the Division has removed the request from the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.6957, inclusive, or from the appeal process, as applicable.*

4. A probationary period does not create a contractual relationship between the employee and employer.

~~4.~~ 5. If a report of separation is not received by the employee or the Division of Human Resource Management by the close of business on the last day of the probationary period, the employee is considered to have satisfactorily completed the probationary period and acquired permanent status.

[Personnel Div., Rule VIII § C subsecs. 1-3, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-12-93; 11-16-95)

**Sec. 3. NAC 284.692 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Employment, Training and Rehabilitation, would allow for an exception to the mutual agreement requirement for an extension of time to file a grievance or take required action under certain circumstances, such as extended leave, which would be granted or denied by the Division of Human Resource Management.

An exception to the mutual agreement requirement is also allowable if an employee has also filed a charge with an equal employment opportunity (EEO) unit, such as an agency EEO unit, the Division of Human Resource Management's Sexual Harassment and Discrimination Unit, the Nevada Equal Rights Commission, or the federal Equal Employment Opportunity Commission. An extension related to this may be necessary to allow time for the completion of an investigation of the charge.

If the employee ultimately submits his or her grievance to the Employee-Management Committee (EMC), the EMC would have the ability to review an exception to the mutual agreement requirement at a hearing.

**NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action. (NRS 284.065, 284.155, 284.384)**

1. Except as otherwise provided in subsection ~~3~~ 5, the time limit for filing a grievance and for taking any other action required by either party at any step in the grievance procedure may be extended by the mutual agreement of the employee who may file the grievance and the appointing authority or his or her designated representative. An agreement to an extension of time entered into pursuant to this subsection must be made in writing and authorized by both the employee and the appointing authority or his or her designated representative.

2. The time limit for filing a complaint and for taking any other action required by either party in the complaint procedure may be extended by the mutual agreement of the employee who may file the complaint and the appointing authority or his or her designated representative. An agreement to an extension of time entered into pursuant to this subsection must be made in writing and authorized by both the employee and the appointing authority or his or her designated representative.

3. ~~The~~ *An appointing authority or a designated representative of the appointing authority may unilaterally extend the time limit for filing a grievance or taking any other action at any step in the grievance procedure if the appointing authority reasonably believes that circumstances prevented a good faith attempt to resolve the grievance at any step in the grievance procedure and those circumstances are documented. Such documented circumstances may include, without limitation, that:*

- (a) The employee is on a leave of absence;*
- (b) The employee is otherwise absent from work because of:*
  - (1) A physical, mental or emotional disorder;*
  - (2) A short-term or long-term disability event; or*
  - (3) An extended hospital stay or a stay in or treatment from a long-term care facility or another facility, including, without limitation, treatment received through an employee assistance program; or*

*(c) There is an investigation pending of a report or complaint of alleged unlawful discrimination by an entity set forth in paragraph (a) or (c) of subsection 1 of NAC 284.696.*

*4. If a grievance is submitted to the Committee, the Committee may review any extension of time provided pursuant to subsection 3.*

*5. Except as otherwise provided in subsection 4, the provisions of this section do not apply to a grievance that has been submitted to the Committee.*

(Added to NAC by Personnel Comm'n by R023-05, eff. 10-31-2005; R033-17, 10-31-2017)

**Sec. 4. Section 19 of LCB File No. R033-17, which was adopted by the Personnel Commission and filed with the Secretary of State on October 31, 2017, is hereby amended to read as follows:**

**Sec. 19. Section 1 of LCB File No. R076-15, which was adopted by the Personnel Commission and filed with the Secretary of State on April 4, 2016, is hereby amended to read as follows:**

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

**Explanation of Proposed Change:** This amendment, proposed by the Legislative Counsel Bureau, makes conforming changes based on the amendments in other sections of this LCB File.

At the Personnel Commission meeting on March 2, 2018, the Division of Human Resource Management will recommend changing the reference to NAC 284.384 in subsection 1 of the following regulation to NAC 284.458. The Legislative Counsel Bureau referenced the incorrect regulation, and is in agreement that the citation should be NAC 284.458, as it is in subsection 2 of the regulation.

**Section 19 of LCB File No. R033-17 Removal of ineligible grievance or complaint from procedure.**

1. ~~If~~ *Except as otherwise provided in NAC 284.384, if* the Division of Human Resource Management determines that a request for the adjustment of:

(a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection 2 of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390; or

(b) A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of section 2 of Assembly Bill No. 113, chapter 271, Statutes of Nevada 2017, at page 1427,

↳ the Division must take the actions described in subsection 2.

2. ~~Upon~~ *Except as otherwise provided in NAC 284.458, upon* making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:

(a) Remove the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance or complaint arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person's concern; and

(4) Information relating to the person's right to appeal the determination to the Committee.

3. If the Division of Human Resource Management determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination to the Committee.

(Added to NAC by Personnel Comm'n by R076-15, eff. 4-4-2016; R033-17, 10-31-2017)

**FOR DISCUSSION AND POSSIBLE ACTION**

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

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

**LCB File No. R118-17**

The Division of Human Resource Management recommends the regulation amendments contained in LCB File No. R118-17.

First, a new regulation is proposed which requires an employee to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or a driver's license to his or her appointing authority. This regulation also includes a timeframe of 5 working days to report such a suspension, revocation or cancellation, and the consequences of not making a report.

Next, a new regulation is proposed which requires an employee to report being arrested for, charged with or convicted of any offense to his or her appointing authority, also within a 5 working day time frame, if the arrest, charge or conviction makes the employee temporarily or permanently unable to perform his or her duties. Consequences of failing to make this type of report are included in this new regulation as well.

Conforming changes to disciplinary regulations necessary as a result of the two newly proposed regulations are included in this LCB File.

The proposed amendment to NAC 284.653 expands the requirement that an employee report a conviction related to driving under the influence or unlawful acts involving controlled substances, to also require that an employee report such an arrest, charge or conviction during working or nonworking hours. A timeframe of 5 working days remains a requirement in this proposed amendment. The consequences of failing to make this type of report is also included in this amendment.

Finally, the amendment to NAC 284.890 will allow an appointing authority additional options regarding next steps for an employee after he or she has submitted to a screening test. In addition to providing transportation home, an appointing authority may also assist the employee in arranging transportation by a person of his or her choosing, or arrange for medical assistance, as appropriate.

Comments received at the August 30, 2017 Regulation Workshop were generally in support of the regulations.

**LCB File No. R118-17**

**Section 1. Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.**

**Sec. 2.**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to require an employee to report within 5 working days the suspension, revocation or cancellation of a license, certificate or permit which is a requirement of the position. Subparagraph (e) of subsection 2 of NAC 284.646 allows for the immediate dismissal of an employee who has had such a license, certificate or permit suspended, revoked or cancelled.

*NEW Report of suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license.*

*1. An employee must report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license to his or her appointing authority within 5 working days after the suspension, revocation or cancellation occurs if the possession of the professional or occupational license, certificate or permit or driver's license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law.*

*2. If an employee fails to make the report required pursuant to subsection 1:*

*(a) The appointing authority may immediately dismiss the employee pursuant to subsection 2 of NAC 284.646; or*

*(b) Appropriate disciplinary or corrective action may be taken against the employee pursuant to NAC 284.650.*

**Sec. 3.**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, amends NAC 284 by adding a new section to require an employee to report being arrested for, charged with or convicted of an offense that either temporarily or permanently results in the employee not being able to perform the duties of his or her position.

This regulation is proposed due to situations where off duty behavior has resulted in an employee not being able to perform his or her duties. It is important for an appointing authority to know of an arrest, charge, or conviction in order to make a determination if the employee can no longer serve in his or her position, may need to be placed on leave, or take any other action to protect the public that is served.

*NEW Report of arrest, charge, or conviction of an offense.*

*1. An employee or a designated representative of the employee must report being arrested for, charged with or convicted of any offense, including, without limitation, being arrested for, charged with or convicted of an offense that took place during working or nonworking hours, to*



*his or her appointing authority within 5 working days after the arrest, charge or conviction occurs if the arrest, charge or conviction results in the employee being temporarily or permanently unable to perform the duties of his or her position.*

*2. An employee must make the report required pursuant to subsection 1 in every situation where the arrest, charge or conviction results in the employee being temporarily or permanently unable to perform the duties of his or her position, even if the employee:*

*(a) Is not absent from work as a result of an arrest, charge or conviction; or*

*(b) Uses the leave of absence that he or she has accrued as a result of an arrest, charge or conviction.*

*3. Except as otherwise provided in subsection 6 of NAC 284.653, if an employee fails to make the report required pursuant to subsection 1:*

*(a) The appointing authority may immediately dismiss the employee pursuant to subsection 2 of NAC 284.646; or*

*(b) Appropriate disciplinary or corrective action may be taken against the employee pursuant to NAC 284.650.*

**Sec. 4. NAC 284.646 is hereby amended to read as follows:**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment allows an appointing authority to immediately dismiss or discipline an employee in accordance with Sections 2 and 3 of this LCB File.

**NAC 284.646 Dismissals. (NRS 284.065, 284.155, 284.383, 284.385, 284.390)**

1. An appointing authority may dismiss an employee for any cause set forth in NAC 284.650 if:

(a) The agency with which the employee is employed has adopted any rules or policies which authorize the dismissal of an employee for such a cause; or

(b) The seriousness of the offense or condition warrants such dismissal.

2. An appointing authority may immediately dismiss an employee *pursuant to the standards and procedures set forth in NAC 284.6563* for the following causes, unless the conduct is authorized pursuant to a rule or policy adopted by the agency with which the employee is employed:

(a) Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position ; ~~⊞~~

(b) Unauthorized release or use of confidential information ; ~~⊞~~

(c) Participation in sexual conduct on the premises of the workplace, including, without limitation, participation in sexual conduct in a vehicle that is owned by the State ; ~~⊞~~

(d) Absence without approved leave for 3 consecutive days during which the employee is scheduled to work ; ~~⊞~~

(e) The suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license if the possession of the professional or occupational license, certificate or permit or driver's license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law ; ~~⊞~~

(f) Threatening another person with a deadly weapon during any time in which the employee is:

- (1) On the premises of the workplace; or
- (2) Conducting state business or otherwise performing any duties of employment ; ~~⊞~~
- (g) Stealing or misappropriating any property that is owned by the State or located on state property ~~⊞~~ ;

*(h) Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver’s license pursuant to section 2 of this regulation if the possession of the professional or occupational license, certificate or permit or driver’s license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law; or*

*(i) Failure to report being arrested for, charged with or convicted of any offense pursuant to section 3 of this regulation if the arrest, charge or conviction results in the employee being temporarily or permanently unable to perform the duties of his or her position.*

3. The rights and procedures set forth in NAC 284.655 to 284.6563, inclusive, apply to any dismissal made pursuant to this section.

4. As used in this section:

- (a) “Material” has the meaning ascribed to it in NRS 201.2581.
- (b) “Nudity” has the meaning ascribed to it in NRS 201.261.
- (c) “Pornographic material” means material that, all or in part, contains any description or representation of nudity, sexual conduct, sexual excitement or sado-masochistic abuse which predominantly appeals to the prurient, shameful or morbid interest of adults and is without serious literary, artistic, political or scientific value.
- (d) “Sado-masochistic abuse” has the meaning ascribed to it in NRS 201.262.
- (e) “Sexual excitement” has the meaning ascribed to it in NRS 201.264.

[Personnel Div., Rule XII § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R147-06, 12-7-2006; R063-09, 11-25-2009; R027-11, 12-30-2011)

**Sec. 5. NAC 284.650 is hereby amended to read as follows:**

**Explanation of Proposed Change:** Proposed by the Division of Human Resource Management, this amendment allows an appointing authority discipline an employee in accordance with sections 2 and 3 of this LCB File.

**NAC 284.650 Causes for disciplinary action. (NRS 284.065, 284.155, 284.383)**

Appropriate disciplinary or corrective action may be taken for any of the following causes:

- 1. Activity which is incompatible with an employee’s conditions of employment established by law or which violates a provision of NAC 284.653 or 284.738 to 284.771, inclusive.
- 2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
- 3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
- 4. Discourteous treatment of the public or fellow employees while on duty.
- 5. Incompetence or inefficiency.
- 6. Insubordination or willful disobedience.
- 7. Inexcusable neglect of duty.
- 8. Fraud in securing appointment.

9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol abuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.
14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
15. Unauthorized absence from duty or abuse of leave privileges.
16. Violation of any rule of the Commission.
17. Falsification of any records.
18. Misrepresentation of official capacity or authority.
19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.
21. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.
22. Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.
23. Failure to participate in an administrative investigation authorized by the employee's appointing authority.
24. *Failure to report the suspension, revocation or cancellation of a professional or occupational license, certificate or permit or driver's license pursuant to section 2 of this regulation if the possession of the professional or occupational license, certificate or permit or driver's license is a requirement of the position at the time of appointment as stated in the standards of work performance, essential functions or class specifications for the position, or in other documentation provided to the employee at the time of appointment, or required thereafter pursuant to federal or state law.*
25. *Failure to report being arrested for, charged with or convicted of any offense pursuant to section 3 of this regulation if the arrest, charge or conviction results in the employee being temporarily or permanently unable to perform the duties of his or her position.*

[Personnel Div., Rule XII § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-22-87; 12-26-91; 7-1-94; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; R147-06, 12-7-2006)

**Sec. 6. NAC 284.653 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, requires an employee to report being arrested for, charged with, or convicted of an offense related to drugs or alcohol. Additionally, the amendment includes that an employee is required to report arrests, charges, or convictions for an offense that occurred during his or her personal time away from the workplace if the arrest, charge, or conviction results in the employee's inability to temporarily or permanently perform the duties of his or her position.

**NAC 284.653 Driving under the influence; unlawful acts involving controlled substance. (NRS 284.065, 284.155, 284.383, 284.385, 284.407)**

1. An employee is subject to any disciplinary action set forth in subsection 2, as determined by the appointing authority, if the employee is convicted of any of the following offenses:

(a) If the offense occurred while the employee was driving a state vehicle, or a privately owned vehicle on state business:

(1) Driving under the influence in violation of NRS 484C.110; or

(2) Any offense resulting from an incident in which the employee was:

(I) Originally charged with driving under the influence; or

(II) Charged with any other offense for which driving under the influence is an element of the offense.

(b) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or on state business.

2. An appointing authority may impose the following disciplinary actions if an employee is convicted of an offense set forth in subsection 1:

(a) For the first offense:

(1) Dismissal;

(2) Demotion, if permitted by the organizational structure of the agency for which he or she is employed;

(3) Suspension for 30 calendar days; or

(4) Suspension for 30 calendar days and demotion.

(b) For the second offense within 5 years, dismissal.

3. An employee who is suspended or demoted pursuant to subsection 2 must:

(a) Agree to be evaluated through an employee assistance program; and

(b) Complete any program of treatment recommended by the evaluation.

4. If an employee fails to complete the program of treatment, the appointing authority must dismiss the employee.

5. Pursuant to NRS 193.105, an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.

6. An employee must report ~~[a conviction]~~ *being arrested for, charged with or convicted of* any offense described in this section, *including, without limitation, being arrested for, charged with or convicted of an offense that took place during working or nonworking hours*, to his or her appointing authority within 5 working days after it occurs ~~[ ] if the arrest, charge or conviction results in the employee being temporarily or permanently unable to perform the duties of his or her position.~~ If the employee fails to make ~~[that]~~ *such a* report, ~~[he or she must be dismissed.]~~ *the appointing authority shall immediately dismiss the employee.*

(Added to NAC by Dep't of Personnel, eff. 7-22-87; A 4-20-90; 3-27-92; A by Personnel Comm'n by R147-06, 12-7-2006; R141-07, 1-30-2008)

**Sec. 7. NAC 284.890 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will provide agencies flexibility in assuring that an employee is safely transported from the test location when he or she will not be returning to the workplace due to the end of a work day, a positive test result, or no immediate test result. The addition to the regulation allowing an employee to make his or her own transportation arrangements is intended to provide an employee with an additional option. It is not the intent to remove the agency's responsibility to

ensure the employee's transportation. The amendment also allows an agency, as needed, to respond to an obvious medical crisis that happens prior to or during transportation of the employee following the test.

**NAC 284.890 Transportation of employee to and from location of screening test. (NRS 284.065, 284.155, 284.407)**

**1.** If an employee is required to submit to a screening test, the appointing authority shall provide transportation for the employee to the location of the test.

**2.** After the employee submits to the screening test, the appointing authority, *as appropriate*, shall ~~provide~~:

**(a)** *Provide* transportation for the employee to his or her home ~~;~~;

**(b)** *Assist the employee in arranging for a person chosen by the employee to provide transportation for the employee; or*

**(c)** *Arrange for emergency medical assistance if the appointing authority or any other person, before or during the transportation of the employee to his or her home, reasonably believes, based on objective facts, that the employee needs emergency medical assistance.*

(Added to NAC by Dep't of Personnel, eff. 12-26-91)

Personnel Commission Meeting  
March 2, 2018

**FOR DISCUSSION AND POSSIBLE ACTION**

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

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

**LCB File No. R119-17**

The Division of Human Resource Management recommends the regulation amendment contained in LCB File No. R119-17.

This amendment will clarify that a form will not be required if an appointing authority requests an employee to submit to a screening test pursuant to subsection 2 of NRS 284.4065. Also, the amendment changes “accident” to “crash,” which is based on amendments made during the 2015 Legislative Session.

Comments received at the December 12, 2017 Regulation Workshop were generally in support of the regulations.

**LCB File No. R119-17**

**Section 1. NAC 284.888 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will clarify that the requirements outlined in subsection 1 of NRS 284.4065 (e.g., inform the employee in writing “whether the test will be for alcohol or drugs, or both”) do not apply to the situations outlined in subsection 2 of NRS 284.4065 (e.g., “has or is involved in a work-related accident or injury”).

In 2015, the Nevada Legislature amended certain sections of existing law by changing the word “accident” to “crash,” and the amendment to subparagraph (a) of subsection 4 of this regulation makes a conforming change.

**NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form. (NRS 284.065, 284.155, 284.407)**

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his or her duties safely and efficiently include, but are not limited to:

- (a) Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;
- (b) The odor of alcohol or a controlled substance on the breath of the employee;
- (c) Observation of the employee consuming alcohol; or
- (d) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source.

2. Except as otherwise provided in subsection 3, before requiring an employee to submit to a screening test, the supervisor of the employee must complete a form provided by the Division of Human Resource Management.

3. The provisions of subsection 2 do not apply if an appointing authority requests an employee to submit to a screening test pursuant to ~~[paragraph (b) of]~~ subsection 2 of NRS 284.4065.

4. For the purposes of subsection 2 of NRS 284.4065 : ~~[, as amended by section 8 of Senate Bill No. 62, chapter 225, Statutes of Nevada 2015, at page 1049:]~~

- (a) “Substantial damage to property” includes, but is not limited to:
  - (1) The operation of a motor vehicle in such a manner as to cause more than \$500 worth of property damage; or
  - (2) The operation of a motor vehicle in such a manner as to cause two *crashes which cause damage to* property ~~[accidents]~~ within a 1-year period.

(b) “Work-related accident or injury” means an accident or injury that occurs in the course of employment or that involves an employee on the premises of the workplace.

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A by Personnel Comm’n by R066-09, 10-27-2009; R193-09, 4-20-2010; R010-11, 10-26-2011; R044-15, 1-1-2016)

**FOR DISCUSSION AND POSSIBLE ACTION**

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

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

**LCB File No. R121-17**

The Division of Human Resource Management (DHRM) recommends the amendments in LCB File No. R121-17, which generally relate to the priority for the use of lists of eligible persons.

The proposed amendment to NAC 284.358 requires an appointing authority to prioritize the use of a reassignment list after a reemployment list. Also, this amendment also requires an appointing authority to follow the order of priority, and to contact DHRM to determine if eligible persons are available through a reemployment list, reassignment list, or a list of persons with disabilities eligible for temporary limited appointments before using any lower priority list.

The proposed amendment to NAC 284.360 revises procedures that DHRM must follow when certifying and providing each list to an appointing authority, using the priority established in NAC 284.358.

The proposed amendment to NAC 284.361 requires integration of names of persons eligible for reassignment onto reassignment lists provided by DHRM.

Comments were received at the August 30, 2017 Regulation Workshop generally in support of the regulations.



**LCB File No. R121-17**

**Section 1. NAC 284.358 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed a new regulation to require an appointing authority to contact the Division prior to filling any vacancy. The regulation also explained the order of possible lists that would be provided. In conjunction with the Legislative Counsel Bureau, the Division proposes the following amendment. This amendment will require an appointing authority to follow the order of lists included in subsection 1, including prioritizing the use of a reassignment list after a reemployment list.

Finally, this amendment includes the requirement for an appointing authority to contact the Division to determine if lists of eligible persons exist according to subparagraphs (a), (b) and (c) of paragraph 1 of the regulation, prior to filling any vacancy.

**NAC 284.358 Types of lists and priority for use. (NRS 284.065, 284.155, 284.250, 284.327)**

1. The types of lists of eligible persons and, unless otherwise provided in this chapter or chapter 284 of NRS, the required priority for their use are as follows:

(a) Reemployment lists.

(b) *Reassignment lists.*

(c) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016.

~~(e)~~ (d) Transfer lists, at the option of the appointing authority.

~~(d)~~ (e) Divisional promotional lists.

~~(e)~~ (f) Departmental promotional lists.

~~(f)~~ (g) Statewide promotional lists.

~~(g)~~ (h) Lists of persons determined to be eligible from open competitive recruitments.

~~(h)~~ (i) Lists of eligible persons of comparable classes.

2. The names on each list must be used as prescribed in NAC 284.361.

3. *Before filling a vacancy, an appointing authority shall contact the Division of Human Resource Management by telephone or electronic mail to determine if eligible persons are available for appointment through the lists referred to in paragraphs (a), (b) and (c) of subsection 1 before using any list referred to in paragraphs (d) to (i), inclusive, of subsection 1.*

4. The open and promotional lists referred to in paragraphs ~~(d)~~ (e) to ~~(h)~~ (i), inclusive, of subsection 1 must be:

(a) Based on the type of recruitment prescribed by the Division of Human Resource Management; and

(b) Described in the publicized job announcement.

↪ The establishment of any other type of list from the initial recruitment must be in accordance with NAC 284.367.

[Personnel Div., Rule V § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 4-20-90; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R034-17, 1-1-2018)

**Sec. 2. NAC 284.360 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed a new regulation to require an appointing authority to contact the Division prior to filling any vacancy. The regulation also explained the order of possible lists that would be provided. In conjunction with the Legislative Counsel Bureau, the Division of Human Resource Management proposes the following amendment. This amendment will specifically require the Division of Human Resource Management to certify and provide each list to the appointing authority in accordance with the priority set forth in the amendment to NAC 284.358 in section 1 of this LCB File.

This amendment also incorporates the required use of a reassignment list, if available.

**NAC 284.360 Reemployment lists; certification or waiver of lists. (NRS 284.065, 284.155, 284.250)**

1. ~~Upon receipt of the appropriate form from~~ *After being contacted by* an appointing authority ~~for a list of~~ *pursuant to subsection 3 of NAC 284.358 regarding the availability of* eligible candidates in a specific class, the Division of Human Resource Management must verify the availability of a reemployment list for that class. If a reemployment list is available, the Division of Human Resource Management must certify and provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list must be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment list available, *the Division of Human Resource Management must certify and provide to the appointing authority any available reassignment lists pursuant to section 4 of LCB File No. R097-16.*

3. *If there are no reassignment lists available,* the Division of Human Resource Management must certify and provide to the appointing authority any available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016.

~~3.~~ 4. If there are no available lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, as amended by section 1 of Assembly Bill No. 192, chapter 189, Statutes of Nevada 2017, at page 1016, the Division of Human Resource Management must certify and provide to the appointing authority any available transfer lists of employees who are entitled to transfer to a position pursuant to NRS 284.3775.

~~4.~~ 5. If no list described in subsection 1, ~~or~~ 2 *or* 3 is available, the Division of Human Resource Management must, upon request of the appointing authority and in accordance with subsections ~~5 and 6,~~ 6 *and* 7, certify the names of eligible persons on ranked or unranked lists described in paragraphs ~~(d)~~ (e) to ~~(h)~~ (i), inclusive, of subsection 1 of NAC 284.358, or waive the list.

~~5.~~ 6. The names of eligible persons on ranked lists must appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.

~~6.~~ 7. The Division of Human Resource Management may certify a list of eligible applicants who are not ranked, or may waive the list, for:

- (a) A class that is grade 20 or below;
- (b) A class designated in the classification plan as entry level; or

(c) A class designated in the classification plan as a class for which applicants for promotion are not normally available.

~~[7.]~~ **8.** Only an eligible person who has indicated the willingness to accept the location of the vacancy and the other conditions of employment may be certified.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004; R024-05, 10-31-2005; R034-17, 1-1-2018)

**Sec. 3. NAC 284.361 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed a new regulation to require an appointing authority to contact the Division prior to filling any vacancy. The regulation also explained the order of possible lists that would be provided. In conjunction with the Legislative Counsel Bureau, the Division proposes the following amendment. This amendment requires the Division to integrate the name of an employee who is eligible for reassignment within that agency into the reassignment list.

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

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

2. *The Division of Human Resource Management shall integrate the name of a person who is eligible for reassignment pursuant to subsection 2 or 4 of section 4 of LCB File No. R097-16 with the names of employees who are placed on a reassignment list pursuant to subsection 3 or 5 of section 4 of LCB File No. R097-16 whenever there is a reassignment list certified to the agency that employed the person in his or her regular position.*

3. A person must accept or refuse an offer of employment:

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

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

~~[3.]~~ **4.** The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority shall furnish in writing the special requirements peculiar to the position and his or her reasons therefor. If the facts and reasons justify such a method of selection, the Division of Human Resource Management may certify the highest ranking eligible persons who possess the special qualifications.

~~[4.]~~ **5.** Certification of only eligible persons who are the same sex must not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex specified.

~~[5.]~~ **6.** When using ranked lists other than those for reemployment, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least 5 persons in the first 10

ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than 10 ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of 10 ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish 10 eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection ~~7.1~~ 8, all competitive appointments from ranked lists must be made from the persons who:

- (a) Are in a rank of persons who received the 10 highest scores on the examination; and
- (b) Are available for appointment.

~~6.1~~ 7. If the list is unranked or waived, the appointing authority shall attempt to communicate, as provided in NAC 284.373, with at least five eligible persons he or she deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.

~~7.1~~ 8. If persons from fewer than five ranks of eligible persons are willing to accept appointment:

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

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

(c) A new recruitment may be conducted.

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

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R069-02, 8-14-2002; R183-03, 1-27-2004; R025-13, 10-23-2013; R034-17, 1-1-2018)—(Substituted in revision for NAC 284.378)

#### Sec. 4. NAC 284.618 is hereby amended to read as follows:

**Explanation of Proposed Change:** This amendment simply makes a conforming change based on the changes in numbering of subsections in NAC 284.361.

#### **NAC 284.618 Layoffs: Voluntary demotions. (NRS 284.065, 284.155, 284.175, 284.380)**

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted to a vacant position or displace an employee within the department and geographical location where employed to one of the next lower classes:

(a) Within his or her current class series and option; or

(b) Within the class series and option from which he or she was appointed to his or her current position during current continuous service if he or she cannot be demoted pursuant to paragraph (a).

↪ For the purposes of this subsection, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he or she must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.

3. The employees displaced reestablish the layoff class.
4. An employee may choose to displace another only if he or she meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection ~~3~~ 4 of NAC 284.361.
5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.
6. Displacement is always a movement to a class at a lower grade.
7. A current employee who elects to displace another employee has priority over former employees already on reemployment lists.
8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003; R143-05, 12-29-2005; R034-17, 1-1-2018)

Personnel Commission Meeting  
March 2, 2018

**FOR DISCUSSION AND POSSIBLE ACTION**

The following regulations have been proposed for permanent adoption. A brief explanation precedes each section and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~[omitted material]~~ is to be omitted.

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

**LCB File No. R151-17**

The Division of Human Resource Management (DHRM) recommends the amendments in LCB File No. R151-17.

The proposed amendments to NAC 284.5385, 284.544 and 284.5775 create consistency with the use of annual leave and sick leave by an employee who is eligible for temporary total disability benefits. The amendments are intended to clarify which type of leave may be used to supplement an employee's wages when receiving benefits for a workers' compensation temporary total disability. Also, these changes clarify that an employee also continues to accrue annual leave and sick leave if he or she elects to supplement his or her temporary total disability benefits using compensatory time or annual leave.

The proposed amendment to NAC 284.882 makes changes regarding the list of devices to be used to test the presence of alcohol by testing an employee's breath. Effective January 1, 2018, the list of Evidential Breath Testing Devices approved by the National Highway Traffic Safety Administration will no longer appear exclusively on a conforming products list published in the Federal Register. (82 Fed. Reg. 52240 (November 13, 2017)) Instead, federal regulations require that the Evidential Breath Testing Devices approved by the National Highway Traffic Safety Administration be listed on an Internet website page maintained by the Office of Drug and Alcohol Policy and Compliance of the United States Department of Transportation.

Comments were received at the December 12, 2017 Regulation Workshop generally in support of the regulations.

**LCB File No. R151-17**

**Section 1. NAC 284.5385 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed an amendment to NAC 284.544 in order to conform the regulation to current language in NAC 284.5775. Similar language was removed in 2005 as “unnecessary and redundant Family and Medical Leave Act language.” However, the current language when read on its face appears to be in conflict with NAC 284.5775, subsection 5 of NRS 281.390 and current State of Nevada workers’ compensation practice.

The Legislative Counsel Bureau handled the amendment differently by incorporating the reference to NAC 284.5775, and moving language related to an employee who does not have enough leave to make up the difference between his or her pay and benefits for temporary total disability, from NAC 284.544 and 284.5385, to NAC 284.5775.

**NAC 284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability. (NRS 284.065, 284.155, 284.345, 284.350)**

1. Except as otherwise provided in NAC 284.580, an employee does not accrue annual leave during the time he or she is on leave *of absence* without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and makes the election provided in ~~§~~

~~—(a) Subsection 1 or 3 of NRS 281.390]~~ *subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 of NAC 284.5775* is entitled to accrue annual leave during the period he or she is receiving those benefits and is being paid an amount of ~~[sick]~~ *paid* leave equal to the difference between his or her normal pay and the benefits received.

~~[(b) Subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him or her from performing one or more of the essential functions of his or her position. Such an employee may, while on such leave, elect to use his or her accrued annual leave in lieu of being placed on leave of absence without pay.~~

~~—3.— An employee who does not have enough sick leave to make up the difference between his or her normal pay and the benefits for a temporary total disability must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by sick leave or other paid leave.]~~ The employee accrues annual leave only for the time he or she is in paid status, excluding overtime.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm’n by R145-05, 12-29-2005)

**Sec. 2. NAC 284.544 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed an amendment to NAC 284.544 in order to conform the regulation to current language in NAC 284.5775. Similar language was removed in 2005 as “unnecessary and redundant Family and Medical Leave Act language.” However, the current language when read on its face

appears to be in conflict with NAC 284.5775, subsection 5 of NRS 281.390 and current State of Nevada workers' compensation practice.

The Legislative Counsel Bureau handled the amendment differently by incorporating the reference to NAC 284.5775, and moving language related to an employee who does not have enough leave to make up the difference between his or her pay and benefits for temporary total disability, from NAC 284.544 and 284.5385, to NAC 284.5775.

**NAC 284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation. (NRS 284.065, 284.155, 284.345, 284.355)**

1. Except as otherwise provided in NAC 284.580, an employee does not accrue sick leave during the time he or she is on leave *of absence* without pay or on catastrophic leave.

2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and ~~§~~

~~—(a) Makes~~ *makes* the election provided in *subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 [or 3] of [NRS 281.390] NAC 284.5775* is entitled to accrue sick leave during the period he or she is receiving those benefits and is being paid an amount of ~~[sick]~~ *paid* leave equal to the difference between his or her normal pay and the benefits received.

~~[(b) Makes the election provided in subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee elects to use his or her accrued annual leave.~~

~~—3.—An employee who does not have enough sick leave to make up the difference between his or her normal pay and the benefits for temporary total disability must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by paid leave.]~~ The employee accrues sick leave only for the time he or she is in paid status, excluding overtime.

~~[4.]~~ **3.** To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, the amount of sick leave to which the employee is entitled must be computed based on not more than 40 hours each week in each position.

~~[5.]~~ **4.** The basis for the computation of the amount of sick leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his or her position.

(Added to NAC by Dep't of Personnel, eff. 12-17-87; A 7-14-88; 7-21-89; 8-1-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002; A by Personnel Comm'n by R145-05, 12-29-2005)

**Sec. 3. NAC 284.5775 is hereby amended to read as follows:**

**Explanation of Proposed Change:** The Division of Human Resource Management (the Division) initially proposed an amendment to NAC 284.544 in order to conform the regulation to current language in NAC 284.5775. Similar language was removed in 2005 as “unnecessary and redundant Family and Medical Leave Act language.” However, the current language when read on its face appears to be in conflict with NAC 284.5775, subsection 5 of NRS 281.390 and current State of Nevada workers' compensation practice.

The Legislative Counsel Bureau handled the amendment differently by incorporating the reference to NAC 284.5775, and moving language related to an employee who does not have enough leave



to make up the difference between his or her pay and benefits for temporary total disability, from NAC 284.544 and 284.5385, to NAC 284.5775.

**NAC 284.5775 Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)**

1. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may:

~~[(1)]~~ (a) Elect to receive payment for all or part of the difference between his or her normal pay and the benefits received by:

~~[(a)]~~ (1) Using his or her accrued sick leave as provided in subsection 1 or 3 of NRS 281.390;

~~[(b)]~~ (2) Using his or her accrued compensatory time;

~~[(c)]~~ (3) Using his or her accrued annual leave if he or she:

~~[(1)]~~ (I) Is on family and medical leave for a serious health condition that prevents him or her from performing one or more of the essential functions of his or her position; or

~~[(2)]~~ (II) Elected to use his or her accrued sick leave pursuant to NRS 281.390 and has exhausted all of his or her accrued sick leave; or

~~[(4)]~~ (4) Using catastrophic leave if he or she has exhausted all of his or her accrued annual leave, sick leave and compensatory time and his or her request for catastrophic leave has been approved pursuant to NAC 284.576; or

~~[(2)]~~ (b) Elect to be placed on leave of absence without pay in accordance with subsection 5 of NRS 281.390.

2. *An employee who does not have enough paid leave to make up the difference between his or her normal pay and the benefits for a temporary total disability pursuant to paragraph (a) of subsection 1 must be placed on leave of absence without pay for the time he or she is receiving such benefits and the balance of time not covered by paid leave.*

(Added to NAC by Dep't of Personnel by R031-98, eff. 4-17-98; A by R082-00, 8-2-2000)

**Sec. 4. NAC 284.882 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Division of Human Resource Management, will require that a screening test to detect the presence of alcohol by testing an employee's breath be conducted using a breath-testing device appearing on that Internet website maintained by the Office of Drug and Alcohol Policy and Compliance.


**NAC 284.882 Administration of screening tests. (NRS 284.065, 284.155, 284.4065, 284.407)** A screening test to detect the general presence of:

1. A controlled substance must comply with:

(a) The standards established by the United States Department of Health and Human Services which are hereby adopted by reference. A copy of the standards is available, without charge, from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace Programs, ~~[(Choke Cherry Road)]~~ **5600 Fishers Lane**, Rockville, Maryland 20857; and

(b) Any supplementary standards and procedures established by the Commission.

2. Alcohol by testing a person's breath must be conducted using a breath-testing device ~~[(certified in accordance with the "Conforming Products List of Evidential Breath Alcohol Measurement Devices" published in the Federal Register)]~~ **approved** by the National Highway

Traffic Safety Administration of the United States Department of Transportation  *and listed on the “Approved Evidential Breath Measurement Devices” webpage on the Internet website maintained by the Office of Drug and Alcohol Policy and Compliance of the United States Department of Transportation pursuant to 49 C.F.R. § 40.229.*

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; A 10-27-97; R082-00, 8-2-2000; A by Personnel Comm’n by R066-09, 10-27-2009; R009-11, 10-26-2011)

Personnel Commission Meeting  
March 2, 2018

**FOR INFORMATION ONLY**

Attached is a list of classes and positions which have previously been approved for pre-employment testing. This list has been provided for you to use as a reference when determining which classes and/or positions the Commission may wish to approve at this meeting.

**STATE OF NEVADA**  
**CLASSES APPROVED FOR PRE-EMPLOYMENT CONTROLLED SUBSTANCE**  
**TESTING CHANGES EFFECTIVE DECEMBER 7, 2017**

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

<b>CLASS/TITLE CODE</b>	<b>TITLE</b> list.)	<b>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</b>
1.401	WEIGHTS AND MEASURES INSPECTOR IV*	AGR - PCNS 4551-0011, 4551-0022
1.404	WEIGHTS AND MEASURES INSPECTOR III*	AGR - PCN 4551-0013
1.407	WEIGHTS AND MEASURES INSPECTOR II*	AGR - PCNS 4551-0014, 4551-0015, 4551-0023, 4551-0024, 4551-0025, 4551-0028, 4551-0045, 4551-0047, 4551-0049, 4551-0102, 4551-
1.413	WEIGHTS AND MEASURES ASSISTANT (SEASONAL)*	AGR - PCNS 4551-8911, 4551-8912, 4551-
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.770	WILDLIFE AREA SUPERVISOR II	
1.771	WILDLIFE AREA SUPERVISOR I	
1.772	FISH HATCHERY SUPERVISOR II	
1.774	FISH HATCHERY SUPERVISOR I	
1.776	FISH HATCHERY TECHNICIAN III	
1.778	FISH HATCHERY TECHNICIAN II	
1.780	FISH HATCHERY TECHNICIAN I	
1.785	WILDLIFE AREA TECHNICIAN III	
1.786	WILDLIFE AREA TECHNICIAN II	
1.787	WILDLIFE AREA TECHNICIAN I	
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER II	
1.813	FORESTER II	
1.814	FIRE MANAGEMENT OFFICER I	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS
1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.835	HELITACK SUPERVISOR	
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.912	PARK INTERPRETER	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS

2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.153	LEGAL SECRETARY II*	TAXI - PCN 0038
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870, 4709-42, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-1009, 4709-8004, 4709-8018, 4709-8031, 4709-8038, 4709-8039, 4709-8040, 4709-8041, 4709-8042, 4709-8043, 4709-9013, 4713-0706, 4713-155, 4713-805; TAXI - PCN 0023
2.211	ADMINISTRATIVE ASSISTANT III*	DMV - PCNS RE7015, WF7047; DPS - PCNS 3740-1412, 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3743-1011, 3743-1014, 3743-1017, 3743-1020, 3744-10, 3744-13, 3744-16, 3744-19, 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11033, 4702-11034, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012;
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 4702-32, 4709-2, 4709-8044, 4709-8045, 4709-8046, 4709-8048, 4709-9003, 4709-9004, 4709-9005, 4709-9006, 4709-9007, 4709-9008, 4709-9009, 4709-9010, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8006, 4709-8008, 4709-8009, 4713-0870; TAXI - PCNS 0003, 0013, 0020, 0043, 0046, 0066, 0074,
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38, 4709-8022
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029; BCN - ALL PCNS
2.827	SUPPLY ASSISTANT*	BCN - ALL PCNS
2.836	SUPPLY TECHNICIAN I*	BCN - ALL PCNS
3.203	FOOD SERVICE COOK/SUPERVISOR II*	BCN - ALL PCNS
3.206	FOOD SERVICE COOK/SUPERVISOR I*	BCN - ALL PCNS
3.213	FOOD SERVICE WORKER II*	BCN - ALL PCNS
3.218	FOOD SERVICE WORKER I*	BCN - ALL PCNS
3.505	DRIVER - SHUTTLE BUS	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, 018-037, ALL PCNS BEGINNING W/ 930
6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOT - PCNS 027006, 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT - PCNS 017021, 017034, 017048, 028008, ALL PCNS BEGINNING W/ 930
6.223	ADMINISTRATOR I, PROFESSIONAL ENGINEER*	NDOT - PCN 301012
6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930

6.228	STAFF II, ASSOCIATE ENGINEER*	NDOT - PCNS 018024, 018025, 018036, 018037, 018046, 018047
6.229	STAFF I, ASSOCIATE ENGINEER*	NDOT - PCNS 020014, 034001, 255002, 080001, 080002, 080005, 080006, 080007,
6.305	ENGINEERING TECHNICIAN V*	NDOT - PCN 028015
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 027023, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017038, 017039, 017040, 017041, 017042, 017050, 017051, 017052, 027019, 027022, 028010, 028011, 028013, 028016, 028021, 028022, 028030, 101342, 255003, ALL PCNS BEGINNING W/
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS; D of A - ALL PCNS
6.755	BUILDING CONSTRUCTION INSPECTOR IV*	D of A - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.966	DEVELOPMENT TECHNICIAN IV*	BCN - ALL PCNS
6.978	DEVELOPMENT TECHNICIAN III*	BCN - ALL PCNS
6.979	DEVELOPMENT TECHNICIAN II*	BCN - ALL PCNS
6.980	DEVELOPMENT TECHNICIAN I*	BCN - ALL PCNS
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.143	ACCOUNTANT TECHNICIAN I*	DPS - PCN 4702-30
7.154	AUDITOR II*	DHHS PBH - PCNS 0031, 0033, 0041
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCN 3743-6
7.519	TRAINING OFFICER I*	NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	DPS - NHP - HAZARDOUS MATERIALS - PCN
7.624	MANAGEMENT ANALYST III*	DPS - PCNS 4709-3, 4709-200
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39; TAXI - PCNS 0002, 0078
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.643	PROGRAM OFFICER III*	DHHS PBH - PCN 0038; DPS - PCN 4702-
7.647	PROGRAM OFFICER II*	BCN - PCN 41234; DMV - PCN CC4019; DPS-PCNS 3743-1022, 4701-0950, 4709-19, 4709-24, 4709-35, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82, 4702-322, 4709-8030, 4709-8036, 4709-8037; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS 41672, 41673
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940
7.655	BUSINESS PROCESS ANALYST III*	DPS - PCN 4709-8023
7.656	BUSINESS PROCESS ANALYST II*	DPS - PCNS 4702-0046, 4709-8024, 4709-
7.665	PUBLIC SERVICE INTERN I*	MIN - PCNS 09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
7.713	TRANSPORTATION TECHNICIAN III*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.715	TRANSPORTATION TECHNICIAN II*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.722	TRAFFIC CENTER TECHNICIAN SUPERVISOR	
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	NDOT - PCN 016060
7.902	IT MANAGER III*	DPS - PCN 4709-0207

7.904	IT MANAGER I*	NDOT - PCN 016065; BCN UNR - PCN 42286
7.921	IT PROFESSIONAL IV*	DPS - PCN 4709-8032; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 4709-0150, 4709-8033; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES
7.926	IT PROFESSIONAL II*	NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003; BCN UNR - ALL FACILITIES SERVICES PCNS
7.929	IT PROFESSIONAL I*	BCN UNR - ALL FACILITIES SERVICES
7.951	IT PROFESSIONAL TRAINEE*	BCN UNR - ALL FACILITIES SERVICES
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUND EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.205	SEASONAL FORESTRY EQUIPMENT OPERATOR	
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUND EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	
9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOT - ALL PCNS
9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOT - ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOT - ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOT - ALL PCNS
9.353	AVIATION SERVICES OFFICER	
9.354	CHIEF PILOT	
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOT I	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOC - ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOC - ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS

9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOC - ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOC - ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOT - ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCN'S
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.434	EVENTS CENTER TECHNICIAN II*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.437	EVENTS CENTER TECHNICIAN I*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NSVH - ALL
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCN'S
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.470	THEATER TECHNICIAN I*	BCN - ALL PCNS
9.471	THEATER TECHNICIAN II*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NSVH - ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NSVH - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.514	RANCH MANAGER*	BCN UNR - PCN 41154
9.534	RESEARCH AID II*	BCN - ALL WOLF PACK MEATS PCNS
9.555	RESEARCH AID I*	BCN - ALL WOLF PACK MEATS PCNS
9.580	RESEARCH TECHNICIAN*	BCN - ALL WOLF PACK MEATS PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS, NDOT - PCN
9.610	GROUND SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUND SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUND SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUND MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUND MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS
9.635	GROUND MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN - ALL PCNS
9.639	GROUND MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUND MAINTENANCE WORKER I*	BCN - ALL PCNS



10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS
10.146	TREATMENT HOME SUPERVISOR	
10.148	TREATMENT HOME PROVIDER	
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.217	HEALTH PROGRAM MANAGER II*	DHHS PBH - PCN 0037
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOC - ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NSVH - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NSVH - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NSVH - ALL PCNS
10.354	REGISTERED NURSE IV*	NSVH - ALL PCNS
10.355	REGISTERED NURSE III*	NSVH - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	DHHS, NDOC, NSVH - ALL PCNS
10.359	REGISTERED NURSE II*	NSVH - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NSVH - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT*	NDOC, NSVH - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS
10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.536	ENVIRONMENTAL SCIENTIST II*	NDOT - PCNS 018012, 018013
10.540	MEDICAL MARIJUANA PROGRAM SUPERVISOR	
10.541	MEDICAL MARIJUANA PROGRAM INSPECTOR II	
10.542	MEDICAL MARIJUANA PROGRAM INSPECTOR I	
10.545	ENVIRONMENTAL SCIENTIST IV*	NDOT - PCN 018011
10.707	CHEMIST V*	BCN - ALL PCNS
10.708	CHEMIST IV*	BCN - ALL PCNS
10.710	MICROBIOLOGIST V*	BCN - ALL PCNS
10.711	MICROBIOLOGIST IV*	BCN - ALL PCNS
10.712	CHEMIST III*	BCN - ALL PCNS
10.713	CHEMIST II*	BCN - ALL PCNS

10.715	MICROBIOLOGIST III*	BCN - ALL PCNS
10.717	MICROBIOLOGIST II*	BCN - ALL PCNS
10.721	MICROBIOLOGIST I*	BCN - ALL PCNS
10.724	CHEMIST I*	BCN - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC- ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.117	PUBLIC SAFETY DISPATCHER VI	
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCNS 4709-13, 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-33, 4709-59, 4709-61, 4709-202, 4709-590, 4709-8014
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN, NSVH - ALL PCNS
11.263	SECURITY OFFICER*	BCN, MILITARY, NSVH - ALL PCNS
11.354	SUPERVISORY COMPLIANCE INVESTIGATOR*	DMV - PCN WF8508
11.358	COMPLIANCE INVESTIGATOR II*	DMV - PCNS RE8018, RE8025, RE8026,
11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.424	DMV SERVICES TECHNICIAN III*	DMV - PCNS RE5324, RE5328
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
11.513	SAFETY REPRESENTATIVE, RAILWAY	
11.515	SAFETY SPECIALIST, RAILWAY	
11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MANUFACTURED HOUSING INSPECTOR II	
11.561	MANUFACTURED HOUSING INSPECTOR I	
11.565	AGENCY LOSS CONTROL COORDINATOR*	NDOT - PCN 078002
12.466	SUBSTANCE ABUSE COUNSELOR III	
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	

12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
12.616	PAROLE & PROBATION SPECIALIST III*	DPS - PCNS 3740-0564, 3740-1251, 3740-1439, 3740-1440, 3740-1441, 3740-1442
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT INVESTIGATOR	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	YOUTH PAROLE COUNSELOR III	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.301	INSPECTOR GENERAL	
13.309	CORRECTIONAL CAPTAIN	

13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U3720	DIVISION ADMINISTRATOR, RECORDS &	DPS - PCN 4709-1
U3916	PROGRAM MANAGER, OIL/GAS/GEOTHERMAL	MIN - PCN 0002
U3918	DEPUTY ADMINISTRATOR, MINERALS	MIN - PCN 0006
U3919	CHIEF FOR DANGEROUS MINES	MIN - PCN 0007
U3930	CHIEF FOR MINE REGULATION	MIN - PCN 0009
U3932	FIELD SPECIALIST, MINERALS	MIN - PCNS 0011, 0021, 0031
U4102	BUREAU CHIEF, YOUTH PAROLE	
U4103	DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4141	DEPUTY DIVISION ADMINISTRATOR, TAXICAB	
U4706	ADMINISTRATOR, MINERALS	MIN - PCN 0001
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

#### LEGEND

Acronym	Agency
AG	Office of the Attorney General
AGR	Department of Agriculture
BCN	(Nevada System of Higher Education) Business Center
BCN UNR	(Nevada System of Higher Education) Business Center North, University of Nevada Reno
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DHHS PBH	Department of Health & Human Services, Division of Public & Behavioral Health
DMV	Department of Motor Vehicles
D of A	Department of Administration
DPS	Department of Public Safety
ESD	Department of Employment, Training & Rehabilitation, Employment Security Division
MIN	Commission on Mineral Resources, Division of Minerals
NHP	Department of Public Safety, Nevada Highway Patrol
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NSVH	Office of Veterans Services, Nevada State Veterans Home
SOS	Secretary of State
TAXI	Department of Business & Industry, Nevada Taxicab
UNLV	(Nevada System of Higher Education) University of Nevada Las Vegas

**FOR DISCUSSION AND POSSIBLE ACTION**

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

The Office of the Attorney General (AG) has requested the following classes be added to the classes/positions approved for pre-employment screening for controlled substances for the provided reason(s):

<b>AGENCY</b>	<b>CLASS/ TITLE CODE</b>	<b>TITLE</b>	<b>POSITION CONTROL NUMBER</b>	<b>REASON FOR ADDITION</b>
AG	13.237	AG Cybercrime Investigator II	All	Compliance with NAC 289.110
AG	13.238	AG Cybercrime Investigator I	All	Compliance with NAC 289.110

Positions in the above classes will be required to obtain and maintain Nevada Peace Officer Standards and Training (POST) Category II certification. In other words, the positions in these classes will be filled by peace officers. NAC 289.110 states, “No person may be appointed to perform the duties of a peace officer unless he or she... Has undergone a complete and documented investigation of his or her background... The investigation of the background of a person required pursuant to subsection 1 must include... A drug screening test.”

Additionally, these positions conduct criminal investigations and interact with victims, witnesses and the subjects of their investigations. Impairment due to a controlled substance has the potential to affect public safety, compromise sensitive information, or result in appropriate interactions.

Staff recommends the approval of the requested classes.

If the above classes are approved for pre-employment screening for controlled substances, the class specification for the class series, AG Cybercrime Investigators, will need to be revised to reflect the addition of the requirement for pre-employment screening for controlled substances. For this reason, the Division of Human Resource Management is recommending a revision of the class specification conditioned upon approval of these classes.

The Office of the Attorney General has indicated that a representative will be available at the meeting to answer Commissioners’ questions.

ADAM PAUL LAXALT  
*Attorney General*



NICHOLAS A. TRUTANICH  
*Chief of Staff Chief of Staff*

Ketan D. Bhirud  
*General Counsel*

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
100 North Carson Street  
Carson City, Nevada 89701

## MEMORANDUM

**To:** Shelley Blotter, Deputy Administrator  
Division of Human Resource Management

**Through:** Carrie Hughes, Personnel Analyst III  
Division of Human Resource Management

**From:** Gloria Navarro, Chief Personnel Manager *gan*  
Office of the Attorney General  
775-684-1113, [gnavarro@ag.nv.gov](mailto:gnavarro@ag.nv.gov)

**Subject:** Pre-Employment Screening for Controlled Substances –  
AG Cybercrime Investigator Class

**Date:** December 19, 2017

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The State of Nevada, Office of the Attorney General is requesting that all positions under the new AG Cybercrime Investigator Class be added to the list of approved classes requiring pre-employment screening for controlled substances.

With the aid of the Division of Human Resource Management, this new classification was recently developed to appropriately address the required knowledge, skills and abilities needed for Attorney General Investigators focusing primarily on high tech crimes. These positions are similar in nature to the AG Criminal Investigator positions, but require additional training and certification specific to cybercrimes and computer forensic work.

The current investigator positions included in the AG Cybercrime Investigator Class are as follows:

1. AG Cybercrime Investigator I, B/A 1030, PCN 374-RN
2. AG Cybercrime Investigator II, B/A 1030, PCN 381-RN

Both of these position, as well as any future positions added to this class, are sworn peace officer positions and require compliance with Peace Officer Standards and Training. Pursuant to Nevada Administrative Code 289.110 (h), peace officers are required to undergo a background investigation that includes a drug screening test.

AG Cybercrime Investigator positions are primarily assigned to task forces that include the: Internet Crimes Against Children Task Force, Child Exploitation Task Force and Violent Crimes Against Children Task Force. In addition to other pre-employment requirements, it is important for candidates of these positions to undergo pre-employment drug screening to help identify potential substance abuse issues. Furthermore, these positions carry criminal caseloads and require frequent interaction with victims, witnesses and subjects. Any substance dependence issues could result in officer safety concerns, the compromise of sensitive case information and/or the potential for inappropriate interactions with victims, witnesses or subjects.

We respectfully request that the above referenced AG Cybercrime Investigator Class be approved for pre-employment screening for controlled substances.

If you have any questions, please contact me at 775-684-1113.

Thank you.



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>AG CYBERCRIME INVESTIGATOR II</b>	<b>40</b>	<b>D</b>	<b>13.237</b>
<b>AG CYBERCRIME INVESTIGATOR I</b>	<b>38</b>	<b>D</b>	<b>13.238</b>

**SERIES CONCEPT**

Cybercrime Investigators in the Attorney General’s Investigations Division perform criminal investigations and analysis involving a variety of highly specialized forensic examinations performed on electronic devices or networks that can be programmed or can store or convey information in any form that is used in suspected criminal violations of State and/or federal laws pertaining to a specific program or regulatory area which includes, but is not limited to, Medicaid fraud, workers’ compensation fraud, consumer protection, public integrity, human trafficking, missing children, financial fraud, alleged criminal offenses committed by State officers or employees, Internet Crimes Against Children, terrorism, drug crimes, identity theft, crimes against persons or property, and all types of conflict of interest cases submitted by outside agencies.

Provide technical expertise and assistance to State, federal, and local law enforcement in computer forensics related matters; obtain and maintain investigative computer forensics field equipment; obtain and maintain computer forensics laboratory equipment including updating hardware and software licenses.

Perform specialized investigations and computer forensic examinations of complex cases that may involve multiple criminal violations, suspects and jurisdictions and may be sensitive in nature.

Conduct interviews of witnesses, victims, and suspects; conduct forensic examinations of computers and other electronic devices and corresponding electronic data storage media to obtain information regarding the alleged criminal activity in an effort to complete investigative assignments in consideration of agency priorities, goals and objectives; review information received to determine possible criminal activity, validity of information and appropriate jurisdiction.

Conduct field surveillance and background investigations; participate in undercover “sting” operations in order to establish leads, solidify evidence, and develop probable cause; use electronic audio/video recording equipment or personally conduct transactions with suspects to gather evidence, develop leads and establish probable cause; establish proof of facts and evidence; and review case findings with appropriate parties.

Conduct research; gather and preserve evidence; take photographs and video; and transport, secure, prepare and analyze evidence by following proper evidentiary procedure.

Search law enforcement databases to include, but not limited to, National Crime Information Center (NCIC), National Criminal Justice Information System (NCJIS), Shared Computer Operations Protection Enforcement (SCOPE), Tiburon and the Department of Motor Vehicles.

Prepare reports on computer forensic examination results and prepare evidence for presentation; testify as an investigator and as a computer forensics expert in court or other proceedings as required.

Prepare investigative reports encompassing all significant events and facts pertaining to the case elements, outline and summarize violations committed, and submit and/or present findings to the prosecutor; develop illustrative charts/slides to explain analytical forensic findings to a lay audience; prepare, obtain and execute legal documents such as affidavits, search warrants, arrest warrants, and subpoenas to continue the criminal justice process and criminal prosecution.



Develop case files and maintain case logs and reports; document investigative activities in order to develop and formulate facts and leads, establish patterns and trends, determine motives, and support enforcement actions.

Maintain various reports such as daily activity reports, case summaries, arrest reports, and vehicle reports; utilize information to develop and report statistical data and to substantiate program budget expenditures.

Continually update and develop skills regarding new computer technology, hardware and software tools, and attend training to maintain and acquire knowledge of trends and developments in the field of computer forensics.

Conduct training programs and outreach regarding agency services, specialized functions and/or programs to other law enforcement agencies, State and local government officials, and the general public or community groups to develop understanding and awareness related to the use and abuse of digital information and devices.

Perform related duties as assigned.

\*\*\*\*\*

**DISTINGUISHING CHARACTERISTICS**

Enforcement powers are that of peace officers and incumbents have police powers for the enforcement of the provisions of the Nevada Revised Statutes and federal laws relating to any reported or observed criminal activity. AG Cybercrime Investigators carry firearms in the performance of their duties. All positions in this class series are, at a minimum, P.O.S.T. Category II certified, upon permanent status.

In addition, AG Cybercrime Investigators perform specialized casework assignments on a statewide basis which involve the identification, seizure and examination of digital devices used in furtherance of criminal acts.

\*\*\*\*\*

**CLASS CONCEPTS**

**AG Cybercrime Investigator II:** Under general direction, incumbents are expected to perform the full range of duties as described in the series concept; however, the primary responsibility is investigating complex cases and conducting computer forensic examinations related to the use of computers and other technological devices by perpetrators in an effort to assist, conceal or carry out acts in violation of State and/or federal laws. Positions allocated to this class provide computer forensic services to other criminal investigators not trained in computer forensics. They also independently conduct investigations and computer forensic examinations related to the most difficult assignments involving cases of a high profile or sensitive nature, or multiple program or criminal violations. Duties are distinguished from the AG Cybercrime Investigator I class by greater complexity and independence in performing job assignments. This is the advanced journey level in the series.

**AG Cybercrime Investigator I:** Under limited supervision, incumbents perform the full range of duties as described in the series concept. Incumbents conduct investigative assignments and computer forensic examinations related to the use of computers and other technological devices by perpetrators in an effort to assist, conceal or carry out acts in violation of State and/or federal laws.

Positions allocated to this class provide computer forensics services to other criminal investigators not trained in computer forensics. Work is closely reviewed for accuracy. This is the journey level in the series.

\*\*\*\*\*

## MINIMUM QUALIFICATIONS

### SPECIAL REQUIREMENTS:

- \* *Pursuant to NRS 284.4066, positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.*
- \* Persons offered employment in this series must submit to a background, medical, and psychological evaluation.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.
- \* AG Cybercrime Investigator I must obtain Certification by the International Association of Computer Investigative Specialists (IACIS) or Basic Computer Evidence Recovery Training (BCERT) at the National Computer Forensics Institute within 18 months of employment and as a condition of continuing employment.
- \* AG Cybercrime Investigator II must have current Certification by the International Association of Computer Investigative Specialists (IACIS) or Basic Computer Evidence Recovery Training (BCERT) at the National Computer Forensics Institute at the time of appointment and as a condition of continuing employment.

### INFORMATIONAL NOTES:

- \* Applicants must meet the minimum standards for appointment as a peace officer as established in the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC).
- \* AG Cybercrime Investigator I must obtain and maintain, at a minimum, Nevada POST Category II certification within one year of appointment and as a condition of continuing employment.
- \* AG Cybercrime Investigator II must maintain, at a minimum, Nevada POST Category II certification as a condition of continuing employment.
- \* A bi-annual qualifying score of 80 or better with a firearm will be required.
- \* Incumbents may be required to obtain and maintain a Top Secret National Security Clearance issued by the FBI.

### AG CYBERCRIME INVESTIGATOR II

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in computer science, information technology, computer forensics, criminal justice, police science, or closely related field; and current, at a minimum, Category II POST certification in Nevada; and three years of criminal investigation and law enforcement experience involving standard investigative and enforcement techniques utilized to enforce local, State and/or federal and agency laws and regulations, preparation of detailed investigative reports, implementation of agency program goals and objectives, handling of digital evidence, and experience performing forensic examinations of computers, networks or other digital devices for a law enforcement agency; **OR** graduation from high school or equivalent education; current, at a minimum, Category II POST certification in Nevada; and five years of experience as described above; **OR** two years of experience as an AG Cybercrime Investigator I in Nevada State Service; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements and Informational Notes*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** the use of automated forensic tools to identify, collect, preserve, and extract digital evidence from a variety of computers, platforms, operating systems, mobile devices, e-mail and messaging systems; criminal laboratory protocols related to packaging, submission, preservation, and storage of digital and computer evidence; computer forensic examination procedures, and electronic search methods used to analyze, identify, extract, and preserve digital and computer evidence; and the reporting of examinations including search techniques, recovery of deleted files and digital evidence identified in support of criminal allegations. **Ability to:** collect, organize, verify, and analyze investigative data; interpret and apply local, State, and/or federal laws, codes, regulations, and agency policies; conduct searches, seizures and arrests;

**MINIMUM QUALIFICATIONS (cont'd)**

**AG CYBERCRIME INVESTIGATOR II** (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application): (cont'd)  
conduct forensic examinations of a variety of digital devices including computers, mobile devices and other storage media; communicate clearly and concisely verbally and in writing; skillfully present courtroom testimony that involves both technical and non-technical subject matter; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Detailed knowledge of:** applicable local, State and/or federal laws, codes, statutes, regulations, and agency policies governing investigation functions appropriate to the area of assignment. **Working knowledge of:** the design, implementation, administration and securing of networks; the acquisition of mail servers, database servers and large data stores; mainframe basics and acquisition techniques; intrusion detection techniques used to discover and determine the existence or presence of evidence related to any wrongful act of entering, seizing, or taking possession of the property of another. **Ability to:** plan, coordinate, and expedite computer forensics investigations; conduct the most complex technical forensic examinations of a variety of digital devices, including networks or unconventional storage media; coordinate, set priorities, assign, and review computer forensic work of other professional staff when necessary; evaluate the needs for training and equipment in the area of assignment; *and all knowledge, skills and abilities required at the lower level.*

**AG CYBERCRIME INVESTIGATOR I**

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in computer science, information technology, computer forensics, criminal justice, police science, or closely related field; and current, at a minimum, Category II POST certification in Nevada within one year of appointment and as a condition of continuing employment; and one year of criminal investigation and law enforcement experience involving standard investigative and enforcement techniques utilized to enforce local, State and/or federal and agency laws, preparation of detailed investigative reports, implementation of agency goals and objectives, and handling of digital evidence; **OR** graduation from high school or equivalent education; current, at a minimum, Category II POST certification in Nevada; and three years of experience as described above; **OR** one year of experience as an AG Criminal Investigator I or Criminal Investigator I in Nevada State service; **OR** an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):  
**Working knowledge of:** applicable local, State and/or federal laws, codes, statutes, regulations, and agency policies governing investigation functions appropriate to the area of assignment; court procedures and documents; legal rights and rules of evidence; civil, criminal or administrative proceedings; chain of custody of evidence; laws of arrest, search and seizure; interview and interrogation techniques; criminal investigative techniques and enforcement procedures; standard computer operating systems, software and applications; a broad spectrum of computer hardware, networks, mobile computing devices, media platforms and storage devices; use of digital evidence in criminal investigations; and basic computer forensic tools and techniques used to acquire digital evidence. **Ability to:** read, understand and apply State and/or federal laws, codes, statutes, regulations, and agency policies; collect evidence; communicate effectively with a wide variety of public contacts; prepare detailed written reports; provide court testimony; identify types of digital evidence used in support of criminal allegations; and perform public speaking activities.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for AG Cybercrime Investigator II.)*

**AG CYBERCRIME INVESTIGATOR II**  
**AG CYBERCRIME INVESTIGATOR I**

**40**  
**38**

**D**  
**D**

**13.237**  
**13.238**

Page 5 of 5

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

13.XXX

13.XXX

ESTABLISHED: 12/19/17UC

12/19/17UC

***REVISED: 3/2/18PC***

***3/2/18PC***

**PERSONNEL COMMISSION  
INDIVIDUAL STUDY APPEAL**

**James Reynolds, Compliance/Audit Investigator III, 11.363, grade 35  
Appeal of the Division of Human Resource Management's decision to not reclassify Mr. Reynolds  
to Chief Compliance/Audit Investigator**

Personnel Commission March 2, 2018

Prepared by the Department of Administration  
Division of Human Resource Management

**APPEAL SUMMARY**

Mr. Reynolds, a Compliance/Audit Investigator III with the State of Nevada, Department of Employment, Training & Rehabilitation, is appealing the Division of Human Resource Management's decision to not reclassify the position from a Compliance/Audit Investigator III, 11.363, grade 35 to a Chief Compliance/Audit Investigator, 11.360, grade 37.

**BASIS FOR APPEAL**

Mr. Reynolds' appeal is based on the belief that a preponderance of his duties are within the higher level classification to include performing work on a Statewide basis, directly supervising the investigative activities of subordinate staff, and making sure the office is properly staffed.

**DIVISION OF HUMAN RESOURCE MANAGEMENT'S RECOMMENDATION**

The Division of Human Resource Management's analysis concluded that there has been no significant change in duties and responsibilities warranting reclassification, the position does not meet the class concept of a Chief Compliance/Audit Investigator and the appellant's duties are consistent with the Compliance/Audit Investigator III level.

The current duties and responsibilities of the position are to act as a leadworker by training and coordinating the work of lower level Compliance/Audit Investigators; review completed blocked claims for compliance; resolve difficult in-state and out-of-state blocked claims; complete difficult collections and legal actions; review determination letters prepared by lower level investigators for compliance; and provide information, guidance and assistance to the general public, businesses, other State agencies and interested stakeholders.

These duties are consistent with the class concepts of the Compliance/Audit Investigator III, which state, in part, "act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity; make determinations on the level and intent of investigations; act as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's or I's while conducting investigative and/or audit functions; review final investigative or audit reports for accuracy, clarity, format and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law; recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas."

As the duties performed are consistent with the class concepts, the Compliance/Audit Investigator III remains appropriate for the preponderant duties of the position.

**PERSONNEL COMMISSION  
INDIVIDUAL STUDY APPEAL**

**James Reynolds, Compliance/Audit Investigator III, 11.363, grade 35  
Appeal of the Division of Human Resource Management's (DHRM) decision to not reclassify  
Mr. Reynolds to Chief Compliance/Audit Investigator**

Personnel Commission March 2, 2018

Prepared by the Department of Administration  
Division of Human Resource Management

**DOCUMENT**

**EXHIBIT**

Letter to Peter Long, Administrator, DHRM, from Attorney Corrine P. Murphy for appellant James Reynolds, dated January 12, 2017, appealing the Administrator's affirmation of denial to reclassify the position.	1
Letter to James Reynolds through Attorney Corrine P. Murphy, from Peter Long, Administrator, DHRM, dated December 13, 2016, affirming the denial to reclassify the position.	2
Letter to Peter Long, Administrator, DHRM, from Attorney Corrine P. Murphy for appellant James Reynolds, dated November 10, 2016, appealing the denial to reclassify the position.	3
Letter to James Reynolds through Attorney Corrine P. Murphy, from Supervisory Personnel Analyst Heather Dapice, dated October 13, 2016, maintaining Compliance/Audit Investigator III as the correct classification.	4
Position Questionnaire (NPD-19) submitted by James Reynolds (PCN 4417) to DHRM, received April 4, 2016 (duty statements received September 23, 2016).	5
Position Questionnaire (NPD-19) submitted for PCN 4417, received July 21, 2003, reclassifying the position from Compliance/Audit Investigator II to Compliance/Audit Investigator III.	6
Work Performance Standards for PCN 4417 dated, May 20, 1015; February 12, 2014; February 21, 2013; March 2, 2012; March 4, 2011; January 25, 2010; and October 1, 2009.	7
Position Description Questionnaire (PDQ) from Auditor Series Occupational Group Study, Supervising Auditor I, dated July 27, 2007	8
Position Description Questionnaire (PDQ) from Auditor Series Occupational Group Study, Supervising Auditor II, dated July 27, 2007	9
Current Class Specification for the Compliance/Audit Investigator Series, effective May 6, 2011, approved by the Personnel Commission same date.	10
Previous Class Specification for the Compliance/Audit Investigator series, effective December 10, 2010, approved by the Personnel Commission same date.	11
Previous Class Specification for the Compliance/Audit Investigator series, effective November 15, 1991, approved by the Personnel Commission same date.	12
Current Class Specifications for the Auditor Series, effective September 30, 2016, approved by the Personnel Commission same date.	13

LAW OFFICES OF  
**PATTI, SGRO & ROGER**  
A PROFESSIONAL CORPORATION

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January 12, 2017

**Via Regular Mail & Certified Mail:**

**7015 1520 0001 4966 9363**

Division of Human Resource Management  
Attn.: Peter Long, Administrator  
Blasdel Building  
209 East Musser Street, Suite 101  
Carson City, Nevada 89701-4204  
[plong@admin.nv.gov](mailto:plong@admin.nv.gov)

**Via Regular Mail & Certified Mail:**

**7015 1520 0001 4966 9561**

Personnel Commission State of Nevada  
209 E. Musser Street, Suite 102  
Carson City, Nevada 89701

**RE: Mr. James Reynolds – NDP-19**

Dear Mr. Long:

Please allow this letter to act as an appeal pursuant to Nevada Administrative Code (NAC) 284.152(4), of the determination letter dated December 13, 2016 (referred to hereinafter as "determination letter") regarding the above referenced employee.

Please be advised that Mr. Reynolds is in the process of seeking a "Resolution Conference" (it was previously set, then taken off calendar and is pending rescheduling) regarding the desk audit conducted relating to this matter. However, in an abundance of caution, and to ensure Mr. Reynolds is complying with the statutory requirements, he is also providing this written appeal to the determination letter.

First, allow me to thank you for your comprehensive letter addressing my November 10, 2016 letter. That being said, there continue to be disagreements regarding key points.

You incorrectly stated that I was asserting in my prior letter that,

'Preponderance', 'natural growth' or 'increase in workload' precludes reclassification and would mean essentially, that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification. The determination letter makes no assertion as to 'sudden and unforeseen events', NAC 284.126(1)(a) does not mention or infer 'sudden and unforeseen events' and NAC 284.126(2) specifically identifies that reclassification of positions can occur as a result of gradual accumulation of duties and responsibilities which results in significant change.

It is not I who is positing that a “gradual accumulation of duties and responsibilities” cannot result in a re-classification. Rather it was Ms. Heather A. Dapice, in her first determination letter, dated October 13, 2016, (referred to herein after as “first determination letter”) who stated that,

[i]n applying the definition, change that is the result of natural growth or an increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar nature or complexity to current or previously performed responsibilities. (See enclosure, letter from Ms. Heather A. Dapice, dated October 13, 2016).

You seem to agree with my point that gradual increases can still result in a re-classification, but then later state that if the State were to essentially double an employee’s work load, that would not warrant re-classification.

For example, Compliance/Audit Investigators conduct audits on a periodic basis by either randomly selecting individual firms or businesses or as required by State law. If State law stated that 10% of businesses were to be audited every year and that changed to 20%, there is no change in the duty itself just the frequency of the audits, which increases the workload. There is no change in the duty itself, significant change has not occurred the position would not for reclassification.

Regardless, although Mr. Reynolds’s workload has increased as he is taking on significant additional duties, it is not just the work load, but also the duties outside the scope of the current classification of Audit/Investigator 35, which is at issue here. A preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. I understand your explanation of the term preponderance, but I would again refer to the definition I cited in my prior letter, “preponderance’ is defined as, ‘[s]uperiority in weight, importance or influence.’ See Blacks Law Dictionary, 2<sup>nd</sup> Pocket Ed., (2001) at pg. 547.”

In particular, Mr. Reynolds was mandated to perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators. Additionally, Mr. Reynolds is responsible for their training needs and personal evaluations, and making sure the office is properly staffed. Again, this is not the position Mr. Reynolds assumed in 2009 when forced to take this job as to was the only job offered to him off of the re-employment list – a list he was a member because of prior budget cuts.

I believe that you are asserting that because Mr. Reynolds himself has a supervisor who also performs these duties, Mr. Reynolds is not performing them. While Mr. Reynolds has tremendous respect for his supervisor, because he is reporting to his supervisor does not preclude Mr. Reynolds from himself performing supervisory duties. Mr. Reynolds is performing the duties that would qualify him for “supervisor” under the code.

There is a lot of discussion in both the most recent determination letter, as well as the first determination letter, regarding what the code really means. Preponderance means “[s]uperiority in weight, importance or influence.” *Id.* It is not the 50% mark you state in your letter. If that were the

Enclosures as stated



case then the code would state “50%” rather than use the term “preponderance” which allows for both a greater than half calculation, but also allows for preponderance to be something more than just a mathematical calculation and address “importance” or “influence.” Although, Mr. Reynolds asserts he has meet the 50% mark regardless, but even if that were not the case, that is not the end of the inquiry when using the term preponderance.

To determine legislative intent, this court first looks at the plain language of a statute. Salas v. Allstate Rent-A-Car, Inc., 116 Nev. 1165, 1168, 14 P.3d 511, 513-14 (2000). We only look beyond the plain language if it is ambiguous or silent on the issue in question. Id. We read statutes within a statutory scheme harmoniously with one another to avoid an unreasonable or absurd result. Allstate Ins. Co. v. Fackett, 125 Nev. 132, 138, 206 P.3d 572, 576 (2009)(citing to Torrealba v. Kesmetis, 124 Nev. 95, —, 178 P.3d 716, 721 (2008)).

**Conclusion:** The preponderance of duties performed by Mr. Reynolds are that of a Chief Compliance/Audit Investigator, 11.306, grade 37. Further, Mr. Reynolds performed as such prior to the removal of the “supervisor” description in the grade 35 description which occurred in 2010.

Please note, I have enclosed the prior appear letter of November 10, 2016 with this correspondence and I incorporate the contents and legal positions articulated in the letter, in this letter and as a part of this appeal as well.

Mr. Reynolds is submitting this written appeal and pursuing a Resolution Conference, however, Mr. Reynolds also asserts that he is entitled to a hearing on this matter.

Very truly yours,

PATTI, SGRO & ROGER

  
CORRINE P. MURPHY, ESQ.

cc: Denise Woo-Seymour, Personnel Analyst III  
State of Nevada  
Department of Administration  
Division of Human Resource Management  
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Enclosures as stated

Brian Sandoval  
Governor



Patrick Cates  
Director

Peter Long  
Administrator

STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION  
*Division of Human Resource Management*  
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December 13, 2016  
CERTIFIED MAIL: 7009 2820 0000 4965 1874

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**RE: Mr. James Reynolds – NPD-19**

Dear Ms. Murphy:

I have received your letter of appeal regarding the results of the classification study recently conducted by the Department of Administration, Division of Human Resource Management (DHRM), Compensation, Classification and Recruitment (CCR) section. You are appealing the request of Mr. James Reynolds to re-classify his position from Compliance/Audit Investigator III, 11.363, grade 35 to Chief Compliance/Audit Investigator, 11.360, grade 37.

My responsibility in the classification appeal process is to objectively review the classification determination for validity and adherence to accepted classification principles and to assess the use of appropriate methodology. I must consider the points in the original determination with which you disagree and the rationale for this disagreement. My review of this appeal took into consideration all the information gathered during the classification study including the current NPD-19 upon which the determination was made; information gathered during the initial audit; a review of the class specifications for the Compliance/Audit Investigator Series, and a review of the appeal information submitted.

I will address your concerns as I understand them.

- You indicate that a preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. In particular, he was mandated to

perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators, has responsibility for their training needs and personnel evaluations, makes sure the office is properly staffed and his State ID identifies him as Chief Investigator. In addition, you indicate that the standard where "natural growth" or "increase in workload" precludes reclassification and would mean essentially that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification and that would render the code that enables an employee to determine whether they were entitled to reclassification as completely meaningless and inapplicable. You also state that in layman's terms preponderance means generally more than half, not that it be more than half as part of a sudden or unexpected event, as the determination letter attempts to assert.

With regards to performing work on a statewide basis; this statement does not encompass the full duty as outlined in the class concept for the Chief Compliance/Audit Investigator, which states, in part, that "*incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedure....*" This responsibility belongs to the Audit Supervisor, 7.145, grade 37 who functions as the Regional Audit Manager within the Employment Security Division of the Department of Employment, Training and Rehabilitation (DETR), who in turn performs this duty under general direction of the Audit Manager, 7.139, grade 38, for DETR. Mr. Reynolds, under the limited supervision of the Audit Supervisor, assists in coordinating investigative activities such as making determinations on the level and intent of investigations and coordinating the work of Compliance/Audit Investigator II's and I's. These duties are clearly defined in the class concept for the Compliance/Audit Investigator III.

As to directly supervising investigative activities of nine subordinate investigators, having responsibility for their training needs and personnel evaluations and making sure the office is properly staffed; this position does not currently function in the capacity of a supervisor. A supervisory position, as outlined in NAC 284.498(5)(b), means a position which is held by an employee who: 1) formally evaluates staff; 2) is involved in the hiring and firing of subordinate staff; and 3) establishes policies which affect the performance or behavior of subordinate staff. Mr. Reynolds does not currently meet this definition; however, he does act as a leadworker by providing training, coordinating the work of lower level Compliance/Audit Investigators while conducting investigative and/or audit functions, reviewing final investigative audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed and providing assistance to lower level investigators regarding case preparation and presentation in a court of law. These duties are also clearly defined in the class concept for the Compliance/Audit Investigator III. Also, while Mr. Reynolds makes recommendations and gives input with respect to performance evaluations, leave requests, and staffing items, the responsibility for conducting performance evaluations, preparing and approving work schedules, approving leave, etc., is that of the Audit Supervisor.

Also, you indicate that since Mr. Reynolds State ID identifies him as a Chief Investigator this is a point that warrants reclassification. The job titles as listed on these identification cards are unofficial titles and have no bearing and play no part in the classification process itself.

Furthermore, I am unclear as to how you determined that the standard where "preponderance", "natural growth" or "increase in workload" precludes reclassification and would mean essentially, that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification. The determination letter makes no assertions as to "sudden and unforeseen events", NAC 284.126(1)(a) does not mention or infer "sudden and unforeseen events" and NAC 284.126(2) specifically identifies that reclassification of positions can occur as a result of gradual accumulation of duties and responsibilities which results in signification change.

With regards to the clarification of "natural growth" in classification methodology; "natural growth" is small incremental changes to duties and responsibilities that can occur through regulation changes, changes in operational procedures, process changes, technology changes, etc., that occur over time and do not affect the complexity of work assigned or the basic function of the position. For example, Compliance/Audit Investigators conduct audits on a periodic basis by either randomly selecting individual firms or business or as required by State law. If State law stated that 10% of businesses were to be audited every year and that changed to 20%, there is no change in the duty itself just the frequency of the audits, which increases the workload. Since there is no change in the duty itself, significant change has not occurred and the position would not warrant reclassification.

With respect to preponderance in the reclassification process, the agency and/or incumbent identifies a weight to a duty by assigning a percentage of time to that duty, as such, we can quantify with reasonable certainty the percentage of time an individual is performing a particular duty. For example, if a position performs duties at the Administrative Assistant II level 70% of the time and performs higher level duties of an Administrative Assistant III 30% of the time, they will be classified at the Administrative Assistant II level as they are the preponderant duties.

These clarifications neither change the intent nor do they add additional requirements in order to be re-classified; there still must be significant change in the duties and responsibilities that are outside the scope for the class as described in the class specification, is not part of the scope of responsibility of the position, and results in the preponderance of duties and responsibilities being allocated to a different class.

- You reference the determination letter statement *"In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of 'supervision' from the position on 03-05-2015,"* and state that the change and removal of the term "supervisor" has to

do with the internal manner in which Mr. Reynolds' job was defined and that the removal of supervision does not change the preponderance of duties being within the higher grade 37.

As previously stated, a position may be re-classified when significant change in the duties and responsibilities has occurred. In comparing the duties and responsibilities of the position when it was classified at the Compliance/Audit Investigator III to the duties and responsibilities described in the most recent NPD-19, there has been no change other than the removal of supervision. As such, reclassification to the Chief Compliance/Audit Investigator is not warranted as significant change has not occurred.

You indicate that the higher level duties performed are: performing work on a statewide basis; directly supervising the investigative activities of nine subordinate investigators; responsibility for the training needs of the investigators, personnel evaluations and making sure the office properly staffed. As previously stated, Mr. Reynolds is not responsible for the administration of investigative activities on a statewide basis, does not directly supervise staff, does not perform personnel evaluations and does not authorize staffing levels, these tasks are under the purview of the Audit Supervisor and Audit Manager.

Mr. Reynolds has responsibility for making determinations on the level and intent of investigations; acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions; reviewing final investigative or audit reports for accuracy, clarity, format and to ensure policy and procedure was followed; and providing assistance to lower level investigators regarding case preparation and presentation in a court of law. These duties are clearly defined in the class concept for the Compliance/Audit Investigator III.

In order to be classified to the Chief Compliance/Audit Investigator level, Mr. Reynolds must perform the duties and responsibilities ascribed to this level. Mr. Reynolds is not responsible for the duties described in the class concept, which include the following: administration of investigative activities on a statewide basis; establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedure; directly supervise a staff of subordinate Compliance/Audit Investigators; assist in the planning and development of the program budget, internal policy and procedure and the implementation or introduction of State legislation; review and approve training programs; prepare and approve work schedules which involved assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations; oversee the use and repair of property and equipment; identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head. While Mr. Reynolds may assist, the responsibility for the performance of the above duties and the authority for the program itself resides with the Audit Supervisor and Audit Manager.

- Lastly, Mr. Reynolds contends that while NAC 284.206 was suspended, and has yet to be reinstated, he disagrees with the determination that he would be unable to meet the requirements set forth in this statute and asserts he has been performing a preponderance of the duties of the higher grade 37 classification.

NAC 284.206(2)(a) states “*an employee may receive a special adjustment to pay equivalent to 5 percent of the employee’s base rate of pay during any period in which the employee works out of his or her class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade.*” As Mr. Reynolds did not perform essentially all of the duties and responsibilities ascribed to the Chief Compliance/Audit Investigator, he would not meet this requirement.

NAC 284.206(3)(c) states “*the employee is supervising other employees of the same or a higher grade if the supervision is (1) not part of the supervision or management responsibilities for a program that is provided for in the class specification; and (2) includes, without limitation, selection, work assignment, training, work review, reports on performance and discipline of employees.*” Since Mr. Reynolds did not supervise staff at the same or higher grade, he would not meet this requirement.

Upon review and analysis, and considering all information provided and subsequently gathered, I find that the Compliance/Audit Investigator III is the correct classification for the position.

Thank you for the cooperation shown during the course of this study. If you wish to appeal this determination to the Personnel Commission, you must do so within 30 days after receipt of this decision (NAC 284.152).

Sincerely,

*Peter Long*

Peter Long, Division Administrator  
Division of Human Resource Management  
Department of Administration

cc: Jeffrey Frischmann, Deputy Administrator,  
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November 10, 2016

**Via Regular Mail & Email**

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plong@admin.nv.gov

**RE: Mr. James Reynolds – NDP-19**

Dear Mr. Long:

Please allow this letter to act as an appeal pursuant to Nevada Administrative Code (NAC) 284.152, of the determination letter authored by Ms. Heather Dapice (“determination letter”) regarding the above referenced employee.

Please be advised that Mr. Reynolds is in the process of seeking a “Resolution Conference” (it was previously set, then taken off calendar and is pending rescheduling) regarding the desk audit conducted relating to this matter. Both myself and my client have been in contact with Ms. Denise Woo-Seymour regarding same. It is my understanding that the Resolution Conference ought to be exhausted prior to proceeding with this written appeal of the determination letter, in regards to his desk audit. However, in an abundance of caution, and to ensure Mr. Reynolds is complying with the statutory requirements, he is also providing this written appeal.

That being said, the Resolution Conference regarding the desk audit could be instructive in this matter, requiring that the determination on this appeal be stayed pending the outcome of the Resolution Conference. Regardless of the actual mechanics, the purpose is to provide all parties with the appropriate notice and to comply with the timelines required by statute. I have copied your assistance Ms. Ipolito on this matter, and have also sent under separate cover, via email and hardcopy, a request to reconvene the Resolution Conference.

**(a) Address the points outlined in the Division of Human Resource Management’s recommendation regarding the proper classification for the position in question:**

**(a)(1)** According to the determination letter issued, the State’ position is that a preponderance of Mr. Reynolds’s duties still fall within the ambit of Compliance/Audit Investigator III, 11.363, grade 35; therefore, a re-classification to grade 37 is not warranted, per the standard outlined in NAC 284.126(1)(b). (See pg. 1 determination letter).

**(a)(2)** According to the determination letter “change that is the result of natural growth or an increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar in nature of complexity to current or previously performed responsibilities.” (See pg. 1-2 determination letter).

**(a)(3)** “In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of ‘supervision’ from the position on 03-05-2015.” (See pg. 3 determination letter).

**(a)(4)** The removal of the term “supervisor” from the duties description of Compliance/Audit Investigator III, 11.363, grade 35 does not impact the actual duties assigned to a grade 35 Audit Investigator.

**(a)(5)** “While direct supervision of a staff or subordinate Compliance/Audit Investigator is detailed, it is not a preponderant duty and would not, in and of itself, justify reclassification to the higher level.” (See pg. 4 determination letter).

**(a)(6)** Mr. Reynolds is not eligible for a special adjustment in pay, although per NAC 284.206, even if Mr. Reynolds had met the standards for an adjustment in pay, NAC 284.206 was suspended in 2010 and has not been rescinded. (See pg. 4 determination letter).

**(b) Indicate the points with which the appellant disagrees and express the reasons for the disagreement:**

**(b)(1)** A preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. In particular, Mr. Reynolds was mandated to perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators. Additionally, Mr. Reynolds is responsible for their training needs and personal evaluations, and making sure the office is properly staffed. Mr. Reynolds State ID even identifies him as Chief Investigator, however, this is not the position Mr. Reynolds assumed in 2009 when forced to take this job as to was the only job offered to him off of the re-employment list – a list he was a member because of prior budget cuts. Notably, there is a pending grievance regarding the payment matter, DETR has notified Mr. Reynolds regarding an alleged overpayment based upon the State’s error in his reemployment. DETR has proposed that Mr. Reynolds agree to repay said amounts. This is wholly inappropriate, although it is a separate matter.

**(b)(2)** The additional requirements which the determination letter claims bars Mr. Reynolds request for re-classification under NAC 284.126(b) are improper and must be stricken. This appears to be a way to avoid the fact that as a result of budget cuts issued by the State in earlier years Mr. Reynolds was forced to assume duties on a statewide basis, a preponderance of his duties.

The code is plainly worded that where a “preponderance” of duties fall within the higher grade, reclassification is warranted. “Preponderance” is defined as, “[s]uperiority in weight, importance or influence.” See Blacks Law Dictionary, 2<sup>nd</sup> Pocket Ed., (2001) at pg. 547. The above quoted language of the determination letter which purports to further explain the application of the



statute and explain what “preponderance” means is not supported by the actual text of the code in question, and in fact in layman’s terms preponderance means generally more than half, not that it means more than half as part of a sudden or unexpected event, as the determination attempts to assert. In fact, the standard that where it is a “natural growth” or “increase in workload” precludes reclassification would mean essentially that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek a reclassification. That would render the code that enables an employee to determine whether they are entitled to reclassification as completely meaningless and inapplicable. That is improper, unfair and a violation of due process.

To determine legislative intent, this court first looks at the plain language of a statute. Salas v. Allstate Rent-A-Car, Inc., 116 Nev. 1165, 1168, 14 P.3d 511, 513–14 (2000). We only look beyond the plain language if it is ambiguous or silent on the issue in question. Id. We read statutes within a statutory scheme harmoniously with one another to avoid an unreasonable or absurd result. Allstate Ins. Co. v. Fackett, 125 Nev. 132, 138, 206 P.3d 572, 576 (2009)(citing to Torrealba v. Kesmetis, 124 Nev. 95, —, 178 P.3d 716, 721 (2008)).

Although this is an administrative matter, the reading and interpretation of a code is still controlled by general legal concepts encapsulated in case law, i.e., plain language controls. Allstate, 125 Nev. at 138. The determination letter is attempting to include intent and additional requirements which are nowhere contained within the language of the code itself. Agreeably, an administrative agency should be provided deference in interpretation of statutes and an administrative agencies interpretation of its governing statute is persuasive, however an agency is not imbued with the power of re-writing statute or code. Nevada PERS v. Smith, 129 Nev. Adv. Op 65, \*8, 310 P.3d 560, 565 (2013).

**(b)(3)** The change and removal of the term “supervisor” has to do with the internal manner in which Mr. Reynolds’s job was defined. Even allowing for the change and removal of the term “supervisor” from the job description, Mr. Reynolds’s job duties, by a preponderance, still fall within the higher grade of 37.

**(b)(4)** There is a difference between being a “team lead”, which the amended 2010 guidelines assign to a grade 35 Audit Investigator and being a Supervisor, and the statement that the removal of this specific duty, which is now under the guidelines of grade 37 is essentially meaningless is not meritorious. Either the written guidelines and descriptions of duties mean something or they do not. Mr. Reynolds’s position is that they do.

**(b)(5)** Mr. Reynolds does not dispute that his supervisory role alone would support reclassification, however, as discussed in section (b)(1), this alone is not the basis for Mr. Reynolds’s request for reclassification. There are additional duties which are included in the higher grade 37 position, which Mr. Reynolds has been forced to assume. These additional duties do constitute a preponderance of his duties and mandate reclassification - please see section (b)(1) supra.

**(b)(6)** Setting aside that this appears to be a moot point, given that NAC 284.206 was suspended in 2010 and has yet to be reinstated, Mr. Reynolds disagrees with the determination that he

would not be able to meet the requirements under NAC 284.206. Mr. Reynolds asserts he has been performing a preponderance of the duties of the higher grade 37 classification, as detailed above at length.

**Conclusion:** The preponderance of duties performed by Mr. Reynolds are that of a Chief Compliance/Audit Investigator, 11.306, grade 37. Further, Mr. Reynolds performed as such prior to the removal of the "supervisor" description in the grade 35 description which occurred in 2010.

Mr. Reynolds is submitting this written appeal and pursuing a Resolution Conference, however, Mr. Reynolds also asserts that he is entitled to a hearing on this matter.

Very truly yours,

PATTI, SGRO & ROGER

  
CORRINE P. MURPHY, ESQ.

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October 13, 2016

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**RE: Mr. James Reynolds – NPD-19**

Dear Ms. Murphy:

The Division of Human Resource Management has carefully reviewed the request to reclassify Mr. Reynolds' position from a Compliance/Audit Investigator III, 11.363, grade 35 to a Chief Compliance/Audit Investigator, 11.360, grade 37. The process of evaluating the position included an in-depth analysis of documents such as the NPD-19 submitted, both old and current class specifications, work performance standards, the original NPD-19 that established the position effective 07-17-2003, the desk audit completed on 10-11-2016, and an interview with Supervising Auditor I Arturo Martinez.

Based on the data collected in the review, we have concluded that the level of responsibility and scope of duties assigned to Mr. Reynolds correctly align with the Compliance/Audit Investigator III, 11.363, grade 35.

Per regulation, a position may be reclassified when significant change in the duties and responsibilities being performed has occurred. NAC 284.126, 1(b) defines significant change as "a change in duties and responsibilities assigned to a position in a class that:

- 1) Is outside the scope of the class as described by the class specification;
- 2) Is not part of the scope of responsibility of the position; and
- 3) Results in the preponderance of duties and responsibilities being allocated to a different class."

In short, significant change means that the duties assigned to a position have changed to such a degree that the current class concept no longer fairly describes the preponderance of responsibilities. In applying the definition, change that is the result of natural growth or an

increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar in nature or complexity to current or previously performed responsibilities. The use of new technologies and methods to carry out the same or similar duties also would not constitute significant change.

Positions may perform some higher-level duties; however, this does not provide the basis for reclassification to the higher level. In order to be reclassified from one level in a series to a higher level, a position must spend the preponderance of time performing higher-level duties.

In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of "supervision" from the position on 03-05-2015.

The class concept for the Compliance/Audit Investigator III, 11.363, grade 35, dated 10-19-1990, states the following:

*"Performs the full range of duties in the series concept, in addition, under limited direction of the Chief Investigator, Program Administrator or designee, acts as a lead worker on a regular reoccurring basis and performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Requires an extensive knowledge of state and federal laws, case law, program regulations, industry standards, concepts and practices to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.*

*This is the lead worker/advanced journey level in the class series and is distinguished from the lower level investigators by making determinations on the level and intent of investigations, and acting as a lead worker by providing training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. May review final investigative or audit reports for accuracy, clarity, format, and to insure policy and procedure is followed. May provide assistance to lower level investigators regarding case preparation and presentation in a court of law. The Investigator III's utilize their extensive knowledge of industry standards and case history to recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas."*

The NPD-19 classifying the position, currently held by Mr. Reynolds, established duties and responsibilities that provided for supervision of Compliance/Audit Investigator II's to include evaluating performance. A supervisory position, as outlined in NAC 284.498(5)(b), means a position which is held by an employee who: 1) formally evaluates staff; 2) is involved in the hiring and firing of subordinate staff; and 3) establishes policies which affect the performance or behavior of subordinate staff. As such, Mr. Reynolds was working within the duties and responsibilities of a Compliance/Audit Investigator III when he was appointed to the position on 02-09-2009.

In 12-10-2010, the Personnel Commission approved amended class specifications which removed the language for supervision from the concept for the Compliance/Audit Investigator III; however, removal of "supervision" did not affect the grade of the position and therefore it would not be considered grade determining for this series. The current class concept for the Compliance/Audit Investigator III, 11.363, grade 35, states the following:

*"Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.*

*This level in the class is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law. Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas."*

Supervision could have been removed from Mr. Reynolds' position when the amended class specifications were approved on 12-10-2010; however, neither the agency nor Mr. Reynolds submitted an NPD-19 to evaluate his position as a result of this change.

The next step of the process was to determine if Mr. Reynolds was functioning as a Chief Compliance/Audit Investigator between 12-10-2010 and 03-05-2015.

The current class concept for the Chief Compliance/Audit Investigator, states the following:

*"Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.*

*Oversee the training of staff based on projected or identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approve training programs to ensure compliance with program goals and objectives.*

*Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations.*

*Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.*

*Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head."*

In comparing the duties and responsibilities of the position when it was classified to its current duties and responsibilities, it does not appear that Mr. Reynolds has ever functioned in the capacity of a Chief Compliance/Audit Investigator. While direct supervision of a staff of subordinate Compliance/Audit Investigators is detailed, it is not a preponderant duty and would not, in and of itself, justify reclassification to the higher level. It should also be noted that this position reports to a Supervising Auditor I, who reports to a Supervising Auditor II who in turn reports to an Employment Security Division Manager IV; as such, this position would not be considered a Chief Compliance/Audit Investigator as it does not have responsibility for the administration of investigative activities on a statewide basis.

In order for Mr. Reynolds to have been eligible for a special adjustment to pay, he would have had to have met one of two requirements detailed in NAC 284.206. NAC 284.206(2)(a) states "an employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which the employee works out of his or her class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade." NAC 284.206(3)(c) states "the employee is supervising other employees of the same or a higher grade if the supervision is (1) not part of the supervision or management responsibilities for a program that is provided for in the class specification; and (2) includes, without limitation, selection, work assignment, training, work review, reports on performance and discipline of employees." Mr. Reynolds has neither performed essentially all the duties and responsibilities of a position classified at a higher grade nor has he supervised other employees of the same or a higher grade; as such, Mr. Reynolds would not be eligible for a special adjustment to pay pursuant to NAC 284.206.

In the event that Mr. Reynolds had met the requirements detailed above, he still would not have been eligible to receive a special adjustment to pay as NAC 284.206 was suspended by the Governor effective October 2010 and has not yet been reinstated.

After a thorough review of all duties performed and analysis of all relevant documentation, it is

determined that significant change in duties and responsibilities being performed has not occurred and that the nature and complexity of work performed and preponderance of duties are consistent with Compliance/Audit Investigator III, 11.363, grade 35.

It is also determined that Mr. Reynolds did not perform in the capacity of a Chief Compliance/Audit Investigator prior to the removal of supervisor duties and therefore is not entitled to a temporary classification and/or a special adjustment to pay.

If you disagree with this determination, you may file a written appeal with Division of Human Resource Management Administrator Peter Long within 20 working days after the receipt of written notice of this determination. Complete details of the appeal process may be found within Nevada Administrative Code (NAC) 284.152. Correspondence to Division Administrator Peter Long should be sent to his attention at:

Division of Human Resource Management  
Blasdel Building  
209 East Musser Street, Suite 101  
Carson City, Nevada 89701-4204  
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This classification decision is not a reflection on Mr. Reynolds abilities or accomplishments, nor should it be seen as minimizing his contributions. It is apparent that he is providing a valuable service to his agency; however, we are required to make decisions based on objective classification principles and regulations.

We appreciate Mr. Reynolds participation in the classification process and wish him the best in his career with the State of Nevada. If you have any questions concerning this matter, please contact me at 702-486-2919.

Sincerely,

*Heather A. Dapice*

Heather A. Dapice, Supervisory Personnel Analyst  
Department of Administration  
Division of Human Resource Management

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# STATE OF NEVADA - POSITION QUESTIONNAIRE (NPD-19)

- New Position
- Vacant Position
- Filled Position

DEPARTMENT: Employment, Training & Rehabilitation		RECEIVED State of Nevada Department of Administration DIVISION OF HUMAN RESOURCE MANAGEMENT  APR 04 2016  COMPENSATION, CLASSIFICATION RECRUITMENT DIVISION CARSON CITY, NEVADA	
DIVISION: Employment Security Division			
GEOGRAPHIC LOCATION OF POSITION: Las Vegas			
AGENCY ID# (3 digits): 902	FUND# (3 digits):		
AGENCY ORG/BUDGET# (4 digits): 4770	POSITION CONTROL#: 4417		
CURRENT CLASS TITLE <i>(If vacant or filled position): COMPLIANCE/AUDIT INVESTIGATOR III</i>		CLASS CODE: 11.363	GRADE: 35
REQUESTED CLASS TITLE: CHIEF COMPLIANCE/AUDIT INVESTIGATOR		CLASS CODE: 11.360	GRADE: 37
EMPLOYEE NAME: JAMES REYNOLDS	PHONE#: 702-486-0258	EMAIL: JJREYNOLDS@NVDETR.ORG	
SUPERVISOR NAME: ARTURO MARTINEZ	PHONE#: 702-486-0262	EMAIL: A-MARTINEZ@NVDETR.ORG	

### 1. APPOINTING AUTHORITY/EMPLOYEE CERTIFICATION

RECEIVED  MAR 16 2016  HUMAN RESOURCES DETR CARSON CITY	CERTIFICATION: I certify that I have read the instructions page and the statements provided in this NPD-19 are correct and complete.		
	Changed responsibilities were/will be effected on: <i>TOD</i>		Date:
	Appointing Authority or Designated Representative signature: <i>Maria J. Lopez #03</i>		Date: <i>3-14-16</i>
	Employee signature: <i>James J. Reynolds</i>		Date: <i>3-14-16</i>
Is this request being submitted with agency approval or knowledge? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			

### 3a. FOR COMPLETION BY BUDGET DIVISION ONLY

RECEIVED  APR 15 2016  GOVERNMENTAL SERVICES DIVISION TOLSON CARSON CITY	Required for new positions and when NAC 284.126 (3) applies.		
	<input type="checkbox"/> Approved effective date (if change is approved by DHRM)		Date:
	<input type="checkbox"/> Approved - date to be determined and change to be approved by DHRM		
	<input type="checkbox"/> Disapproved		
	Part-time (%):	Expire date:	
Signature: <i>[Signature]</i>		Date: <i>4/15/16</i>	
Notes:			

### 3b. FOR COMPLETION BY ENTERPRISE IT SERVICES ONLY

Required when NRS 284.172 applies for positions to be classified to or changing classification within the Fiscal Management & Staff Services: Information Technology subgroup.		
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		
Signature:		Date:

### 4. FOR COMPLETION BY DIVISION OF HUMAN RESOURCE MANAGEMENT ONLY

Dept code:	Effective date:	Expire date:
Division code:		
Class code:	Title: <i>No Change</i>	Grade:
Class option:	IFC/Legislative approval required? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, date approved:	

### INSTRUCTIONS TO APPOINTING AUTHORITY

Incumbent meets MQ's: <input type="checkbox"/> No <input type="checkbox"/> Yes	Study#: <i>451-16</i>
<input type="checkbox"/> Other:	Analyst:
	Supervisor: <i>Walter A. Dapice</i>
	Date: <i>10/14</i>



1. **What is prompting this request? If this is an existing position, state the significant changes (as defined in NAC 284.126) in duties and responsibilities which have been made in the position since it was established or last reviewed by Human Resource Management. If this is a new position, have there been additional responsibilities placed on the organization? If yes, please explain. Attach documentation relative to legislation, board/commission proceedings, new organizational goals, etc., if applicable.**

I filed grievance on January 13, 2015. In this grievance, I detailed the work that I am currently performing and have been performing since 2011. These duties and responsibilities that I have been forced to assume are beyond the scope of the duties and responsibilities of my classification, Compliance/Audit Investigator III. I have been mandated to perform several aspects of the Chief Investigator's job, as well as maintain my Investigator III duties and responsibilities. Specifically, I have been mandated to perform work on a statewide basis, directly supervise the investigative activities of nine (9) subordinate investigators. Additionally, I have been made responsible for their training needs and personal evaluations, and to make sure the office is properly staffed. Notably, my State ID even identifies me as Chief Investigator. I also act as the liaison to the Attorney General's office in workers compensation cases.

2. **What position(s), if any, previously performed these new or additional duties? List class title and position control number of position(s). (A separate NPD-19 may be required for these positions.)**

These job tasks and duties are to be performed by the Chief Compliance Audit Investigator, Class 37, 11.360. Notably, I am not aware of a time where there was a Chief Compliance Audit Investigator during my employment. This is due to the fact that I was performing all of these tasks.

3. **Briefly describe the major purpose of this job.**

The major purpose of the Chief Compliance Audit Investigator, Class 37, 11.360, as set forth by the Class Concepts prepared by the State of Nevada, Department of Administration, Division of Human Resource Management is as follows:

Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings boards or commission.

Oversee the training of staff based on projected of identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approved training programs to ensure compliance with program goals and objectives.

Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status to determine achievement of objectives and compliance with applicable laws and regulations.

Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.

Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head.

**4. Attach a copy of the agency organizational chart to this form. Please circle this position.**

The organizational chart does not provide for a Chief Compliance Audit Investigator, Class 37, 11.360. Again, I am not aware of a time where there was a Chief Compliance Audit Investigator during my employment. This is due to the fact that I was performing all of these tasks.

**5. List the duties performed in this job. Assign a number to each duty and estimate the percentage of time spent on each duty (percentages should add to 100%). If it is not possible to estimate the percentage of time spent in each area daily, estimate the time on a weekly, monthly, or annual basis. If this is an existing position, please put an asterisk (\*) next to each duty that is new.**

I defer to my Work Performance Standard signed and dated in February 2014, as this sets forth the duties I have been forced to assume.

DUTY#	DUTY	FREQUENCY
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LAW OFFICES OF  
**PATTI, SGRO, LEWIS & ROGER**  
 A PROFESSIONAL CORPORATION

DEAN R. PATTI  
 ANTHONY P. SGRO  
 STEPHEN K. LEWIS \*  
 DAVID ROGER

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MARK C. HAFER \*  
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 CORRINE P. MURPHY  
 ANDREW D. SEDLOCK  
 KEITH D. WILLIAMS  
 L. COURTNEY KLUEVER \*\*  
 \* Also licensed in Arizona  
 \*\* Also licensed in California

September 23, 2016

**Via U.S. Mail and E-Mail**

Heather A. Dapice, Supervisory Personnel Analyst  
 Department of Administration  
 Human Resource Management  
 Compensation, Classification and Recruitment  
 555 East Washington Avenue, Suite 1400  
 Las Vegas, NV 89101  
 hdapice@admin.nv.gov

**Re: James Reynolds-NDP-19**

Dear Ms. Dapice,

In response to your prior correspondence, please be advised that my client has the following job duties, with the following estimates of time dedicated to each duty.

Description	Estimated %
Supervise Compliance/Audit Investigative I/II's, which includes supervising the subordinate investigator's workflow and production to ensure proper claims handling, on a statewide basis, pre-approving time off requests, pre-approval for production figures that contribute to the annual evaluation process, conducting annual pre-performance reviews and ensuring the office is properly staffed and contributing to the new hire process.	27.5%
Review completed blocked claims for compliance with Contributions Central Office guidelines which includes providing written or oral guidance to investigator's questions regarding investigative assignments. I conduct this process on every case with every investigator, regardless of the size of complexity of the claim. This can also involve independent contractor issues, misclassification issues and localization issues.	30%
Benefits claim investigation: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigators Manual (ESIM) and Division standards. This task includes completing all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. And also includes preparing a comprehensive report which will entail a case history maintained in chronological order documenting contact or noncontact with Employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regard to employer action and	10%

\* See leadwriter by DSTR /

amended.  
 Initially did not supply duty statements requested 4/20/16 received 9/23/16

establishment of claimant's wages; collection action and asset location; and audit recommendation.	
Completing difficult collections and legal actions, including locating employers to demand filing of delinquent reports and payments of any liability owed to the Department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating payment agreement. When the collection of debts and/or abatement of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	10%
Supervising the drafting of determination letters, which includes a journey level investigation and reviewing and finalizing final determination letters prepared by subordinate investigators, which represent the Division's cases to the appeals and board review; monitor the auditors preparation of determination letters and presentation of administrative hearings. The review includes ensuring the letters and determinations in the letters are in compliance with operative State law and that proer service is effectuated.	5%
Training new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis of compliance/audit Investigators I/II.	7.5%
<del>Supervise Auditor I/II.</del> supervise the audit's workflow and production in the absence of the supervising Auditor I and Auditor III, to ensure office guidelines are maintain.	2.5%
Communicating with general public, customers, accoutnants, attorneys, other State agencies, etc., which includes providing guidance and assistance on regulatory and compliance issues and ensuring a positive relationship between the Division and the general public.	5%
Ensuring that the State's workplace-safety requirements are met and maintained within the office.	2.5%

renew  
 assigned to  
 assist when  
 out of office

Should you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Regards,

PATTI, SGRO, LEWIS & ROGER

/s/ Corvine P. Murphy

Corrine P. Murphy, Esq.

cc: Client.

establishment of claimant's wages; collection action and asset location; and audit recommendation.	
Completing difficult collections and legal actions, including locating employers to demand filing of delinquent reports and payments of any liability owed to the Department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating payment agreement. When the collection of debts and/or abatement of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	10%
Supervising the drafting of determination letters, which includes a journey level investigation and reviewing and finalizing final determination letters prepared by subordinate investigators, which represent the Division's cases to the appeals and board review; monitor the auditors preparation of determination letters and presentation of administrative hearings. The review includes ensuring the letters and determinations in the letters are in compliance with operative State law and that proer service is effectuated.	5%
Training new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis of compliance/audit Investigators I/II.	7.5%
Supervise Auditor I/II: supervise the audit's workflow and production in the absence of the supervising Auditor I and Auditor III, to ensure office guidelines are maintain.	2.5%
Communicating with general public, customers, accoutnants, attorneys, other State agencies, etc., which includes providing guidance and assistance on regulatory and compliance issues and ensuring a positive relationship between the Division and the general public.	5%
Ensuring that the State's workplace safety requirements are met and maintained within the office.	2.5%

Should you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Regards,

PATTI, SGRO, LEWIS & ROGER

/s/ Corrine P. Murphy

Corrine P. Murphy, Esq.

cc: Client.

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L. COURTNEY KLUEVER\*\*  
\* Also licensed in Arizona  
\*\* Also licensed in California

September 23, 2016

**Via U.S. Mail and E-Mail**

Heather A. Dapice, Supervisory Personnel Analyst  
Department of Administration  
Human Resource Management  
Compensation, Classification and Recruitment  
555 East Washington Avenue, Suite 1400  
Las Vegas, NV 89101  
hdapice@admin.nv.gov

**Re: James Reynolds-NDP-19**

Dear Ms. Dapice,

In response to your prior correspondence, please be advised that my client has the following job duties, with the following estimates of time dedicated to each duty.

Description	Estimated %
Supervise Compliance/Audit Investigative I/Is, which includes supervising the subordinate investigator's workflow and production to ensure proper claims handling, on a statewide basis, pre-approving time off requests, pre-approval for production figures that contribute to the annual evaluation process, conducting annual pre-performance reviews and ensuring the office is properly staffed and contributing to the new hire process.	27.5%
Review completed blocked claims for compliance with Contributions Central Office guidelines which includes providing written or oral guidance to investigator's questions regarding investigative assignments. I conduct this process on every case with every investigator, regardless of the size of complexity of the claim. This can also involve independent contractor issues, misclassification issues and localization issues.	30%
Benefits claim investigation: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigators Manual (ESIM) and Division standards. This task includes completing all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. And also includes preparing a comprehensive report which will entail a case history maintained in chronological order documenting contact or noncontact with Employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regard to employer action and	10%

1		
2		
3		
4		
5		

6		
7		
8		
9		
10		



**6. What duties are performed that require the incumbent to make choices, determinations, or judgments? Please give examples.**

All duties I perform require me to make choices, determinations, or judgments. In effect I am the Chief Compliance Audit Investigator, and each task I perform in accordance with the Class Concept requires me to make choices, determinations, or judgments. For specific examples, see responses to Nos. 1 and 3 set forth above.

**7a. List the class titles and position control numbers of all employees that are supervised by this position.**

Compliance/Audit Investigator II's  
PCN's 3146, 4418, 4419, 4420, 4421, 4423, 6886, 6887, 8470, 2075.

**7b. Describe the extent of supervisory responsibility exercised over these employees.  
(Check appropriate boxes.)**

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Final selection     | <input checked="" type="checkbox"/> Work assignment | <input checked="" type="checkbox"/> Performance appraisal | <input checked="" type="checkbox"/> Discipline |
| <input checked="" type="checkbox"/> Training | <input checked="" type="checkbox"/> Work review     | <input type="checkbox"/> Other (specify):                 |  |

**8. List any licenses, certificates, degrees, or credentials that are required by law for this job.**

Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years of professional experience in an investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanction penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR graduation from high school or equivalent education and six years of experience, four of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR an equivalent combination of education and experience, OR two years of experience as a Compliance/Audit Investigator III in Nevada State Service.

**9. List equipment which is used that requires specialized training.**

I must be proficient in MS Office programs (word, excel, PPT). I am also training in using the Division's Intraweb function, and the UINV legacy system. I am also able to use and transfer pictures taken with a digital camera.

**10a. List the name, title, and position control number of the position's supervisor.**

Arturo Martinez, Supervising Auditor I (BA 4770/ PCN 4415)

**10b. Describe the type and extent of supervision received.**

I receive limited supervision by the Supervising Auditor.

**11. What statutes, laws, rules, procedures, or guidelines are used in performing assignments?**

My position requires substantial knowledge of State and Federal law, including NRS Chapter 612 and Federal IRS statutes.

12. **What people are contacted in carrying out the duties of this position? Explain the purpose of each contact.**

Private and public sector attorneys for case development, negotiating terms and conditions of approvals, denial and Administrative Orders. Other state agencies to confirm and understand other agency licensing requirements and to coordinate the case. I also work directly with the agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.

13. **Describe any unusual physical demands or working conditions required in this job, i.e., requires frequent lifting or moving of office furniture, frequent exposure to hazardous materials, etc.**

Incumbent must be able to lift up to 25 pounds of files or investigative materials.

14. **Provide any additional information about the job which you consider to be important to the classification, but which has not been previously mentioned.**

CURRENT FROM  
DETR;

5. List the duties performed in this job. Assign a number to each duty and estimate the percentage of time spent on each duty (percentages should add to 100%). If it is not possible to estimate the percentage of time spent in each area daily, estimate the time on a weekly, monthly, or annual basis. If this is an existing position, please put an asterisk (\*) next to each duty that is new.

DUTY#	DUTY	FREQUENCY
1	<p>Lead worker; Acting as a lead worker, provide training and coordinate the work assignments of Compliance/Audit Investigator I &amp; II's in the Southern regional office. Provide assistance to lower level investigators regarding case preparation and presentation in a court of law.</p> <p><i>Previous signed WPS Job Element #1: Supervise Compliance/Audit Investigator I/II's: Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.</i></p>	<p><del>27%</del> 30%</p> <p>20%</p>
2	<p>Blocked Claims Review: Review final investigative reports for accuracy, clarity, format, and to ensure policy and procedure was followed.</p> <p><i>Previous signed WPS Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.</i></p>	<p>30%</p> <p>25%</p>
3	<p>Benefits Claims Investigations: Resolve difficult in-state and out of state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset allocation; and audit recommendation.</p> <p><i>Previous signed WPS Job Element #3: No changes</i></p>	<p><del>2%</del> 10%</p> <p>10%</p>
4	<p>In-State and Out of State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.</p> <p><i>Previous signed WPS Job Element #4: No changes</i></p>	<p><del>2%</del> 5</p> <p>4%</p>

\* incumbent to submit duty statements separately } Percentage approximated during audit;

5	<p>Perform related duties as assigned: Including, but not limited to the following;</p> <ol style="list-style-type: none"> <li>1) Assign investigations to staff in the northern region as needed to assist in achieving equitable investigator workload assignments.</li> <li>2) Program Compliance/Collections: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.</li> </ol> <p><i>Previous signed WPS Job Element #5: Only item #2 above was detailed, Item #1 was not listed</i></p>	<p><del>5%</del> 10%</p> <p>4%</p>
6	<p>Determination letters: At journey level, investigate and prepare for final determination letters; present the Division's cases to the Appeals Board of Review; monitor the lower level auditor's preparation of determination letters and presentation at administrative hearings.</p> <p><i>Previous signed WPS Job Element #6: No changes</i></p>	<p><del>3%</del> 5%</p> <p>3%</p>
7	<p>Training: Provide training for new investigators and conduct ongoing training for lower level investigators as needed, at least on a quarterly basis.</p> <p><i>Previous signed WPS Job Element #7: Training: Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.</i></p>	<p>5%</p> <p>3%</p>
8	<p><i>not a duty</i></p> <p><del>Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers and the general public. This includes exhibiting a positive attitude, being dependable and maintaining cooperative and productive relationships with co-workers, supervisors and subordinates.</del></p> <p><i>Previous signed WPS Job Element #8: Conduct evaluations: Perform investigator evaluations timely, consistently and fairly against established work performance standards.</i></p>	<p><del>25%</del> distribute</p> <p>3%</p>

→ Communication: providing guidance, information & assistance regarding rules, regs, policies & procedures to the general public, businesses, attorneys, other State & local agencies. 5%

9	<p>Safety program: Every employee must comply with the State's workplace safety requirements.</p> <p><i>Previous signed WPS Job Element #9: Supervise Auditor I/II: Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.</i></p>	<p>1% <i>distribute</i></p> <p>2%</p>
10	<p>No proposed Job Element #10</p> <p><i>Previous signed Job Element #10: See #8 above</i></p>	<p>0%</p> <p>25%</p>
11	<p>No proposed Job Element #11</p> <p><i>Previous signed Job Element #11: See #9 above</i></p>	<p>1%</p> <p>1%</p>

6. What duties are performed that require the incumbent to make choices, determinations, or judgments? Please give examples.

The incumbent will perform the full range of duties listed in the Compliance/Audit Investigator III class specifications. Under limited direction from the Supervising Auditor II, the incumbent will act as a lead worker on a regular, re-occurring basis. The incumbent will perform specialized investigative and audit functions. Such investigations will require thorough knowledge of extremely complex SUTA Dumping statutes as well as specialized investigative procedures for addressing these cases.

7a. List the class titles and position control numbers of all employees that are supervised by this position.

Compliance/Audit Investigator II's  
PCN's 3146, 4418, 4419, 4420, 4421, 4423, 6886, 6887, 8470, 2075.

7b. Describe the extent of supervisory responsibility exercised over these employees.  
(Check appropriate boxes.)

- Final selection       Work assignment       Performance appraisal       Discipline  
 Training       Work review       Other (specify):

8. List any licenses, certificates, degrees, or credentials that are required by law for this job.

The minimum qualifications set forth in the Class Concepts require a Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years professional experience OR graduation from high school or the equivalent and six years of experience OR an equivalent combination of education and experience OR two years as a compliance/audit investigator III in Nevada State service.

9. List equipment which is used that requires specialized training.

Incumbents must be proficient in MS Office programs (word, excel, PPT). Incumbent will be trained in using the Division's IntraWeb function, CRD (Central Registry Depository), and IARD (Investment Adviser Registration Depository). Incumbent must be able to use and transfer pictures taken with a digital camera.

10a. List the name, title, and position control number of the position's supervisor.  
Arturo Martinez, Supervising Auditor I (BA 4770/ PCN 4415)

10b. Describe the type and extent of supervision received.  
Incumbent will receive limited supervision by the Supervising Auditor I in the absence of/while the Chief Compliance/Audit Investigator position is vacant.

11. What statutes, laws, rules, procedures, or guidelines are used in performing assignments?  
This position requires substantial knowledge of the State and Federal securities law as they relate to Blue Sky law and commodity laws. These laws and policies include NRS/NAC 90, NRS 91, Securities Act of 1933, Securities Exchange act of 1934, Investment Advisors Act of 1940, Investment Company Act of 1940, Sarbanes-Oxley Act of 2002, Commodity Exchange Act, NASAA Guidelines and Statements of Policy and FINRA Conduct Rules.

12. What people are contacted in carrying out the duties of this position? Explain the purpose of each contact.

Incumbent will have contact with a variety of business and professional entities including:

- Licensed broker-dealers, investment advisors, sales representatives and investment firms to conduct interviews and audits;
- Private and public sector attorneys for case development, negotiating terms and conditions of approvals, denials and Administrative Orders.
- Other state's security investigators to gain insight into other states' regulatory stance, approval and denial processes and standards and possible coordination of investigation of an entity;
- Unlicensed individuals in the course of investigations of unlicensed activity.
- Business owners in the course of serving subpoenas
- Other state agencies to confirm and understand other agency licensing requirements and to coordinate the case.

13. Describe any unusual physical demands or working conditions required in this job, i.e., requires frequent lifting or moving of office furniture, frequent exposure to hazardous materials, etc. Incumbent must be able to lift up to 25 pounds of files or investigative materials.

14. Provide any additional information about the job which you consider to be important to the classification, but which has not been previously mentioned.



**Department of Employment, Training & Rehabilitation**  
**Employment Security Division**  
**Contributions Field Audit Offices**  
**Budget Account: 4770**

Contributions Field Audit  
 12/30/15 mk

C	Supervising Auditor II	BA 4770
C	M. Maguire	38/5022

L	Supervising Auditor I	BA 4770
V	Arturo Martinez	37/4415

L	Admin Assistant II	BA 4770
V	L. Acheson	25/2065

R	Supervising Auditor I	BA 4770
N	C. Sewell	37/4416

L	Auditor III	BA 4770
V	A. Sweeting	36/3340

L	Compliance/Audit Investigator III	BA 4770
V	J. Reynolds	35/4417

L	Auditor II	BA 4770
V	S. Whibrey	34/0040
V	B. Masvantorio	34/0041
V	J. Nelson	34/4431
V	J. McBride	34/4432
V	D. Russo	34/4433
V	T. Dobrow	34/4436
V	Vacant	34/4338
V	J. Finch	34/8885

L	Compliance/Audit Investigator II	BA 4770
V	S. Hirsch	33/3146
V	C. Kwok	33/4418
V	B. Mboika	33/4419
V	Vacant	33/4420
V	Vacant	33/4421
V	Vacant	33/4423
V	J. Bosheth	33/6886
V	K. Tatum	33/6887
V	Vacant	33/68470
V	V Rey	33/2075

R	Auditor III	BA 4770
N	T. Schuff	36/4434

R	Auditor III	BA 4770
N	Vacant	36/6104

C	Auditor II	BA 4770
C	Vacant	34/4430

R	Admin Assistant I	BA 4770
N	Vacant	23/2066

R	Compliance/Audit Investigator II	BA 4770
N	Vacant	33/4424
N	E. George	33/6888
N	M. Burton	33/4426

R	Auditor II	BA 4770
N	P. Wmms	34/2074
N	S. Fallone	34/4435

Approved By: \_\_\_\_\_  
 Director

\_\_\_\_\_  
 Administrator

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# STATE OF NEVADA - POSITION QUESTIONNAIRE

New Position  
 Existing Position

AGENCY ID NO. 4770 DEPARTMENT EMPLOYMENT, TRAINING & REHABILITATION DIVISION EMPLOYMENT SECURITY  
 POSITION CONTROL NO. 4417 EMPLOYEE NAME VACANT  
 CURRENT CLASS TITLE COMPLIANCE/AUDIT INVESTIGATOR II CLASS CODE 11.365 GRADE 33  
 (If existing position)  
 REQUESTED CLASS TITLE COMPLIANCE/AUDIT INVESTIGATOR III CLASS CODE 11.363 GRADE 35  
 GEOGRAPHIC LOCATION OF POSITION LAS VEGAS EMPLOYEE PHONE NO. N/A

### APPOINTING AUTHORITY/EMPLOYEE CERTIFICATION

CERTIFICATION: I certify that I have read the information on page 1, and the statements provided in this NPD-19 are correct and complete. Changed responsibilities were/will be effected on Approval of reclassification

Heidi M. Schen 3/25/03 N/A - Vacant Position  
 Signature of Appointing Authority or Designated Rep. Date Signature of Employee Date

### FOR COMPLETION BY BUDGET DIVISION ONLY (Required for new positions and when NAC 284.126, subsection 3 applies.)

Approved Effective Date (If change is approved by State Personnel).....  Disapproved  
 Signature Date

### FOR COMPLETION BY DEPARTMENT OF INFORMATION TECHNOLOGY (Required when NRS 284.172 applies)

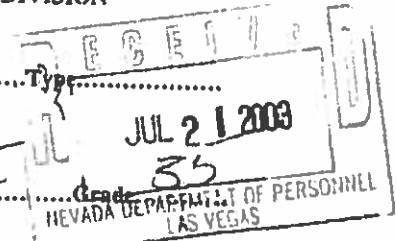
Approved  Disapproved

Signature Date

### FOR COMPLETION BY STATE PERSONNEL AND BUDGET DIVISION

Agency ID 4770  
 Position 4417  
 Action Reclassification  
 Part-time (Percent).....  
 Class Code 11.363  
 Class Option.....  
 Division Code.....

Effective Date 7-17-03 Expire Date..... Type.....  
 Title Compliance/Audit Inv III  
 IFC/Legislative Approval Required?  No  Yes



Date Received

### INSTRUCTIONS TO APPOINTING AUTHORITY

- Use the NPD-3 procedure.
- Submit Personnel Action form and refer to NAC 284.126, subsection.....  
 Incumbent meets MQ's:  Yes  No
- Other.....

Study No. 036-3-04V  
 Analyst Alfred Fruto Date 8-20-03  
 Approved Jessica Kim Date 8-25-03

NPD 19 (Rev. 3-99)

*AP in 7/23/04*

**RECEIVED**

MAR 25 2003

DETR.  
 HUMAN RESOURCES

*025-03*

1. What is prompting this request? If this is an existing position state the significant changes in duties and responsibilities which have been made in the position since it was established or last reviewed by State Personnel. If this is a new position have there been additional responsibilities placed on the organization? If yes, please explain. Attach documentation relative to legislation, board/commission proceedings, new organizational goals, etc., if applicable.

This position is a vacant Compliance/Audit Investigator II position, # 4417.

This position is necessary to meet the demands of increased workload and staffing in the Las Vegas Field Audit Office, Contributions Section of the DETR Employment Security Division. The general duties assigned this position and the level of difficulty of the duties will include supervision of the existing Compliance/Audit Investigators as well as those duties currently assigned to other Compliance/Audit Investigator positions in the Section. The degree of responsibility, judgment exercised and decision-making associated with the tasks assigned will be at a more difficult level

This position will train new Compliance/Audit Investigators and present ongoing training to seasoned Investigators both on the job and formally.

2. What position(s), if any, previously performed these new or additional duties? List class title and position control number of position(s). (A separate NPD-19 may be required for these positions.)

Supervisory duties will be similar to those of existing position:  
Auditor III - position #3340

Working duties will be similar to existing positions:

Compliance/Audit Investigator - position #4422

Compliance/Audit Investigator - position #4423

3. Briefly describe the major purpose of this job.

The major purpose of this position will be the supervision of the Compliance/Auditor Investigators I & II as well as the investigation and resolution of blocked claims and the collection of past due reports and the monies due from these reports.

4. Attach a copy of the agency organizational chart to this form. Please circle this position.

DEPARTMENT OF EMPLOYMENT, TRAINING and REHABILITATION  
 Employment Security Division  
 Contributions Field Audit Offices  
 Budget Account: 4770

Approved By: Myra C Florence, Director Date: \_\_\_\_\_  
 Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Supervising Auditor II  
 BA 4770 38/5022  
 E. Lagomarsino

Auditor III  
 BA 4770 36/6304  
 K. Johnson

Southern Nevada  
 Field Audit  
 Cost Center 61200

Supervising Auditor I  
 BA 4770 37/4415  
 R. Teklepe

Admin Assistant I  
 BA 4770 23/2085  
 Vacant

Auditor III  
 BA 4770 36/3340  
 Vacant

Auditor II  
 BA 4770  
 Vacant  
 A. Martinez 34/0040  
 P. Hawson 34/0041  
 A. Mirchandani 34/4431  
 S. Smith 34/4432  
 T. Simonton 34/4433  
 34/4436

Compliance/Audit  
 Investigator III  
 Vacant

Compliance/Audit  
 Investigator II  
 BA 4770  
 E. Barthelmew 33/3146  
 M. Maguire 33/3336  
 Vacant 33/4417  
 C. Kwok 33/4418  
 C. Duskin 33/4419  
 J. Forte 33/4420  
 J. Gooss 33/4421  
 K. Young 33/4422  
 A. Chambers 33/4423

Northern Nevada  
 Field Audit

Supervising Auditor I  
 BA 4770 37/4416  
 P. Barton

Admin Assistant I  
 BA 4770 23/2086  
 S. Richards

Carson City Field  
 Audit Office  
 Cost Center 60500

Compliance/Audit  
 Investigator II  
 BA 4770 33/4424  
 J. Diamant

Auditor II  
 BA 4770 34/4430  
 Vacant

Reno Field Audit  
 Office  
 Cost Center 61700

Auditor III (36)  
 BA 4770 34/4434  
 J. Gregg

Auditor II  
 BA 4770 34/4435  
 C. Anaslavats 34/3336  
 M. Silva

Compliance/Audit  
 Investigator II  
 BA 4770 33/4425  
 J. Richards  
 E. Pace 33/4426

5. List the duties performed in this job. Assign a number to each duty and estimate the percentage of time spent on each duty (percentages should add to 100%). If it is not possible to estimate the percentage of time spent in each area daily, estimate the time on a weekly, monthly or annual basis. If this is an existing position, please put an asterisk next to each duty that is new.

DUTY NO.	DUTY	FREQUENCY
1. Supervision and Lead Investigator	<p>Provide general supervision for eight Compliance/Audit Investigators II. Coordinate the work of all other investigators by assigning investigations and other duties. Review final investigative or audit reports and recommendations for format, clarity, accuracy and to insure Divisional policy and procedure is followed. Review daily transmittal for accuracy and completeness. Consistently promote team work within the office.</p> <p>Provide assistance to lower level investigators regarding case preparation and recommended actions. Provide both formal and on-the-job training. Explain and/or interpret statutes (NRS, NAC), Policies and Procedures, and investigative methods and techniques to lower level Compliance/Audit Investigators.</p> <p>Aid in the development of work performance standards for Compliance/Audit Investigators. Evaluate the work performance of the Compliance/Audit Investigators in accordance with established policies.</p> <p>Act in place of and on behalf of the Supervising Auditor I in his/her absence.</p>	50%
2. Benefit Claim Investigation	<p>Resolve all disputed benefit claim filings within a ten day time frame, using the skills of investigation and audit. Claims may involve in-state or out-of-state employers and/or claimants. Locate employer and negotiate a settlement between parties involved. May be required to inspect records, administer oaths, and take depositions in order to come to a conclusion of the issue. Implement all skip tracing techniques available to locate employer including examination of public records, contact with license bureaus, public utilities, neighbors, relatives, landlords, previous employees, etc. Maintain a complete History of Contact or non-contact with all employers, claimants and witnesses.</p> <p>Prepare a comprehensive report to include all facts of contact or non-contact with employer and/or claimant. Include an analysis in report of all information gained during investigation to support recommended actions to be taken by state administrative office to finalize claim.</p> <p>If resolution of issue is not possible by this means, initiate a determination investigation.</p> <p>This position must be able to complete the more difficult blocked claims investigations and assist the Compliance/Audit Investigators I &amp; II with blocked claims investigations.</p>	20%
3. Collections And Legal Actions	<p>This task involves collection of funds and/or delinquent reports. All techniques of investigation and audit are used during this process including a History of Contact or non-contact.</p> <p>Locate employer to demand filing of delinquent reports and payment of any liability owed to the department. If possible, arrange for payment of debt, which may include analysis of the financial condition of the business and negotiation of a payment agreement.</p> <p>If collection of the debt and/or proper reports is not possible, identify appropriate legal action to be taken by computing adequate levy amounts to be assessed using facts</p>	15%

DUTY NO.	DUTY	FREQUENCY
	<p>obtained during the investigation. Recommend levy or jeopardy assessments to be executed by state administrative office staff. Recommendation must also be made for establishment of liens or judgments to secure the debt and protect Division's interests. Once debt has been legally secured, investigate and locate assets of debtor.</p>	
3. (Cont.)	<p>When assets are located, request garnishment documents from state administrative office, serve the documents, and if necessary, deliver instructions to the sheriff for the seizure of assets.</p> <p>Initiate a determination investigation prior to actual collection, if necessary.</p>	
4. Determinations Resulting from Blocked claims and other assignments	<p>Maintain a complete History of Contact or non-contact with all employers, claimants, and witnesses.</p> <p>Utilize all investigative tools available (the department policy and precedent manual, department files, Federal Unemployment Tax Act law, law library, Commerce Clearing House, Internal Revenue Rulings, case law, etc.) to obtain all relevant facts needed for a legally defensible determination. Organize the evidence produced by the investigation and apply appropriate statutes from NRS, Chapter 612. Review all findings with the field office Supervisor.</p> <p>Write a determination letter to be submitted to supervisor for review. This letter must contain a brief case history, the results of the investigation, citation of laws involved, and application of law to the facts and circumstances of the case, conclusion(s) that become the determination of the Division, and an assurance of employer's appeal rights. Must review and correct the investigation and determinations of the Compliance/Audit Investigators I &amp; II.</p>	(5%)
5. Appeals hearings	<p>Represent the Division at the referee appeal hearing and the Board of Review levels. Prepare and present the Division's case based on the written determination. Assist Compliance/Audit Investigators I &amp; II with the preparation and presentation of appeals hearings.</p>	(5%)
6. Assist Employers	<p>Assist employers in all areas concerning Unemployment Compensation Law. Explain the law, relationships with FUTA, reporting requirements, rate structuring, etc. Explain in terms that the employer public can understand and accept, occasionally in a hostile or antagonistic environment. Maintain a professional demeanor under adverse situations.</p>	(3%)
7. In-state and Out-of state requests	<p>Receive assignments from other states or agencies to investigate employers or claimants. All of the above procedures are to be applied to these investigations. In addition, when necessary, apply the laws of other states to accomplish assigned tasks. Maintain a complete History of Contact or non-contact with all employers and witnesses.</p>	(2%)

6. What duties are performed that require the incumbent to make choices, determinations or judgments? Please give examples.

The incumbent is an advanced journey level position. It is distinguished from Investigator II/Is by the complex determinations required on the level and intent of investigations. Incumbent is required to review final investigative reports and make judgments/recommendations as to their accuracy, clarity and format, and insure that applicable policies and procedures are followed. Incumbent determines the scope and extent of obstructed claims investigations including recommendation of evidentiary review such as business records, service contracts, professional reports, bank statements, billing documents, sales transactions, claimant personnel files, employer account records and historical data to support or disprove employer/claimant testimony. Incumbent makes judgements as to the extent of legal action required to secure necessary evidence to further clarify/resolve obstructed claims and collection on monies due, e.g., letters of demand, judgements, notices to withhold and/or subpoenas. Incumbent decides as to whether a formal "determination letter" be issued. In the event the employer appeals said determination, incumbent makes a judgement decision as to who is best suited to represent the Division in an Administrative Hearing, Board of Review, or court of law. Such representation requires presenting the investigative report, results of examination of accounting records, statement of facts, case summary, exhibits of evidence, statements obtained from witnesses and conclusions.

7a. List the class titles and position control numbers of all employees that work under the supervision of this position.

Compliance/Audit Investigator II  
Position Numbers 3336, 3146, 4418, 4419, 4420, 4421, 4422, 4423

7b. Describe the extent of supervisory responsibility exercised over these employees. (Check appropriate boxes.)

- Final selection    Work assignment    Performance appraisal    Other (specify ) \_\_\_\_\_  
 Training    Work review    Discipline

8. List any licenses, certificates, degrees, or credentials that are required by law for this job.

None

9. List equipment which is used that requires specialized training.

Personal computer, microfilm retrieval, calculator, printer, Xerox machine and facsimile machine.

10a List the name, title and position control number of the position's supervisor.

Robert Tekniepe, Supervising Auditor I, Position # 4415

10b Describe the type and extent of supervision received.

Assignments are outlined in the Work Performance Standards for this position and are performed under general supervision of the Supervising Auditor I. This is a professional level position that will receive training to an extent that the person can operate with a minimum of supervision.

11. What statutes, laws, rules, procedures or guidelines are used in performing assignments?

Nevada Revised Statutes, Chapter 612; the Nevada Administrative Code, the Department's Policy and Precedent guidelines; Judgment Interest Schedule as defined by Nevada Revised Statutes, 17.130; Work Performance Standards; Desk Instructions; State of Nevada Employee Handbook; Employer Handbook and State Administrative Manual.

12. What people are contacted in carrying out the duties of this position? Explain the purpose of each contact.

The general public (usually CPAs, attorneys, claimants and employers). Contacts are made to solicit information for the resolution of blocked unemployment claims and collections.

13. Describe any unusual physical demands or working conditions required in this job, i.e., requires frequent lifting or moving of office furniture, frequent exposure to hazardous materials, etc.

None

14. Provide any additional information about the job which you consider to be important to the classification, but which have not been previously mentioned.

None





KENNY C. GUINN  
Governor

STATE OF NEVADA

JEANNE GREENE  
Director of Personnel



**DEPARTMENT OF PERSONNEL**  
555 East Washington Ave., Suite 1400  
Las Vegas, Nevada 89101-1046  
(702) 486-2900

<b>ANALYST'S NAME</b>	Adrian L. Foster
<b>DATE OF RECEIPT BY DOP</b>	July 21, 2003
<b>DATE OF RECEIPT BY AGENCY/EFFECTIVE DATE:</b>	July 21, 2003)
<b>CURRENT CLASS TITLE &amp; CODE:</b>	Compliance Audit Investigator II, 11.365
<b>REQUESTED CLASS TITLE &amp; CODE:</b>	Compliance Audit Investigator III, 11.363
<b>INCUMBENT'S NAME:</b>	Vacant
<b>POSITION CONTROL NUMBER</b>	4417
<b>STUDY NUMBER:</b>	036-3-04V
<b>DATE OF AUDIT:</b>	8-14-03
<b>PERSONS CONTACTED:</b>	Edward Lagomarsino, Supervising Auditor II, Rober Tekneipe, Supervising Auditor I
<b>RECOMMENDED CLASS TITLE &amp; CODE:</b>	Compliance Audit Investigator III, 11.363

**POSITION BACKGROUND:**

An NPD-19 has been submitted to reclassify the position of Compliance Audit Investigator II, class code 11.365 pay grade 33 to the position of Compliance Audit Investigator III, class code 11.363, pay grade 35. The request is being elicited by the assumption of supervisory duties and the reorganization of the Southern Nevada Field Audit Cost Center. The department is responding to the increased workload in the Las Vegas Field Office. Based on the duties and responsibilities that were described in the NPD-19 it is determined that the position should be classified as a Compliance Audit Investigator III, class code 11.363, pay grade 35.

The series concept for this position states that the Compliance Audit Investigator: *monitors compliance and detect violations of state and/or federal laws, rules, or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, or worker's compensation. The investigative process is initiated following a formal complaint, suspected or confirmed violation utilizing standard investigative techniques.*

The primary purpose of the Field Office is to audit employers to make sure they are in compliance with the unemployment insurance laws of the state. Generally, any employer who pays wages of \$225 or more during any calendar quarter for services performed in Nevada must register with the Employment Security Division of the Department of Employment, Training, and Rehabilitation, and pay unemployment taxes on those wages. There is no unemployment insurance tax paid by employees.

### **POSITION ANALYSIS:**

This study was completed by reviewing the NPD-19, several comparable studies and the classification specifications. Interviews were also conducted with the ESD Contributions Field Audit Supervising Auditor II, Edward Lagomarsino, and Robert Tekniepe, Supervising Auditor I.

It was determined from the audit that the incumbent will be responsible for the supervision of the Compliance/Audit Investigators. An Auditor III has been established to supervise the Auditors. The incumbent is responsible for assigning cases and receiving information from Compliance Audit Investigators II.

### **ALIGNMENT WITH THE SERIES CONCEPT:**

According to the NPD-19, the incumbent: supervises and leads eight Compliance Investigators II and coordinate their work-50%; conduct benefit claims investigations using both auditing and investigation skills-20%; collects funds and delinquent reports-15%; make determinations on blocked claims and other assignments-5%; represents the division at the referee appeal hearings-5%; assists employer in areas concerning Unemployment Compensation Law-3%; and receive assignments from other states or agencies to investigate employers or claimants-2%.

The classification concept for the position states that "*under limited direction of the Chief Investigator, Program Administrator or designee, acts as a lead worker on a regular reoccurring basis and performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity.*" The specification goes on to say that this class is "*lead worker/advanced journey level in the class series and is distinguished from the lower level investigators by making determinations on the level and intent of investigations, and acting as a lead worker by providing training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions.*"

### **COMPARATIVE ANALYSIS:**

Discussions with Mary Day, Supervisory Personnel Analyst, clarified the status of Compliance/Audit Investigator III in that any Compliance/ Audit Investigator who either coordinates the activity of a function or who supervises other Compliance/Audit Investigators should be classified as a Compliance/Audit Investigator III. It should also be noted that in a memo dated July 17, 2003 to Greg Febbo, Chief, Field Services-Las Vegas describes the intent of the Division to assign supervisory duties to this position.

### **CLASSIFICATION RECOMMENDATION**

Based on the information gathered in the study, I recommend that the position be reclassified from Compliance Audit Investigator II, class code 11.365 to a Compliance Audit Investigator III, class code 11.363. The Budget Office supported the study on August 15, 2003. According to the Paul Russell, Budget Analyst IV, the Employment Security Division-Contribution Field Audit Office has enough funding support this position.



**DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
EMPLOYEE WORK PERFORMANCE  
STANDARDS FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given the opportunity to provide comment when the standards are revised (NAC 284.468).

Employee Name	Last: Reynolds	First: James	Initial: J	Employee ID#	38489
Class/Title	Compliance/Audit Investigator III			Date Standard Est/Rev	02/24/2015
Department/Division	DBTR - ESD				
Agency (3 digits)	902	Home Org. (4 Digits)	4770	Position Control #	4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *Refuse to sign while pending grievance* Date: *5-4-15* *JR*

Supervisor Title & Signature: *Supervising Auditor II - Compliance* Date: *5/7/15*

Reviewing Officer Title & Signature: *Edgar J. Roberts Chief* Date: *5/7/2015*

Appointing Authority Title & Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	*Weighted Value	Performance Standards
<b>Job Element #1</b> Lead Worker: Acting as a lead worker, provide training and coordinate the work assignments of Compliance/Audit Investigator I & II's in the southern regional office. Provide assistance to lower level investigators regarding case preparation and presentation in a court of law.	27%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more expectations
<b>Job Element #2</b> Blocked Claims Review: Review final investigative reports for accuracy, clarity, format, and to ensure policy and procedure was followed.	30%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
<b>Job Element #3</b> Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	2%	Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.  a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.  Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5  b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.

		<p>Above Standard - (pleted in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96% Below Standard - 90% or less</p>
<b>Job Element #3</b>	2%	<p>In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.</p> <p>Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.</p> <p>Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations</p>
<b>Job Element #5</b>	5%	<p>Perform related duties as assigned: Including, but not limited to the following:</p> <p>1) Assign investigations to staff in the northern region as needed to assist in achieving equitable investigator workload assignments.</p> <p>2) Program Compliance/Collections: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.</p> <p>Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:</p> <p>Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less</p>
<b>Job Element #6</b>	3%	<p>Determination Letters: At journey level, investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the lower level auditors' preparation of determination letters and presentation at administrative hearings.</p> <p>Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations</p>
<b>Job Element #7</b>	5%	<p>Training: Provide training for new investigators and conduct ongoing training for lower level investigators as needed, at least on a quarterly basis.</p> <p>Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions</p>
<b>Job Element #8</b>	25%	<p>Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.</p> <p>All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).</p>

**Meets Standards:** No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.

**Does Not Meet Standards:** Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.

<p><b>Job Element 9</b>  <b>Safety Program: Every employee must comply with the State's workplace safety requirements.</b></p>	<p>1%</p>	<p><b>Performance Standard</b>  <b>Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone</b></p>
<p></p>	<p></p>	<p></p>

If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03  
 Revised 3/12



**DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
EMPLOYEE WORK PERFORMANCE  
STANDARDS FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468).

Employee Name: Last Reynolds First James Initial J Employee ID #: 39489  
 Class Title: Compliance/Audit Investigator III Date Standards Est./Rev: 06-21-10

Department/Division: DBTR - BSD

Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: Jan J Reynolds Date: 02/12/2014

Supervisor Title & Signature: Supervising Auditor I Date: 02/12/2014

Reviewing Officer Title & Signature: Edgardo Roberto Chief of Contributions Date: 2/18/2014

Appointing Authority Title & Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	*Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator I/II's; Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more exceptions
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (BSIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; commendations with regards to employer action and establishment of claimant's wages; collection action and set location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.          Above Standard - more than 7 blocked claims completed          Standard - 5 to 7          Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.          Above Standard - completed in less than 9 days          Standard - more than 9 days but less than 11 days          Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.          Above Standard - 97% or more block claims completed without rejection</p>

		Standard - 91% to 96% Below Standard - 90% or less
<p><b>Job Element #4:</b> In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.</p>	4%	<p>Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.</p> <p>Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations</p>
<p><b>Job Element #5:</b> Difficult Collections and Legal Action: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.</p>	4%	<p>Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:</p> <p>Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less</p>
<p><b>Job Element #6:</b> Determination Letters: At journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and representation at administrative hearings.</p>	3%	<p>Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations</p>
<p><b>Job Element #7:</b> Training: Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.</p>	3%	<p>Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions</p>
<p><b>Job Element #8:</b> Conduct evaluations: Perform investigator evaluations timely, consistently and fairly against established work performance standards.</p>	3%	<p>Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions</p>
<p><b>Job Element #9:</b> Supervise Auditor I/II: Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor II to ensure office guidelines are maintained.</p>	2%	<p>Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions</p>
<p><b>Job Element #10:</b> Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.</p>	25%	<p>All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).</p> <p>Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.</p> <p>Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the</p>



		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
<b>Job Element #11</b> Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	<b>Performance Standard</b> Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03



**DEPARTMENT OF PERSONNEL  
EMPLOYEE WORK  
PERFORMANCE STANDARDS  
FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468).

Employee Name: Last Reynolds First James Initial J Employee ID #: 39489

Class Title: Compliance/Audit Investigator III Date Standards Est./Rev: 06-21-10

Department/Division: DETR - ESD

Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *James J Reynolds* / Compliance Audit Inv III Date: 02/21/2013

Supervisor Title & Signature: Supervising Auditor I *[Signature]* Date: 02/21/2013

Reviewing Officer Title & Signature: *Edgar J. Roberts* Date: 2/25/2013

Appointing Authority Title & Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	*Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator III's: Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more exceptions
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (BSIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.</p> <p>Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.</p> <p>Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96%</p>

		Below Standard - 90% or less
<b>Job Element #4:</b> <b>In-State and Out-of-State Requests:</b> Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.  Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations
<b>Job Element #5:</b> <b>Difficult Collections and Legal Action:</b> Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:  Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less
<b>Job Element #6:</b> <b>Determination Letters:</b> At Journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.	3%	Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations
<b>Job Element #7:</b> <b>Training:</b> Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #8:</b> <b>Conduct evaluations:</b> Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #9:</b> <b>Supervise Auditor VII:</b> Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.	2%	Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions
<b>Job Element #10:</b> <b>Customer Satisfaction and Professional Conduct:</b> Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).  Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.  Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors, and subordinates; and/or validated customer complaints.
<b>Job Element #11</b> Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	<b>Performance Standard</b> Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

If a weighted value is not designated, each Job element has an equal weight.

**Distribution: Original to Agency; Copy to Employee; Copy to Supervisor**

NPD-14 Est. 1/03



**DEPARTMENT OF PERSONNEL  
EMPLOYEE WORK  
PERFORMANCE STANDARDS  
FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468).

Employee Name: Last Reynolds First James Initial J Employee ID #: 39489  
 Class Title: Compliance/Audit Investigator III Date Standards Est./Rev: 06-21-10

Department/Division: DETR - ESD

Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *James Reynolds* Date: 03/02/2012

Supervisor Title & Signature: Supervising Auditor I *[Signature]* Date: 03/02/2012

Reviewing Officer Title & Signature: *Edgar J. Roberts* Chief Date: 3/6/2012

Appointing Authority Title & Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	*Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator III's: Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more expectations
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESJM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.</p> <p>Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.</p> <p>Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96%</p>

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MAR 05 2012  
EMPLOYMENT SECURITY DIVISION  
CHIEF OF CONTRIBUTIONS

		Below Standard - 9 or less
<b>Job Element #4:</b> <b>In-State and Out-of-State Requests:</b> Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	<p>Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.</p> <p>Above Standard - 1 deviation or less  Standard - 2 deviations  Below Standard - 3 or more deviations</p>
<b>Job Element #5:</b> <b>Difficult Collections and Legal Action:</b> Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	<p>Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:</p> <p>Above Standard - 17 or more cleared in 60 days  Standard - 15 to 16  Below Standard - 14 or less</p>
<b>Job Element #6:</b> <b>Determination Letters:</b> At journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.	3%	<p>Above Standard - 0 unacceptable letters/presentations  Standard - 1 unacceptable letter/presentation  Below Standard - 2 or more unacceptable letters/presentations</p>
<b>Job Element #7:</b> <b>Training:</b> Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	<p>Above Standard - 0 exceptions  Standard - 1 to 2 exceptions  Below Standard - 3 or more exceptions</p>
<b>Job Element #8:</b> <b>Conduct evaluations:</b> Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	<p>Above Standard - 0 exceptions  Standard - 1 to 2 exceptions  Below Standard - 3 or more exceptions</p>
<b>Job Element #9:</b> <b>Supervise Auditor I/II:</b> Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor II to ensure office guidelines are maintained.	2%	<p>Above Standard - 0 exceptions  Standard - 1 exception  Below Standard - 2 or more exceptions</p>
<b>Job Element #10:</b> <b>Customer Satisfaction and Professional Conduct:</b> Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	<p>All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).</p> <p>Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.</p> <p>Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the</p>

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
Job Element #11 Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

\*If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03



**DEPARTMENT OF PERSONNEL  
EMPLOYEE WORK  
PERFORMANCE STANDARDS  
FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468).

Employee Name: Last Reynolds First James Initial J

Employee ID #: 39489

Class Title: Compliance/Audit Investigator III

Date Standards Est./Rev: 06-21-10

Department/Division: DETR - ESD

Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *Jan J Reynolds*

Date: 03/04/2011

Supervisor Title & Signature: Supervising Auditor I *[Signature]*

Date: 03/04/2011

Reviewing Officer Title & Signature: *Edgar J. Kibeta*

*Chief of Contributions*

Date: 3/11/2011

Appointing Authority Title & Signature: *[Signature]*

Date: 3-14-11

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	*Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator I/II's: Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more expectations
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.</p> <p>Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.</p> <p>Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96%</p>

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EMPLOYMENT SECURITY DIVISION  
CHIEF OF CONTRIBUTIONS

**RECEIVED**

MAR 21 2011

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DETR CARSON CITY



		Below Standard - 96 or less
<b>Job Element #4:</b> In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner).  Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations
<b>Job Element #5:</b> Difficult Collections and Legal Action: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:  Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less
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<b>Job Element #7:</b> Training: Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #8:</b> Conduct evaluations: Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #9:</b> Supervise Auditor III: Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.	2%	Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions
<b>Job Element #10:</b> Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).  Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.  Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
Job Element #11 Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

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**DEPARTMENT OF PERSONNEL  
EMPLOYEE WORK  
PERFORMANCE STANDARDS  
FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468).

<b>Employee Name:</b> Last Reynolds First James Initial J	<b>Employee ID #:</b> 39489
<b>Class Title:</b> Compliance/Audit Investigator III	<b>Date Standards Est./Rev:</b> 02-21-08
<b>Department/Division:</b> DEIR - ESD	
<b>Agency # (3 digits):</b> 902 <b>Home Org # (4 digits):</b> 4770 <b>Position Control #:</b> 4417	
I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.	
<b>Employee Signature:</b> <i>Jim J. Reynolds</i>	<b>Date:</b> 1-25-10
<b>Supervisor Title &amp; Signature:</b> <i>Supervising Auditor I</i>	<b>Date:</b> 1/23/2010
<b>Reviewing Officer Title &amp; Signature:</b> <i>Donna Clark, Chief of Contributions</i>	<b>Date:</b> 2/1/10
<b>Appointing Authority Title &amp; Signature:</b>	<b>Date:</b>

<b>Job Elements</b> (Defined as principal assignments, goals, responsibilities and/or related factors.)	<b>Weighted Value</b>	<b>Performance Standards</b>
<b>Job Element #1:</b> Supervise Compliance/Audit Investigator I/II's; Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more exceptions
<b>Job Element #2:</b> Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
<b>Job Element #3:</b> Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.  a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.  Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5  b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.  Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days  c. Quality of blocked claims completed per year.  Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96%

		Below Standard - 90% ( ) ss
<b>Job Element #4:</b> In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.  Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations
<b>Job Element #5:</b> Difficult Collections and Legal Action: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:  Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less
<b>Job Element #6:</b> Determination Letters: At journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.	3%	Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations
<b>Job Element #7:</b> Training: Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #8:</b> Conduct evaluations: Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #9:</b> Supervise Auditor I/II: Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.	2%	Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions
<b>Job Element #10:</b> Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).  Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.  Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
<b>Job Element #11</b> <b>Safety Program: Every employee must comply with the State's workplace safety requirements.</b>	1%	<b>Performance Standard</b> <b>Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone</b>

\*If a weighted value is not designated, each job element has an equal weight.

**Distribution: Original to Agency; Copy to Employee; Copy to Supervisor**

NPD-14 Est. 1/03



**DEPARTMENT OF PERSONNEL  
EMPLOYEE WORK  
PERFORMANCE STANDARDS  
FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.468)

Employee Name: Reynolds      First James      Initial J      Employee ID #: 39489

Class Title: Compliance/Audit Investigator III      Date Standards Est./Rev: 02-21-08

Department/Division: DETR - ESD

Agency # (3 digits): 902    Home Org # (4 digits): 4770    Position Control #: 4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *James J. Reynolds*      Date: 10-1-09

Supervisor Title & Signature: *Acting Supervising Auditor J. [Signature]*      Date: 10/1/09

Reviewing Officer Title & Signature:      Date:

Appointing Authority Title & Signature: *Donna Mack for Cindy Jones*      Date: 10/7/09

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator I/II's; Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more exceptions
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.</p> <p>Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.</p> <p>Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection Standard - 91% to 96%</p>

		Below Standard - 90% { ss
<b>Job Element #4:</b> <b>In-State and Out-of-State Requests:</b> Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	<b>Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.</b>  Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations
<b>Job Element #5:</b> <b>Difficult Collections and Legal Action:</b> Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	<b>Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:</b>  Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less
<b>Job Element #6:</b> <b>Determination Letters:</b> At journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.	3%	Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations
<b>Job Element #7:</b> <b>Training:</b> Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #8:</b> <b>Conduct evaluations:</b> Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #9:</b> <b>Supervise Auditor I/II:</b> Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.	2%	Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions
<b>Job Element #10:</b> <b>Customer Satisfaction and Professional Conduct:</b> Provide quality customer service internally and externally. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given.- An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).  <b>Meets Standards:</b> No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.  <b>Does Not Meet Standards:</b> Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
Job Element #11 Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

\*If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03



# POSITION DESCRIPTION QUESTIONNAIRE

RECEIVED  
SEP 21 2007

## AUDITOR SERIES OCCUPATIONAL GROUP STUDY

RECEIVED

NEVADA DEPT. OF PERSONNEL  
TECHNICAL SERVICES  
CARSON CITY, NV

DATE DUE TO SUPERVISOR: JULY 27, 2007

DATE DUE TO DEPT. OF PERSONNEL: AUGUST 3, 2007

<b>1. NAME</b>  TERRY W. SIMONTON		<b>2. CURRENT CLASS TITLE</b>  SUPERVISING AUDITOR I		<b>3. CLASS CODE</b>  7.145	<b>4. GRADE</b>  37	<b>5. TIME IN CLASS</b>  1 Yrs 5 Mos
<b>6. DEPARTMENT</b>  EMPLOYMENT, TRAINING & REHABILITATION		<b>7. DIVISION</b>  EMPLOYMENT SECURITY		<b>8. BUDGET ACCT #</b> 4770		<b>9. POSITION CONTROL #</b> 4415
<b>10. PHONE #</b>  702-486-0262	<b>11. WORK LOCATION (physical address &amp; city)</b>  2800 E. ST. LOUIS AVE, LAS VEGAS NV 89104		<b>12. BUDGETED CLASS TITLE</b> (If different from #2)		<b>13. BUDGETED CLASS CODE</b> (If different from #3)	
<b>14. ARE YOU CURRENTLY RECEIVING A +5% IN SALARY FOR OUT-OF-CLASS DUTIES?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
<b>15. SUPERVISOR'S NAME</b>  EDWARD LAGOMARSINO		<b>16. SUPVR'S CLASS TITLE</b>  SUPERVISING AUDITOR II	<b>17. SUPVR'S PHONE NUMBER</b>  775-684-6391	<b>18. SUPVR'S CLASS CODE</b>  7.139	<b>19. SUPVR'S GRADE</b>  38	
<b>20. NAME OF PERSON WHO ASSIGNS WORK</b> (if different from #15)		<b>21. CLASS TITLE OF #20</b>	<b>22. PHONE NUMBER OF #20</b>	<b>23. CLASS CODE OF #20</b>	<b>24. GRADE OF #20</b>	
<b>25. SIGNATURES:</b>  <b>EMPLOYEE</b>  I certify that the statements in this description are accurate and complete to the best of my knowledge.  Signature <u><i>Terry W. Simonton</i></u> Date <u>7/24/07</u>		<b>IMMEDIATE SUPERVISOR</b>  I have reviewed the employee's statements in this description, and certify that they accurately represent this position, except as noted in my comments on the last page.  Signature <u><i>Edward Lagomarsino</i></u> Date <u>7/27/07</u>		<b>DEPARTMENT/DIVISION HEAD (Appointing Authority)</b>  I have reviewed the employee's statements in this description and the supervisor's comments on the last page, and certify that they accurately represent this position.  Signature <u><i>Carol...</i></u> Date <u>7/31/07</u>		

## NATURE AND COMPLEXITY OF WORK PERFORMED

**26. BASIC FUNCTION.**

Describe the major purpose(s) of the audits you conduct. AN AUDIT IS A SYSTEMATIC EXAMINATION AND VERIFICATION BY GENERALLY ACCEPTED AUDITING STANDARDS OF AN EMPLOYER'S BOOKS FOR A SPECIFIC PERIOD OF TIME. AN AUDIT WILL ESTABLISH, BY QUARTERS, THE AMOUNT OF WAGES PAID AND THE CONTRIBUTIONS, INTEREST AND PENALTIES DUE AND WILL ALSO VERIFY THE CONTRIBUTION REPORTS AND WAGE INFORMATION PREVIOUSLY REPORTED. THE PURPOSE OF THE AUDIT PROGRAM IS TO SUPPORT THE UNEMPLOYMENT INSURANCE (UI) TAX PROGRAM IN A PRECISE AND DETAILED MANNER. THE AUDIT PROGRAM IS A MEANS OF SUPPORTING AND VERIFYING EMPLOYER COMPLIANCE WITH THE UI TAX LAWS, AGENCY REGULATIONS AND THE BASIC FUNCTIONS OF THE EMPLOYMENT SECURITY DIVISION.

**27. DUTIES AND TASKS.**

Below is a list of duties that are frequently performed by Auditors and Supervisory Auditors. Please indicate the approximate percentage (%) of time you spend on Pre-Audit, Audit, Post-Audit and Audit Outcome duties. Also put a checkmark in the box to the left if you perform that task. You may add duties and tasks in the space provided below or attach additional pages if necessary. **The percentages listed must total 100%.**

DUTIES AND TASKS	APPROX % OF TIME
<b>A. PRE-AUDIT</b>	
Establish audit objectives and scope.	%
Obtain background information. Research past audit history of individuals, organizations or agencies and develop an audit plan.	
Determine risk assessment.	
Write audit program.	
Schedule audit, prepare notification letter and make necessary arrangements.	

**DUTIES AND TASKS**

**APPROX  
% OF  
TIME**

**B. AUDIT**

%

Conduct entrance briefs/interviews with individuals, organization representatives or agency division heads to explain the purpose and scope of the audit, and answer questions regarding the audit.
Collect and analyze data to detect errors, fraud, or non-compliance with laws, regulations, and management policies.
Review accounts and records, examine narrative and flowchart documentation and interview personnel involved to determine compliance with a specific set of governing laws, regulations, policies, procedures and contracts.
Analyze financial data, conduct financial investigations, determine tax liability according to prescribed laws, and perform general financial analysis.
Review expenditures and/or revenue to ensure payments made or received comply with legal and contractual requirements.
Conduct internal audits on account books and accounting systems and make recommendations to management.

**B. AUDIT (cont'd)**

Review data related to material assets, net worth, liabilities, capital stock, surplus, income, and expenditures.
Examine, review and evaluate financial and information systems and recommend controls to ensure system reliability and data integrity.
Document all findings and prepare work papers and reports that summarize audit findings and recommendations regarding controls and operational procedures, improvements and modifications in order to standardize systems and/or practices, strengthen the integrity of the system, and ensure compliance with regulations and policies.
Compile, code, categorize, calculate, tabulate, or verify information or data contained in financial reports and records.
Compute financial data, note discrepancies in financial records, and verify accuracy and appropriateness of bank or financial transactions.
Re-calculate data on claims, reports, contracts and/or other documents to ensure accuracy.
Use accounting and spreadsheet software and computers to enter, access and retrieve financial data.
Investigate activities and practices of individuals, organizations or agencies which may not be readily apparent from examining business records, but which may have to be obtained from a variety of other sources.
Determine the best sampling techniques.

**DUTIES AND TASKS**

**APPROX  
% OF  
TIME**

**C. POST-AUDIT**

%

Conduct exit interviews with individuals, organization representatives or agency division heads to discuss findings, verify facts and answer questions regarding the audit.

Prepare and send written audit finding reports.

Prepare reports and develop audit files to maintain evidence for future actions.

Maintain audit timekeeping records.

**D. AUDIT OUTCOMES**

100%

X Present evidence before State governing bodies and/or provide testimony in a court of law in defense of the departmental administrative determinations.

X Respond to complaints, settle disputes, and resolve conflicts.

X Preserve and utilize evidence to develop final departmental administrative determinations and/or for future litigation.

X Monitor the progress and implementation of audit recommendations and the ongoing adherence to procedures and policies established as a result of audit findings.

**MAINTAIN OPTIMUM PRODUCTION LEVELS AND ENSURE COMPLIANCE WITH LAWS REGULATIONS, POLICES AND DEPARTMENT DIRECTIVES**

X **EVALUATE THE WORK FLOW, SYSTEMS AND STAFFING FOR THE LVFAO AND MAKE RECOMMENDATIONS TO SUPERVISING AUDITOR II**

X **EVALUATE THE PRODUCTION TASKS WITHIN THE LVFAO. DEVELOP RECOMMENDED PRODUCTION STANDARDS THAT YIELD ESTIMATED COMPLETION TIMES FOR PRINCIPAL FUNCTIONS**

X **ASSIST STAFF WITH DIFFICULT CUSTOMERS OR UNUSUAL ACCCOUNT PROBLEMS. INFORM UPPER MANAGEMENT WHILE RESOLVING CUSTOMER PROBLEMS**

X **ASSESS THE NEEDS OF LVFAO AND SUBMIT REQUISITIONS FOR SUPPLIES, EQUIPMENT AND MATERIALS**

X **TRAINING TO ASSURE SKILL LEVELS FOR PERSONNEL ARE APPROPRIATE FOR PRODUCTION NEEDS**

X **TRAIN NEW STAFF DURING PROBATION PERIOD & EVALUATE PERFORMANCE.**

X **CONDUCT EMPLOYEE APPRAISALS ON TIME AND RECOMMEND PROPER PERSONNNEL ACTIONS.**

X **MANAGE THE AUDIT PROGRAM TO ENSURE AUDITOR III REVIEWS AUDITS IN ACCORDANCE WITH PROCEDURES**

X **MAKE CERTAIN THAT PENETRATION RATES SET BY THE DEPARTMENT ARE MET AND ACCEPTANCE RATE EXCEEDS 90%**

X **VERIFY THAT AUDITORS ARE MEETING THEIR WORK PERFORMANCE STANDARDS AND ACTION IS TAKEN TO CORRECT ANY DEFICIENCIES.**

X **SUPERVISE, ISSUE, TRACK AND PRIORTIZE ALL ASSIGNMENTS TO INCLUDE BLOCKED CLAIMS, SAO AS ASSIGNMENTS AND OTHER ASSIGNMENTS TO THE LVFAO**

X **REVIEW ALL COMPLETED ASSIGNMENTS BEFORE TRANSMISSION TO SAO RETURNING WORK FOR CORRECTION AND APPROVING THE WORK TRANSMITTING IT TO SAO.**

DUTIES AND TASKS		APPROX % OF TIME
X	SUPERVISE THE INVESTIGATION AND PREPARATION OF DEPARTMENT ADMINISTRATIVE DETERMINATIONS AND BRIEFS REGARDING EMPLOYER SUBJECTIVITY TO UNEMPLOYMENT COMPENSATION LAW. ENSURE UNIFORMITY AND COMPLIANCE WITH FEDERAL AND STATE LAWS, REGULATIONS, POLICY AND PRECEDENTS.	
X	PREPARE AND OVERSEE THE PREPARATION OF DETERMINATIONS AND CASES TO BE PRESENTED AT APPEALS AND BOARD OF REVIEW HEARINGS.	
X	PROVIDE TRAINING TO THE AUDIT AND INVESTIGATIVE STAFF REGARDING THE PREPARATION OF DETERMINATION LETTERS AND APPEAL HEARINGS.	

**28. COMPLEXITY.**

What do you consider the most difficult or complex duty (ies) of your position and why?

APPLYING THE UNEMPLOYMENT COMPENSATION LAWS. THE REASON IT IS SO DIFFICULT IS DUE THE VARIED WAYS THE LAWS CAN BE INTERPRETED.

**29. KNOWLEDGE, SKILLS, AND ABILITIES.**

Below is a preliminary list of critical knowledge, skills and abilities (KSA's) required for the Supervisory Auditor and Auditor series. Please check the boxes by those KSA's applicable to your position. If you believe there are additional critical KSA's that are required by your position which are not listed, please add them in the space provided or attach additional pages if necessary.

**KNOWLEDGE, SKILLS, AND ABILITIES**

**Knowledge of:**

- Accounting and financial recordkeeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis.
- Generally Accepted Governmental Auditing Standards.
- Generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities.
- Federal and State regulations, guidelines and statutes governing a particular tax or program of responsibility in order to effectively determine the organization's compliance.
- Procedures used to establish facts.
- Report writing to delineate audit techniques utilized, facts discovered, and conclusions reached.
- Technical documents such as leases, rental agreements, purchase agreements, bids and financial statements.
- Methods and practices of auditing computerized accounting systems.
- Laws, regulations, court decisions and precedents relevant to your assignment.
- Administrative law procedures for administrative hearings as well as the collection and presentation of evidence at administrative hearings.
- The analysis and reporting of financial data.

## KNOWLEDGE, SKILLS, AND ABILITIES

### Knowledge of (cont'd)

- Supervisory techniques including selection, motivation, training, work assignment and review, employee evaluation, discipline, and establishing work performance standards.
- Audit methodology sufficient to conduct/complete and/or review audits.
- Theories and principles of accounting/auditing to carry out well-defined accounting, auditing or examination practices.
- Auditing information technology systems used in financial management.
- Laws, legal codes, court procedures, precedents, government regulations, executive orders, and agency rules.
- Automated computerized audit program.

### Ability to:

- Conduct and complete multiple audit types.
- Perform specific audits by applying accounting principles and practices.
- Apply accounting principles and concepts to solve problems in varying situations and circumstances.
- Use logic to analyze or identify underlying principles, reasons, or facts associated with information or data to draw conclusions.
- Assess the operational impact of legislation or audit recommendations on an agency or State service.
- Provide consultation and/or expert advice or testimony.
- Evaluate information against a set of standards.
- Compile, code, categorize, calculate, tabulate, verify, or process information or data.
- Review and/or edit documents for accuracy and completeness.
- Communicate effectively with others sufficient to explain audit procedures and findings.
- Write narrative audit reports and recommendations using proper English grammar, spelling, vocabulary and punctuation.
- Read and understand technical materials such as contracts and State and federal regulations.
- Determine the correct mathematical methods or formulas to solve problems.
- Develop creative ways to solve problems encountered during an audit.
- Organize audits by type and size to maintain a high level of productivity.

**KNOWLEDGE, SKILLS, AND ABILITIES**

**Ability to (cont'd)**

- Train new Auditors.
- Write and maintain technical/users manuals.
- Monitor and resolve problems with the audit program.
- Test and make recommendations for improvements to audit program.

**30. JOB-RELATED EDUCATION AND REQUIREMENTS.**

A. List any certificates, degrees or credentials you have. How many college credits do you have in Accounting or Auditing?

**BACHELOR OF SCIENCE IN BUSINESS ADMINISTRATION. MAJOR IN ACCOUNTANCY.**

**24 ACCOUNTING**

**6 AUDITING**

B. What level of education do you believe should be required to perform the duties assigned to your position?

**GRADUATION FROM AN ACCREDITED 4 YEAR COLLEGE OR UNIVERSITY IN ACCOUNTING OR RELATED FIELD AND THREE YEARS OF PROFESSIONAL LEVEL AUDITING OR ACCOUNTING EXPERIENCE INVOLVING ANALYZING FINANCIAL INFORMATION AND MAKING RECOMMENDATIONS BASED UPON THAT ANALYSIS; OR**

**GRADUATION FROM AN ACCREDITED INSTITUTION WITH AN ASSOCIATES DEGREE IN ACCOUNTING OR RELATED FIELD AND 4 YEARS OF PROFESSIONAL LEVEL AUDITING OR ACCOUNTING EXPERIENCE INVOLVING ANALYZING FINANCIAL INFORMATION AND MAKING RECOMMENDATIONS BASE UPON THAT ANALYSIS; OR**

**ONE YEAR OF EXPERIENCE COMPARABLE TO AN AUDITOR II IN NEVADA STATE SERVICE.**

## SUPERVISORY/MANAGERIAL RESPONSIBILITY

### 31. SUPERVISION EXERCISED.

Check here if not applicable to your job.

A. DIRECT SUPERVISION - In the table below, please provide information for each position you supervise. Please list only permanent State positions. Use check marks to indicate whether the position is full-time (F/T), part-time (P/T), or intermittent (INT). Using the codes designated below, list the types of supervisory responsibility you exercise.

AW = Assign Work

RW = Review Work

T = Provide Training

AS = Assist with Final Selection

FS = Final Selection

D = Disciplinary Action

CP = Contribute to Performance Appraisal

PA = Performance Appraisal (signature authority)

C = Performance Counseling

CLASS CODE	CLASS TITLE	GRADE	POSITION CONTROL #	F/T	P/T	INT	SUPERVISORY CODES
7.148	AUDITOR III	36	3340	X	<input type="checkbox"/>	<input type="checkbox"/>	AW-RW-T-FS-D-PA-C
11.363	COMPLIANCE/AUDIT INVESTIGATOR III	35	4417	X	<input type="checkbox"/>	<input type="checkbox"/>	AW-RW-T-FS-D-PA-C
2.212	ADMINISTRATIVE ASSISTANT II	25	2065	X	<input type="checkbox"/>	<input type="checkbox"/>	AW-RW-T-FS-D-PA-C
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



**31. SUPERVISION EXERCISED (cont'd)**

**B. INDIRECT SUPERVISION** – If you are a manager or second-line supervisor, how many employees report to you indirectly through subordinate supervisors? Do not include the positions listed in the table above.

**6 AUDITOR II'S**

**6 COMPLIANCE/AUDIT INVESTIGATOR II'S**

**C. SUPERVISION OF NON-EMPLOYEES** – Indicate the number and type of non-State employees you supervise (i.e., contractors, temporary employees, students, interns, inmates, volunteers, or others). Also, what is the purpose of this supervision?

**NONE**

**INDEPENDENCE/SUPERVISION RECEIVED**

**32. SUPERVISION RECEIVED.**

**A. How is your work assigned? THROUGH DIRECT CONTACT, E-MAILS, FAXES, TELEPHONE, MAIL, MEMOS & VOICE MAIL.**

**B. How and when is your work reviewed? THROUGH DIRECT CONTACT, E-MAILS, FAXES, TELEPHONE, MAIL, MEMOS & VOICE MAIL. DURING AND UPON COMPLETION OF ASSIGNMENT**

**32. SUPERVISION RECEIVED (cont'd)**

C. What manuals, guidelines, regulations, laws, policies, and procedures do you regularly use in your job?

AUDIT, UCAT, LAPTOP AUDIT, CONTRIBUTIONS HANDBOOK MANUALS, NEVADA REVISED  
STATUTES, NEVADA ADMINISTRATIVE CODE, STATE ADMINISTRATIVE CODE, PERSONNEL  
POLICIES, NRS 612 GUIDELINES, UNEMPLOYMENT INSURANCE MEMORANDUMS, IRS CODE, CITY &  
COUNTY ORDANCES, INTERNET, AND EMPLOYER'S HANDBOOK FOR UNEMPLOYMENT.  
INSURANCE

**SCOPE OF RESPONSIBILITY/CONSEQUENCE OF ERROR**

**33. SCOPE AND EFFECT OF DECISIONS AND ACTIONS.**

What would an error in judgment, a poor decision, or a mistaken action by an employee in your position result in? Do not include errors that occur through gross negligence or failure to follow directions, established rules, procedures, or laws.

COULD LEAD TO AN ADVERSE PRECEDENT.

CREATE AN UNFAVORABLE IMAGE FOR THE DEPARTMENT.

RESULT IN A GRIEVANCE.

UI CONTRIBUTIONS MAY NOT BE PAID ACCURATELY ON REPORTED WAGES RESULTING IN LOSS OF  
REVENUE TO THE UI TRUST FUND.

UI CLAIMS MAY NOT BE PAID PROPERLY.

NOT BEING ABLE TO COMPLETE A JOB ON TIME.

## AUTHORITY TO TAKE ACTION/DECISION-MAKING

### 34. DECISION-MAKING.

A. Briefly describe the most important decision(s) you make on a regular basis.

HIRING OF STAFF

ISSUING UNEMPLOYMENT INSURANCE DETERMINATIONS

PERSONNEL ISSUES

GIVING CUSTOMERS ACCURATE AND PROPER INFORMATION.

B. Who or what (regulations, policies and procedures, etc.) gives you authority to make important decisions?

NEVADA REVISED STATUTES, NEVADA ADMINISTRATIVE CODE, STATE ADMINISTRATIVE MANUAL.

UI POLICIES AND GUIDELINES. UCAT (UNEMPLOYMENT COMPENSATION AUDITOR TRAINING)

FROM THE US DEPARTMENT OF LABOR.

DEPARTMENT PROCEDURES & UNEMPLOYMENT INSURANCE MEMORANDUMS.

UPPER LEVEL MANAGEMENT DELEGATION OF AUTHORITY.

C. Who do you consult with prior to making the decision(s) in 34A? Indicate if you are required to seek this consultation.

MY IMMEDIATE SUPERVISOR, ESD MANAGER IV (CHIEF OF CONTRIBUTIONS), MY SUBORDINATE SUPERVISORS, HUMAN RESOURCES.

REQUIREMENT TO SEEK THIS CONSULTATION DEPENDS ON THE COMPLEXITY OF THE ISSUES.

D. How do the decisions you make impact the results of co-workers, clients or the State?

CO-WORKERS—HOW WELL THEY WILL BE ABLE TO GET THEIR ASSIGNMENTS COMPLETED.

CLIENTS—WHETHER OR NOT THE SERVICES PROVIDED ARE TO THEIR SATISFACTION.

STATE—THE IMAGE OF HOW WELL THE STATE WORKERS ARE PERFORMING THEIR JOBS FOR THE COMPENSATION THEY ARE BEING PAID AND PROTRAYING A FAVORABLE/COMPENTENT IMAGE TO THE PUBLIC.

## PERSONAL CONTACTS NECESSARY TO COMPLETE WORK

### 35. PERSONAL CONTACTS.

List the title of persons you contact in the course of business and the major purpose for these contacts.

CONTACT'S TITLE/AGENCY	MAJOR PURPOSE FOR CONTACT
SUPERVISING AUDITOR II/ESD	ASSIGNMENTS, STRATEGY, GUIDANCE, POLICY, PROCEDURES
ESD MANAGER IV (CHIEF OF CONTRIBUTIONS)/ESD	ASSIGNMENTS, STRATEGY, GUIDANCE, POLICY, PROCEDURES IN ABSENCE OF IMMEDIATE SUPERVISOR
CHIEF OF FIELD DIRECTIONS SOUTH/ESD	PARTICIPATION ON CITY OF LAS VEGAS TASK FORCE
MANAGEMENT ANALYST III/ESD	INTERPRETATION OF STATUTES AND POLICIES
DEPUTY ATTORNEY GENERAL/AG'S OFFICE	TO DISCUSS CRIMINAL COMPLAINTS AND FOLLOW-UP
PERSONNEL TECHNICIAN III/ESD	PERSONNEL ISSUES
EEO OFFICER/ESD	PERSONNEL ISSUES
CHIEF, SENIOR & APPEAL REFEREES/ESD	APPEAL HEARINGS & DECISIONS
EMPLOYERS	UNEMPLOYMENT STATUTE COMPLIANCE
CITY, COUNTY DEPARTMENTS	BUSINESS LICENSES & ORDINANCES
CONTRIBUTIONS SUPERVISOR/ESD	COLLECTION ACTIONS AND ISSUANCE OF NTW'S
CONTRIBUTIONS SUPERVISOR/EDS	EMPLOYER ACCOUNT ISSUES
CONTRIBUTIONS EXAMINER III/ESD	BUSINESS REGISTRATIONS AND UI RATES
SECRETARY OF STATE	BUSINESS REGISTRATIONS
LABOR COMMISSION	WAGE DISPUTES
CONTRACTOR'S BOARD	BUSINESS REGISTRATIONS & LICENSE TYPE

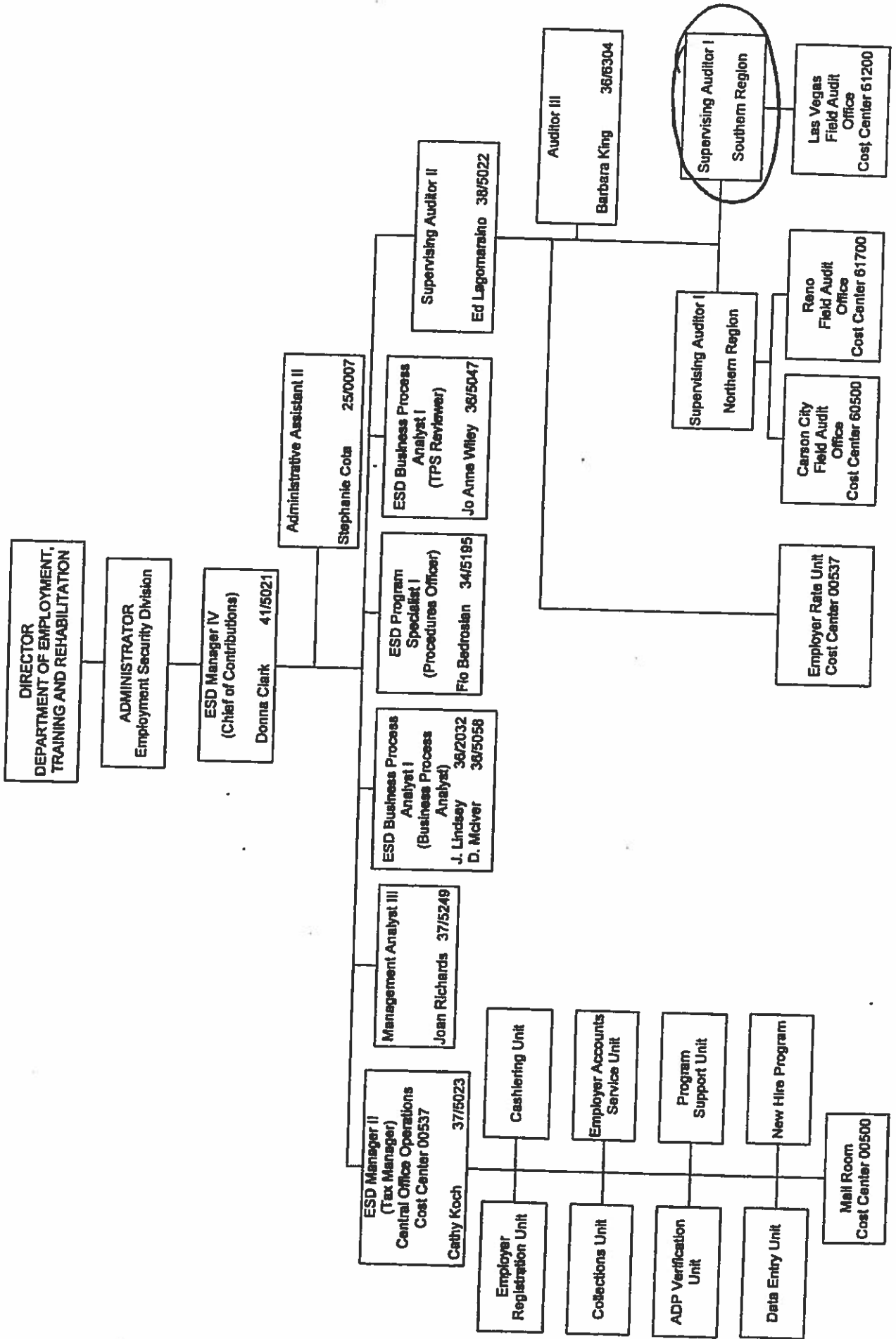
### OTHER

### 36. ORGANIZATIONAL STRUCTURE.

Please attach a current organization chart of your unit, section, or division and CIRCLE your position.

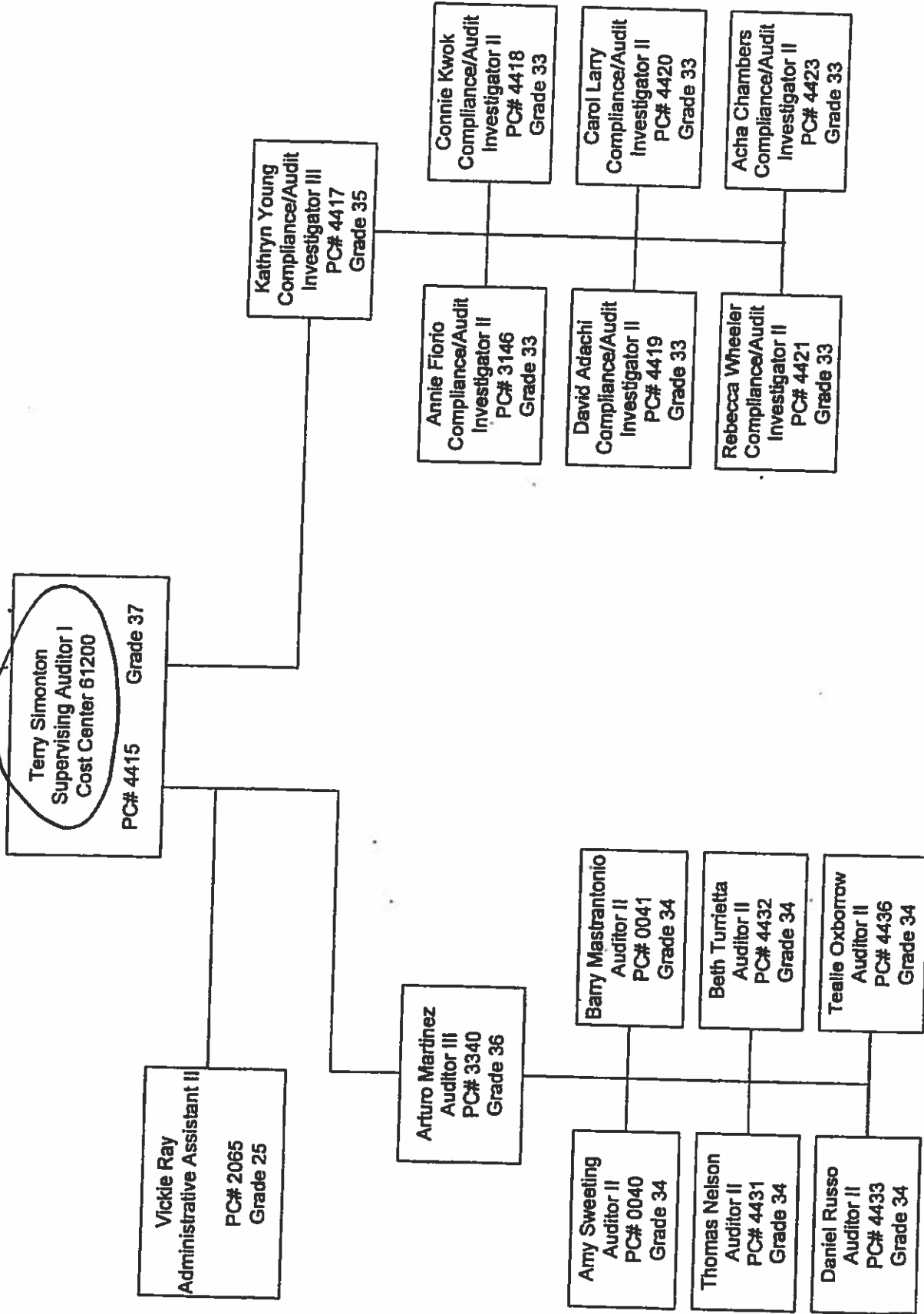
DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION  
 EMPLOYMENT SECURITY DIVISION  
 CONTRIBUTIONS SECTION  
 Budget Account 205-4770

Rev. (07/11/07)  
 [CHFSORG2]



Las Vegas Field Audit Office

Budget Account 205-4770



**THIS SECTION IS TO BE COMPLETED BY YOUR SUPERVISOR**

**37. COMMENTS.**

It is important that you review this questionnaire for accuracy and completeness. If you disagree with any information on this questionnaire, or if you feel pertinent information is missing, please indicate the area(s) in question and provide your comments below.

Please do not change the incumbent's description of the job in the questionnaire itself.

QUESTION NO.	COMMENTS

Please check the appropriate statement below:

- I agree with the incumbent's position description questionnaire as written.
- The above comments have been discussed with the incumbent and the incumbent agrees with these comments.
- I was unable to discuss my comments with the incumbent.
- The above comments have been discussed with the incumbent and the incumbent disagrees with these comments.

Explain any disagreement in the space below:

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Employee's Signature:

Date:

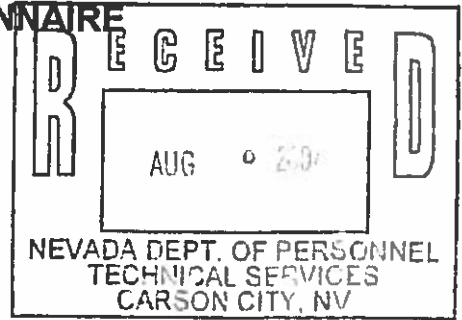
Supervisor's Signature:

*Edward J. Jyomanson*

Date: *7/27/07*

POSITION DESCRIPTION QUESTIONNAIRE

AUDITOR SERIES  
OCCUPATIONAL GROUP STUDY



DATE DUE TO SUPERVISOR: JULY 27, 2007

DATE DUE TO DEPT. OF PERSONNEL: AUGUST 3, 2007

1. NAME Edward J. Lagomarsino		2. CURRENT CLASS TITLE Supervising Auditor II		3. CLASS CODE 7.139	4. GRADE 38	5. TIME IN CLASS 4 Yrs 8 Mos	
6. DEPARTMENT Employment, Training & Rehabilitation		7. DIVISION Employment Security		8. BUDGET ACCT # 4770		9. POSITION CONTROL # 5022	
10. PHONE # 775- 684-6391	11. WORK LOCATION (physical address & city) 1320 South Curry Street Carson City, NV		12. BUDGETED CLASS TITLE (If different from #2)		13. BUDGETED CLASS CODE (If different from #3)		
14. ARE YOU CURRENTLY RECEIVING A +5% IN SALARY FOR OUT-OF-CLASS DUTIES? <input type="checkbox"/> YES <input type="checkbox"/> NO							
15. SUPERVISOR'S NAME Donna Clark		16. SUPVR'S CLASS TITLE ESD Manager IV	17. SUPVR'S PHONE NUMBER 775- 684-6396	18. SUPVR'S CLASS CODE 12.136	19. SUPVR'S GRADE 41		
20. NAME OF PERSON WHO ASSIGNS WORK (If different from #15)		21. CLASS TITLE OF #20	22. PHONE NUMBER OF #20	23. CLASS CODE OF #20	24. GRADE OF #20		
25. SIGNATURES:  EMPLOYEE  I certify that the statements in this description are accurate and complete to the best of my knowledge.  Signature <u><i>Edward J. Lagomarsino</i></u> Date <u>7/27/07</u>		IMMEDIATE SUPERVISOR  I have reviewed the employee's statements in this description, and certify that they accurately represent this position, except as noted in my comments on the last page.  Signature <u><i>Donna Clark</i></u> Date <u>7/30/07</u>		DEPARTMENT/DIVISION HEAD (Appointing Authority)  I have reviewed the employee's statements in this description and the supervisor's comments on the last page, and certify that they accurately represent this position.  Signature <u><i>Donna Clark</i></u> Date <u>7/31/07</u>			



## NATURE AND COMPLEXITY OF WORK PERFORMED

### 26. BASIC FUNCTION.

Describe the major purpose(s) of the audits you conduct.

An audit is a systematic examination and verification by Generally Accepted Auditing Standards of and employer's books for a specific period of time. An audit will establish, by quarters, the amount of wages paid and the contributions, interest and penalties due and will also verify the contribution reports and wage information previously reported. The purpose of the audit program is to support the Unemployment Insurance (UI) Tax Program in a precise and detailed manner. The audit program is a means of supporting and verifying employer compliance with the UI Tax Laws, agency regulations and the basic functions of the Employment Security Division. The audit function determines all reportable wages and taxes due. Obtains compliance of employers with state requirements for maintenance of books and records. Verifies that subject employers are conducting a bona fide business. Analyzes the financial status of employers for collection purposes. Obtains claimant wages separation data where there is a compliance problem. Explains to employers their rights, obligations and the legal requirements under the taxing and benefit provisions of the UI Law.

### 27. DUTIES AND TASKS.

Below is a list of duties that are frequently performed by Auditors and Supervisory Auditors. Please indicate the approximate percentage (%) of time you spend on Pre-Audit, Audit, Post-Audit and Audit Outcome duties. Also put a checkmark in the box to the left if you perform that task. You may add duties and tasks in the space provided below or attach additional pages if necessary. The percentages listed must total 100%.

DUTIES AND TASKS		APPROX % OF TIME
<b>A. PRE-AUDIT</b>		%
<input type="checkbox"/>	Establish audit objectives and scope.	
<input type="checkbox"/>	Obtain background information. Research past audit history of individuals, organizations or agencies and develop an audit plan.	
<input type="checkbox"/>	Determine risk assessment.	
<input type="checkbox"/>	Write audit program.	
<input type="checkbox"/>	Schedule audit, prepare notification letter and make necessary arrangements.	
<input type="checkbox"/>		
<b>B. AUDIT</b>		%
<input type="checkbox"/>	Conduct entrance briefs/interviews with individuals, organization representatives or agency division heads to explain the purpose and scope of the audit, and answer questions regarding the audit.	
<input type="checkbox"/>	Collect and analyze data to detect errors, fraud, or non-compliance with laws, regulations, and management policies.	

<b>DUTIES AND TASKS</b>	<b>APPROX % OF TIME</b>
Review accounts and records, examine narrative and flowchart documentation and interview personnel involved to determine compliance with a specific set of governing laws, regulations, policies, procedures and contracts.	
Analyze financial data, conduct financial investigations, determine tax liability according to prescribed laws, and perform general financial analysis.	
Review expenditures and/or revenue to ensure payments made or received comply with legal and contractual requirements.	
Conduct internal audits on account books and accounting systems and make recommendations to management.	
<b>B. AUDIT (cont'd)</b>	
Review data related to material assets, net worth, liabilities, capital stock, surplus, income, and expenditures.	
Examine, review and evaluate financial and information systems and recommend controls to ensure system reliability and data integrity.	
Document all findings and prepare work papers and reports that summarize audit findings and recommendations regarding controls and operational procedures, improvements and modifications in order to standardize systems and/or practices, strengthen the integrity of the system, and ensure compliance with regulations and policies.	
Compile, code, categorize, calculate, tabulate, or verify information or data contained in financial reports and records.	
Compute financial data, note discrepancies in financial records, and verify accuracy and appropriateness of bank or financial transactions.	
Re-calculate data on claims, reports, contracts and/or other documents to ensure accuracy.	
Use accounting and spreadsheet software and computers to enter, access and retrieve financial data.	
Investigate activities and practices of individuals, organizations or agencies which may not be readily apparent from examining business records, but which may have to be obtained from a variety of other sources.	
Determine the best sampling techniques.	
<b>C. POST-AUDIT</b>	
Conduct exit interviews with individuals, organization representatives or agency division heads to discuss findings, verify facts and answer questions regarding the audit.	
Prepare and send written audit finding reports.	
Prepare reports and develop audit files to maintain evidence for future actions.	
Maintain audit timekeeping records.	

DUTIES AND TASKS		APPROX % OF TIME
<b>D. AUDIT OUTCOMES</b>		<b>100%</b>
	Present evidence before State governing bodies and/or provide testimony in a court of law in defense of the departmental administrative determinations.	
	Respond to complaints, settle disputes, and resolve conflicts.	
	Preserve and utilize evidence to develop final departmental administrative determinations and/or for future litigation.	
<b>D. AUDIT OUTCOMES (cont'd)</b>		
	Monitor the progress and implementation of audit recommendations and the ongoing adherence to procedures and policies established as a result of audit findings.	
X	Maintain optimum production rates and efficiency in Contribution field audit office operations.	
X	Evaluate the workflow, systems and staffing of the field audit offices.	
X	Maintain staffing and organizational schemes, which are responsive to operational needs.	
X	Develop workload standards for audit production tasks.	
X	Authorize procurement of supplies, equipment, and materials for field audit offices.	
X	Evaluate audit report to assure that an equitable sample of industry classes and employer numbers is selected in order to meet appropriate field audit goals.	
X	Assure that skill levels for personnel are appropriate to meet production needs by recommending personnel for education and training, assisting in designing and conducting training sessions, and assisting in developing, writing, and updating standard practices included in manuals of instruction.	
X	Provide leadership, direction and control to the Supervising Auditor I's and immediate subordinates within the field audit offices.	
X	Develop budget recommendations for field audit operations and monitor budget expenditures.	
X	Manage the development and preparation of department administrative determinations and briefs regarding employer subjectivity and unemployment compensation law in order to ensure uniformity and compliance with federal and state laws, regulations, policy, and precedent.	
X	Perform Contributions section financial accounting and provide managerial reports.	

**28. COMPLEXITY.**

What do you consider the most difficult or complex duty(ies) of your position and why?

Applying the Unemployment Insurance Laws given the varied ways the laws can be interpreted.

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**29. KNOWLEDGE, SKILLS, AND ABILITIES.**

Below is a preliminary list of critical knowledge, skills and abilities (KSA's) required for the Supervisory Auditor and Auditor series. Please check the boxes by those KSA's applicable to your position. If you believe there are additional critical KSA's that are required by your position which are not listed, please add them in the space provided or attach additional pages if necessary.

**KNOWLEDGE, SKILLS, AND ABILITIES**

**Knowledge of:**

- Accounting and financial recordkeeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis.
- Generally Accepted Governmental Auditing Standards.
- Generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities.
- Federal and State regulations, guidelines and statutes governing a particular tax or program of responsibility in order to effectively determine the organization's compliance.
- Procedures used to establish facts.
- Report writing to delineate audit techniques utilized, facts discovered, and conclusions reached.
- Technical documents such as leases, rental agreements, purchase agreements, bids and financial statements.
- Methods and practices of auditing computerized accounting systems.
- Laws, regulations, court decisions and precedents relevant to your assignment.
- Administrative law procedures for administrative hearings as well as the collection and presentation of evidence at administrative hearings.
- The analysis and reporting of financial data.

## KNOWLEDGE, SKILLS, AND ABILITIES

### Knowledge of (cont'd)

- Supervisory techniques including selection, motivation, training, work assignment and review, employee evaluation, discipline, and establishing work performance standards.
- Audit methodology sufficient to conduct/complete and/or review audits.
- Theories and principles of accounting/auditing to carry out well-defined accounting, auditing or examination practices.
- Auditing information technology systems used in financial management.
- Laws, legal codes, court procedures, precedents, government regulations, executive orders, and agency rules.
- Automated /Computerized audit program

### Ability to:

- Conduct and complete multiple audit types.
- Perform specific audits by applying accounting principles and practices.
- Apply accounting principles and concepts to solve problems in varying situations and circumstances.
- Use logic to analyze or identify underlying principles, reasons, or facts associated with information or data to draw conclusions.
- Assess the operational impact of legislation or audit recommendations on an agency or State service.
- Provide consultation and/or expert advice or testimony.
- Evaluate information against a set of standards.
- Compile, code, categorize, calculate, tabulate, verify, or process information or data.
- Review and/or edit documents for accuracy and completeness.
- Communicate effectively with others sufficient to explain audit procedures and findings.
- Write narrative audit reports and recommendations using proper English grammar, spelling, vocabulary and punctuation.
- Read and understand technical materials such as contracts and State and federal regulations.
- Determine the correct mathematical methods or formulas to solve problems.
- Develop creative ways to solve problems encountered during an audit.
- Organize audits by type and size to maintain a high level of productivity.

## KNOWLEDGE, SKILLS, AND ABILITIES

### Ability to (cont'd)

- Train new Auditors.
- Monitor and solve problems associated with the computerized audit program
- Writing and updating of audit manuals
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### 30. JOB-RELATED EDUCATION AND REQUIREMENTS.

A. List any certificates, degrees or credentials you have. How many college credits do you have in Accounting or Auditing?

Bachelor of Science Degree, Accounting – 26 credits Accounting, 6 credits Auditing

Master of Business Administration, Finance

B. What level of education do you believe should be required to perform the duties assigned to your position?

Graduation from an accredited 4 year college or university in accounting or related field and five years of professional level auditing or accounting experience involving analyzing financial information and making recommendations base upon that analysis.

## SUPERVISORY/MANAGERIAL RESPONSIBILITY

### 31. SUPERVISION EXERCISED.

Check here if not applicable to your job.

A. DIRECT SUPERVISION – In the table below, please provide information for each position you supervise. Please list only permanent State positions. Use check marks to indicate whether the position is full-time (F/T), part-time (P/T), or intermittent (INT). Using the codes designated below, list the types of supervisory responsibility you exercise.

AW = Assign Work

AS = Assist with Final Selection

CP = Contribute to Performance Appraisal

RW = Review Work

PA = Performance Appraisal (signature authority)

T = Provide Training

FS = Final Selection

C = Performance Counseling

D = Disciplinary Action

CLASS CODE	CLASS TITLE	GRADE	POSITION CONTROL #	F/T	P/T	INT	SUPERVISORY CODES
.145	Supervising Auditor I	37	4415 & 4416	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AW, RW, T, AS, FS, D, CP, PA, C

CLASS CODE	CLASS TITLE	GRADE	POSITION CONTROL #	F/T	P/T	INT	SUPERVISORY CODES
7.148	Auditor III	36	6304	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AW, RW, T, AS, FS, D, CP, PA, C
11.363	Compliance/Audit Investigator III	35	4425	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AW, RW, T, AS, FS, D, CP, PA, C
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**31. SUPERVISION EXERCISED (cont'd)**

**B. INDIRECT SUPERVISION** – If you are a manager or second-line supervisor, how many employees report to you indirectly through subordinate supervisors? Do not include the positions listed in the table above.

One (1) Auditor III

Ten (10) Auditor II

One (1) Compliance/Audit Investigator III

Nine (9) Compliance/Audit Investigator II

Three (3) Contributions Examiner II

One (1) Administrative Assistant II

One (2) Administrative Assistant I

**C. SUPERVISION OF NON-EMPLOYEES** – Indicate the number and type of non-State employees you supervise (i.e., contractors, temporary employees, students, interns, inmates, volunteers, or others). Also, what is the purpose of this supervision?

None

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**INDEPENDENCE/SUPERVISION RECEIVED**

**32. SUPERVISION RECEIVED.**

**A. How is your work assigned?**

Direct assignment from the Department Director, Division Administrator, or ESD Manager IV (Chief of Contributions).

Self-initiated

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**B. How and when is your work reviewed?**

Through periodic status reports, project outcome results, and work performance reviews.

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**32. SUPERVISION RECEIVED (cont'd)**

**C. What manuals, guidelines, regulations, laws, policies, and procedures do you regularly use in your job?**

Nevada Revised Statutes; Nevada Administrative Code; Nevada Administrative Manual; Unemployment Insurance Program Letters and Manuals; Employment Security Division Manual; DOL Employment & Training Handbooks 410, 407, and Program Letter; Federal Unemployment Tax Act; Social Security Act; Department of Employment, Training and Rehabilitation (DETR) Policies and Procedures Manual; Employment Security manual; Contributions employee handbook; Unemployment Compensation Auditor Training (UCAT); Contributions Laptop Audit Manual; Contributions Investigators Manual; general accepted accounting principles ; IRS Code; City 7 County Directories; Internet; various hardware & software manuals.

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## SCOPE OF RESPONSIBILITY/CONSEQUENCE OF ERROR

### 33. SCOPE AND EFFECT OF DECISIONS AND ACTIONS.

What would an error in judgment, a poor decision, or a mistaken action by an employee in your position result in? Do not include errors that occur through gross negligence or failure to follow directions, established rules, procedures, or laws.

Could establish an adverse precedent. UI Contributions may not be remitted accurately and wages reported correctly, which could result in a loss of revenue to the State Unemployment Insurance Trust Fund and obstructed Benefit claims. Could lead to misinformation being conveyed to the public, and create an unfavorable image for the department. Could lead to subordinates not being able to complete tasks in an accurate and timely manner.

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## AUTHORITY TO TAKE ACTION/DECISION-MAKING

### 34. DECISION-MAKING.

A. Briefly describe the most important decision(s) you make on a regular basis.

Complex legal actions against employer accounts; court actions pursued by divisional legal counsel; complex personnel issues; hiring of staff; performance indicators at the state and federal level.

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B. Who or what (regulations, policies and procedures, etc.) gives you authority to make important decisions?

Nevada Revised Statutes, Chapter 612; Nevada Administrative Code, Chapter 612; Unemployment Policies and Guidelines; Unemployment Compensation Auditor Training (UCAT); GAAP; Upper level management delegation of authority.

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C. Who do you consult with prior to making the decision(s) in 34A? Indicate if you are required to seek this consultation.

ESD Manager IV (Chief of Contributions), Management Analyst III, division legal counsel. Requirement to seek consultation depends upon complexity of the issue.

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D. How do the decisions you make impact the results of co-workers, clients or the State?

Audit decisions can result in the setting of a precedent for the State. Clients can be affected as to way in which their employer account is to be reported and contributions paid. Co-workers can be impacted as to their ability to and manner in which assigned are to be completed.

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### PERSONAL CONTACTS NECESSARY TO COMPLETE WORK

35. PERSONAL CONTACTS.

List the title of persons you contact in the course of business and the major purpose for these contacts.

CONTACT'S TITLE/AGENCY	MAJOR PURPOSE FOR CONTACT
ESD Manger IV (Chief of Contributions)	Assignments, policy, procedures, strategy
Supervising Auditor I	Assignments, policy, procedures, strategy
Management Analyst III	Interpretation of statutes and policies
Division Counsel	Legal proceeding and interpretation
DETR Personnel	Personnel issues
Appeal Referees	Appeal hearings and decisions
Employers	Unemployment Insurance statute compliance
UI Contributions staff	Provide support pertaining to employer account issues
Various State Employment Security Agencies	Provide and exchange information
Various Nevada State Departments and Agencies	Provide information or requirements on the Unemployment Insurance Program or exchange information

**OTHER**

**36. ORGANIZATIONAL STRUCTURE.**

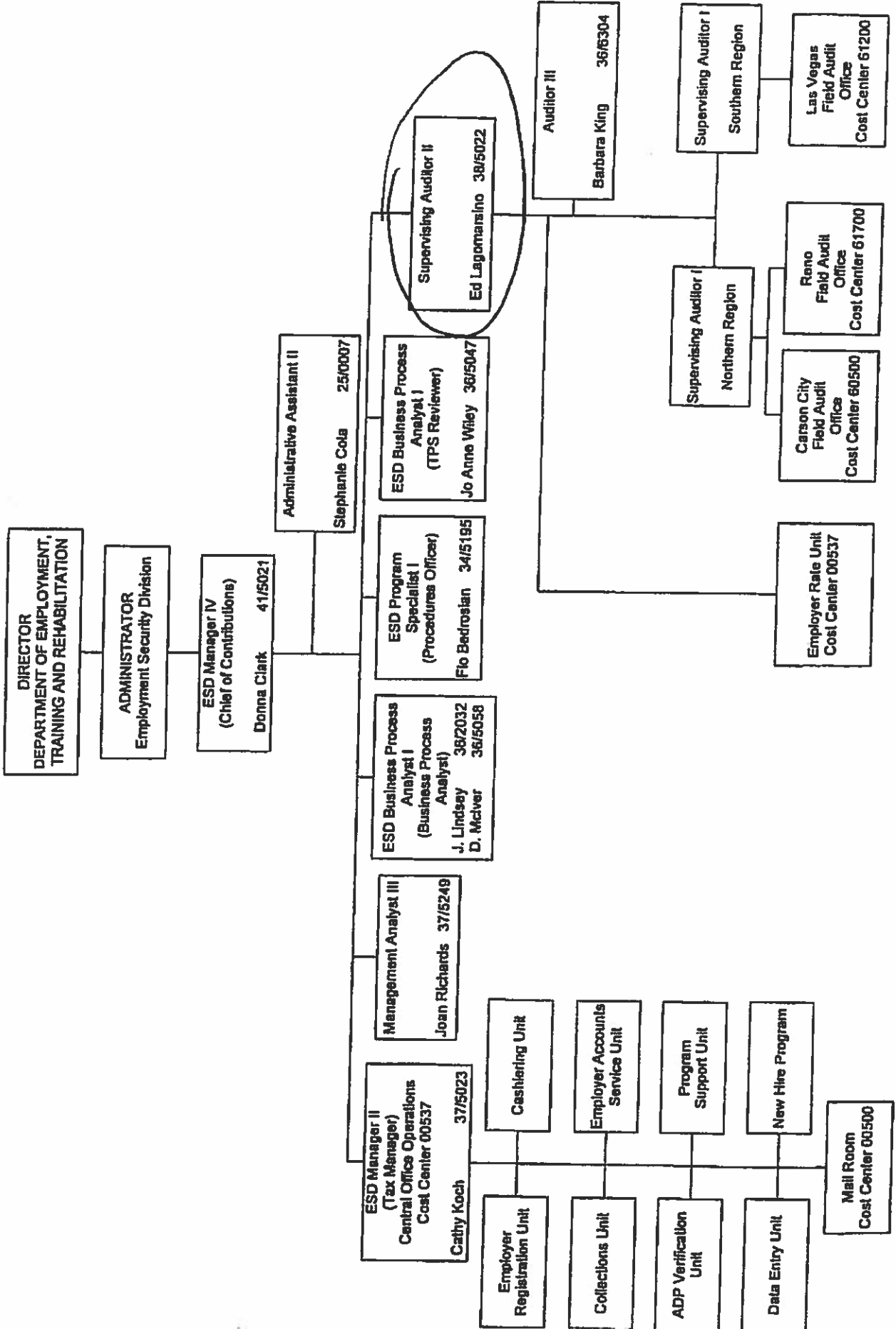
Please attach a current organization chart of your unit, section, or division and **CIRCLE** your position.

See attachments



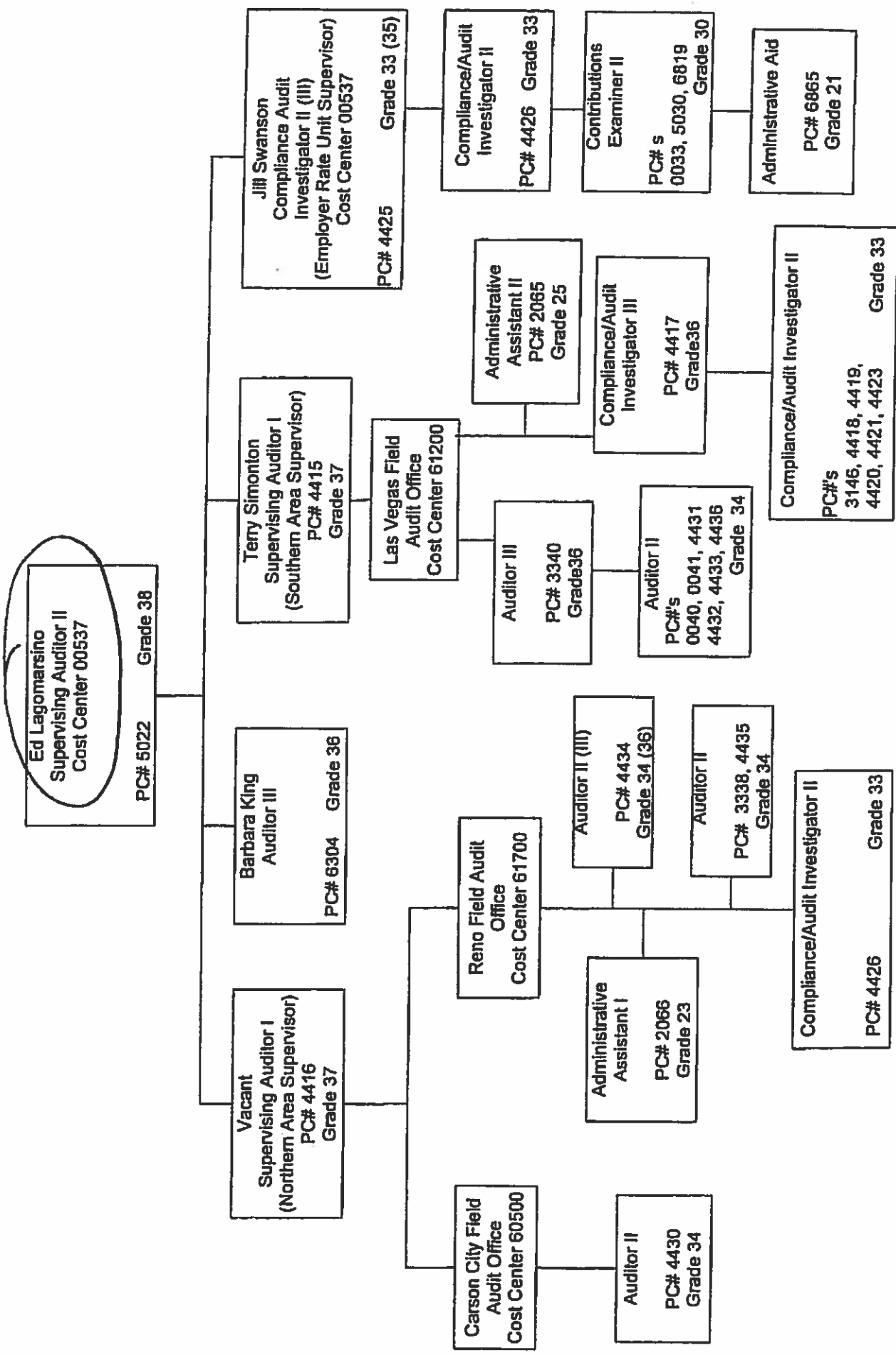
**DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION**  
**EMPLOYMENT SECURITY DIVISION**  
**CONTRIBUTIONS SECTION**  
 Budget Account 205-4770

Rev. (07/11/07)  
 [CHFSORG2]



DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION  
 Employment Security Division  
 Contributions  
 Field Offices  
 Budget Account 205-4770

Rev. (7/11/07)  
 [FLDORG2]



**THIS SECTION IS TO BE COMPLETED BY YOUR SUPERVISOR**

**37. COMMENTS.**

It is important that you review this questionnaire for accuracy and completeness. If you disagree with any information on this questionnaire, or if you feel pertinent information is missing, please indicate the area(s) in question and provide your comments below.

Please do not change the incumbent's description of the job in the questionnaire itself.

QUESTION NO.	COMMENTS

Please check the appropriate statement below:

- I agree with the incumbent's position description questionnaire as written.
- The above comments have been discussed with the incumbent and the incumbent agrees with these comments.
- I was unable to discuss my comments with the incumbent.
- The above comments have been discussed with the incumbent and the incumbent disagrees with these comments.

Explain any disagreement in the space below:

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Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor's Signature: Donna Clark

Date: 7/30/07



**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

**SERIES CONCEPT**

Compliance/Audit Investigators perform investigative and auditing functions to monitor compliance and detect violations of State and/or federal laws or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, mortgage lending, or workers' compensation. Investigators allocated to this series do not require P.O.S.T. certification.

Enforcement powers regarding program violations are limited to a specific program area that involves administrative sanctions or penalties imposed by a Hearings Board, State official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other investigative classes by the additional audit function which is performed at least 25% of the time. Audit work is performed in a specialized field which requires an extensive knowledge of State and/or federal laws, program rules and regulations; business operations; corporate structure; financial transactions, terminology and recordkeeping; and detecting falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Receive and review formal complaints; make determinations regarding possible program violations and jurisdiction within the specified program area; gather and analyze background information and facts pertaining to the complaint; make determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conduct interviews with complainant, witnesses, employers, State and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to the case to prove a violation or criminal intent exists.

Prepare required forms and notices; deliver to appropriate party regarding complaint and/or alleged violations following department policy and procedure; respond, review and discuss with complainant and respondent.

Develop case files and maintain case logs and reports; place evidence in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources; preserve and utilize evidence to develop final case reports and/or for future litigation.

Gather and review evidence such as business and financial records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint; serve subpoenas or other legal documents as required.

Conduct audits on a periodic basis by either randomly selecting individual firms or business or as required by State law and reviewing business transactions for completeness, accuracy, and compliance with State and/or federal laws and regulations; evaluate internal procedures, operating methods, fiscal controls, and verify validity

<b>CHIEF COMPLIANCE/AUDIT INVESTIGATOR</b>	<b>37</b>	<b>B</b>	<b>11.360</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

Page 2 of 6

**SERIES CONCEPT (cont'd)**

of financial statements and records; explain provisions and application of State and/or federal guidelines and discuss assessments, audit findings and recommendations.

Prepare required forms and notices and send to appropriate parties regarding complaint and alleged violations; review and discuss responses with supervisor and/or Attorney General.

Conduct research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies; plan and coordinate investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepare investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, and exhibits of evidence, statements obtained from witnesses, conclusions and recommendations; review and submit reports for hearing or prosecution, and to impose fines and penalties; appear before the governing body or in a court of law to provide testimony as required.

Perform related duties as assigned.

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**CLASS CONCEPTS**

**Chief Compliance/Audit Investigator:** Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.

Oversee the training of staff based on projected or identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approve training programs to ensure compliance with program goals and objectives.

Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations.

Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.

Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head.



<b>CHIEF COMPLIANCE/AUDIT INVESTIGATOR</b>	<b>37</b>	<b>B</b>	<b>11.360</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

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**CLASS CONCEPTS (cont'd)**

**Compliance/Audit Investigator III:** Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This level in the class series is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.

**Compliance/Audit Investigator II:** Under general supervision, incumbents perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices. This is the journey level in the series.

**Compliance/Audit Investigator I:** Under close supervision, incumbents receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, regulations, policies and procedures associated with the assigned program area. Incumbents perform all or part of the duties described in the series concept.

This is the entry level class which provides for progression to the next level upon meeting the minimum qualifications, satisfactory performance and with the recommendation of the appointing authority.

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**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENTS:**

- \* Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must first submit to a pre-employment screening test for controlled substances.
- \* Some positions may be required to submit to a background investigation.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.

**CHIEF COMPLIANCE/AUDIT INVESTIGATOR:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years of professional experience in an investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanction penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and six years of experience, four of which were in a professional investigative,

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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### MINIMUM QUALIFICATIONS (cont'd)

#### CHIEF COMPLIANCE/AUDIT INVESTIGATOR: (cont'd)

##### EDUCATION AND EXPERIENCE (cont'd)

auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** two years of experience as a Compliance/Audit Investigator III in Nevada State service. *(See Special Requirements)*

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** the purpose, activities and functions of the program area as applied to administering audit/compliance activities. **Working knowledge of:** rules of evidence, rights of citizens and court procedures. **Ability to:** oversee audit/investigative activities on a statewide basis; supervise and evaluate the performance of a large staff; plan, organize and assign work to subordinate staff; gain the respect of others; negotiate and formulate complaint resolution; explain methods and requirements for compliance with agency policy; provide presentations to senior managers, commission and formal business meetings/groups, simplifying complex ideas and information; assist in the development of agency goals, objectives, operating policy and procedure; and testify in a court of law.

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** Nevada Revised Statutes, agency policy and procedure and federal laws that pertain to the supervision of audit/investigative activities. **Working knowledge of:** supervisory principles and practices as well as State personnel policy necessary to supervise subordinate personnel. **Ability to:** motivate others to take appropriate action; provide in-service training to subordinates on program rules and regulations, audit/investigative techniques and courtroom procedures; analyze information, problems, situations, practices or procedures to define problems or objectives; communicate program goals, policy and procedures to subordinate staff, agencies, the judicial system and the general public; supervise a staff of investigators performing program audit/compliance investigations; *and all knowledge, skills and abilities required at the lower levels.*

#### COMPLIANCE/AUDIT INVESTIGATOR III:

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and three years of professional experience in an investigative, auditing or program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and five years of experience, three of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** one year of experience as a Compliance/Audit Investigator II in Nevada State service. *(See Special Requirements)*

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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### MINIMUM QUALIFICATIONS (cont'd)

#### COMPLIANCE/AUDIT INVESTIGATOR III (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** civil law and related criminal law to enforce program regulations as well as to ensure State and federal compliance; methods and practices of effective investigations and what constitutes legal evidence; recordkeeping practices to obtain and store needed investigative reports and documents; computer usage and program-related terminology to access and input required data. **Ability to:** prioritize numerous assignments and make needed adjustments; work independently with minimal supervision; maintain equanimity in the face of resistance, indifference and hostility; resolve complaints from consumers, business representatives and other State and local agencies; delegate responsibility.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records; corporate structure and business operations; policy and procedure related to conducting business as it relates to the program area. **Working knowledge of:** program laws and regulations at the State, federal and/or national level. **Ability to:** plan and direct the activities of subordinates regarding investigative and auditing functions; present meaningful solutions toward improvement and/or resolution of operational procedures; gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work; effectively present complicated and technical information to management, employees and public officials; *and all knowledge, skills and abilities required at the lower levels.*

#### COMPLIANCE/AUDIT INVESTIGATOR II:

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university business or public administration, business management, accounting, or related field and two years of professional experience in an investigative, auditing or professional program-related position which required the application of state and federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and four years of experience, two of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** two years of experience as a Compliance/Audit Investigator I in Nevada State service. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** general accounting procedures and rules; business practices and procedures; investigative principles and practices; office procedures, methods and equipment. **Ability to:** analyze statutes, rules, and regulations and apply to investigative or audit findings; make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area; read and interpret contracts and legal documents in relation to the program area; review and analyze information received from business, complainant and governmental agencies; conduct interviews both in person and by phone to ascertain factual information; mediate and negotiate resolution between contending parties.

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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**MINIMUM QUALIFICATIONS (cont'd)**

**COMPLIANCE/AUDIT INVESTIGATOR II:** (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Working knowledge of:** the scope and purpose of program laws, rules and regulations on a State, federal or national level; accounting practices of various types of program related areas; corporate law governing ownership and conflict of interest. **Ability to:** conduct independent investigations and audits with minimal supervision; make independent judgments and recommendations; plan and organize workload; develop cooperative working relationships with State, federal and local agencies; *and all knowledge, skills and abilities required at the lower level.*

**COMPLIANCE/AUDIT INVESTIGATOR I**

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field; **OR** graduation from high school or equivalent education and two years of experience in an auditing or program-related position equivalent to an Administrative Assistant III or Accounting Assistant III in Nevada State service which required the application of state and/or federal laws, policy and procedures; reviewing documents prepared by others for program compliance determinations; preparing reports which summarize financial and statistical information; or maintaining financial records related to revenues and expenses, grants, budgets, purchases, and/or accounts; **OR** an equivalent combination of education and experience.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**General knowledge of:** research techniques and application; basic investigative and auditing techniques. **Ability to:** write concise, logical and grammatically correct reports; speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies; record information quickly and accurately; convey accurate and precise data in a timely manner within established time frames; read and interpret statutes related to the program area to determine compliance; speak with individuals of various social, cultural, economic and educational backgrounds; maintain cooperative working relationships with staff members; work independently and as part of a team; complete required forms and documents.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Working knowledge of:** agency recordkeeping practices to obtain needed information for investigations, auditing, and special projects; the functions of other State agencies to refer complaints to the appropriate jurisdiction; program rules and regulations; State and federal laws pertaining to the program area. **Ability to:** review and analyze complaints for possible program or statutory violations; conduct interviews to obtain needed information; detect falsified records.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.360</u>	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:			11/15/91PC	11/15/91PC
REVISED:		12/10/10PC	12/10/10PC	12/10/10PC
REVISED:	5/06/11PC	5/06/11PC	5/06/11PC	5/06/11PC



STATE OF NEVADA – DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

SERIES CONCEPT

Compliance/Audit Investigators perform investigative and auditing functions to monitor compliance and detect violations of State and/or federal laws or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, or workers' compensation. Investigators allocated to this series do not require P.O.S.T. certification.

Enforcement powers regarding program violations are limited to a specific program area that involve administrative sanctions or penalties imposed by a Hearings Board, State official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other investigative classes by the additional audit function which is performed at least 25% of the time. Audit work is performed in a specialized field which requires an extensive knowledge of State and/or federal laws, program rules and regulations; business operations; corporate structure; financial transactions, terminology and recordkeeping; and detecting falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Receive and review formal complaints; make determinations regarding possible program violations and jurisdiction within the specified program area; gather and analyze background information and facts pertaining to the complaint; make determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conduct interviews with complainant, witnesses, employers, State and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to the case to prove a violation or criminal intent exists.

Prepare required forms and notices; deliver to appropriate party regarding complaint and/or alleged violations following department policy and procedure; respond, review and discuss with complainant and respondent.

Develop case files and maintain case logs and reports; place evidence in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources; preserve and utilize evidence to develop final case reports and/or for future litigation.

Gather and review evidence such as business and financial records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint; serve subpoenas or other legal documents as required.

Conduct audits on a periodic basis by randomly selecting individual firms or business and reviewing business transactions for completeness, accuracy, and compliance with State and/or federal laws and regulations; evaluate internal procedures, operating methods, fiscal controls, and verify validity of financial statements and records; explain provisions and application of State and/or federal guidelines and discuss assessments, audit findings and recommendations.

<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

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**SERIES CONCEPT (cont'd)**

Prepare required forms and notices and send to appropriate parties regarding complaint and alleged violations; review and discuss responses with supervisor and/or Attorney General.

Conduct research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies; plan and coordinate investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepare investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, and exhibits of evidence, statements obtained from witnesses, conclusions and recommendations; review and submit reports for hearing or prosecution, and to impose fines and penalties; appear before the governing body or in a court of law to provide testimony as required.

Perform related duties as assigned.

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**CLASS CONCEPTS**

**Compliance/Audit Investigator III:** Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This level in the class series is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format, and to ensure policy and procedure is followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.

**Compliance/Audit Investigator II:** Under general supervision, incumbents perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices. This is the journey level in the series.

**Compliance/Audit Investigator I:** Under close supervision, incumbents receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, regulations policies and procedures associated with the assigned program area. Incumbents perform all or part of the duties described in the series concept.

This is the entry level class which provides for progression to the next level in the series upon meeting the minimum qualifications, satisfactory performance and with the recommendation of the appointing authority.

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COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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### MINIMUM QUALIFICATIONS

#### SPECIAL REQUIREMENTS:

- \* Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in this class, in these positions, must first submit to a pre-employment screening test for controlled substances.
- \* Some positions may be required to submit to a background investigation.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.

#### COMPLIANCE/AUDIT INVESTIGATOR III:

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business administration, business management, accounting or related field and two years of professional experience in an investigative, auditing or professional program-related position which required the application of State and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy, and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and four years of professional experience in an investigative, auditing or professional program-related capacity which required the application of State and/or federal laws, policy and procedure; in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy, and procedure or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** one year of experience as a Compliance/Audit Investigator II in Nevada State service. (*See Special Requirements*)

#### **ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**

**Working knowledge of:** civil law and related criminal law to enforce program regulations as well as to ensure State and federal compliance; methods and practices of effective investigations and what constitutes legal evidence; recordkeeping practices to obtain and store needed investigative reports and documents; computer usage and program-related terminology to access and input required data. **Ability to:** prioritize numerous assignments and make needed adjustments; work independently with minimal supervision; maintain equanimity in the face of resistance, indifference and hostility; resolve complaints from consumers, business representatives and other State and local agencies; delegate responsibility.

#### **FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):**

**Detailed knowledge of:** complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records; corporate structure and business operations; policy and procedure related to conducting business as it relates to the program area. **Working knowledge of:** program laws and regulations at the State, federal and/or national level. **Ability to:** plan and direct the activities of subordinates regarding investigative and auditing functions; present meaningful solutions toward improvement and/or resolution of operational procedures; gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work; effectively present complicated and technical information to management, employees and public officials; *and all the knowledge, skills and abilities required of the lower levels.*

#### COMPLIANCE/AUDIT INVESTIGATOR II

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university business administration, business management, accounting or related field and one year of professional experience in an investigative, auditing or professional program-related position which required the application of State and federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent

<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

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### MINIMUM QUALIFICATIONS (cont'd)

education and three years of professional experience in an investigative, auditing or professional program-related position which required the application of State and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy, and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** one year of experience as a Compliance/Audit Investigator I in Nevada State service. *(See Special Requirements)*

#### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** general accounting procedures and rules; business practices and procedures; investigative principles and practices; office procedures, methods and equipment. **Ability to:** analyze statutes, rules, and regulations and apply to investigative or audit findings; make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area; read and interpret contracts and legal documents in relation to the program area; review and analyze information received from business, complainant and governmental agencies; conduct interviews both in person and by phone to ascertain factual information; mediate and negotiate resolution between contending parties.

#### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** the scope and purpose of program laws, rules and regulations on a State, federal or national level; accounting practices of various types of program related areas; corporate law governing ownership and conflict of interest. **Ability to:** conduct independent investigations and audits with minimal supervision; make independent judgments and recommendations; plan and organize workload; develop cooperative working relationships with State, federal and local agencies; *and all other knowledge, skills and abilities required at the lower level.*

### COMPLIANCE/AUDIT INVESTIGATOR I

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business administration, business management, accounting or related field; **OR** graduation from high school or equivalent education and two years of paraprofessional experience in an auditing or program-related position which required the application of State and/or federal laws, policy and procedure; making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience.

#### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**General knowledge of:** research techniques and application. **Working knowledge of:** basic investigative and auditing techniques. **Ability to:** write concise, logical and grammatically correct reports; speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies; record information quickly and accurately; convey accurate and precise data in a timely manner within established time frames; read and interpret statutes related to the program area to determine compliance; speak with individuals of various social, cultural, economic and educational backgrounds; maintain cooperative working relationships with staff members; work independently and as part of a team; complete required forms and documents.

#### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** agency recordkeeping practices to obtain needed information for investigations, auditing, and special projects; the functions of other state agencies to refer complaints to the appropriate jurisdiction. **General knowledge of:** program rules and regulations; State and federal laws pertaining to the program area. **Ability to:** review and analyze complaints for possible program or statutory violations; conduct interviews to obtain needed information; detect falsified records.



**COMPLIANCE/AUDIT INVESTIGATOR III**  
**COMPLIANCE/AUDIT INVESTIGATOR II**  
**COMPLIANCE/AUDIT INVESTIGATOR I**

<b>35</b>	<b>B</b>	<b>11.363</b>
<b>33</b>	<b>B</b>	<b>11.365</b>
<b>30</b>	<b>B</b>	<b>11.366</b>

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This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:		11/15/91PC	11/15/91PC
REVISED:	12/10/10PC	12/10/10PC	12/10/10PC

HOME



Home

# State of Nevada Department of Personnel

*Serving the citizens of Nevada with a qualified workforce*



## Class Specification

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

### SERIES CONCEPT

This class series encompasses investigative positions that perform investigative and auditing functions to monitor compliance and detect violations of state and/or federal laws, rules, or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, or worker's compensation. The investigative process is initiated following a formal complaint, suspected or confirmed violation utilizing standard investigative techniques. The audit process is a regulatory function utilized to ensure ongoing compliance with state and/or federal regulations and guidelines.

Receives and reviews formal complaints and makes determinations regarding possible program violations and jurisdiction within specified program area. Gathers and analyzes background information and facts pertaining to the complaint. Makes determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conducts interviews with complainant, witnesses, employers, state and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to case to prove a violation or criminal intent exists.

Prepares required forms and notices and delivers to appropriate party regarding complaint and/or alleged violations following department policy and procedure. Responses are reviewed and discussed with complainant and respondent.

Develops case file and maintains case logs and reports. Evidence is placed in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources. Evidence is preserved and utilized to develop final case reports and may be used for future litigation.

Gathers and reviews evidence such as business records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint. May serve subpoenas or other legal documents and participate in the execution of search warrants to obtain evidence and expedite case.

Conducts audits on a periodic basis by randomly selecting individual firms or business and reviewing

business transactions for completeness, accuracy, and compliance with state and federal laws, rules and regulations. Evaluates internal procedures, operating methods, fiscal controls, and verifies validity of financial statements and records. Explains provisions and application of state and federal guidelines and discusses assessments, audit findings and recommendations.

Prepares required forms and notices and sends to appropriate parties regarding complaint and alleged violations. Responses are reviewed and discussed with supervisor and/or Attorney General.

Conducts research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies. Plans and coordinates investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepares investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, exhibits of evidence, statements obtained from witnesses, conclusions and recommendations. Reports are reviewed and submitted for hearing or prosecution, and to impose fines and penalties. The investigator may appear before the governing body or in a court of law to provide testimony.

**DISTINGUISHING CHARACTERISTICS:**

Enforcement powers regarding program violations are limited to a specific program area that involve administrative sanctions or penalties imposed by a Hearings Board, state official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other Investigative classes by the additional audit function which is performed as a separate duty area encompassing at least 25% of the investigative responsibility. Audit work is performed in a specialized field which requires an extensive knowledge of federal and state laws, program rules and regulations, business operations, corporate structure, financial transactions, terminology and record keeping to detect falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Investigators allocated to this series do not require P.O.S.T. certification.

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**CLASS CONCEPTS**

**COMPLIANCE/AUDIT INVESTIGATOR III:**

Performs the full range of duties in the series concept, in addition, under limited direction of the Chief Investigator, Program Administrator or designee, acts as a lead worker on a regular reoccurring basis and performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Requires an extensive knowledge of state and federal laws, case law, program regulations, industry standards, concepts and practices to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This is the lead worker/advanced journey level in the class series and is distinguished from the lower level investigators by making determinations on the level and intent of investigations, and acting as a

leadworker by providing training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. May review final investigative or audit reports for accuracy, clarity, format, and to insure policy and procedure is followed. May provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

The Investigator III's utilize their extensive knowledge of industry standards and case history to recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.

**COMPLIANCE/AUDIT INVESTIGATOR II:**

This is the journey level in the class series. Positions in this class are required to perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices under general supervision of the Chief or level III Investigator.

**COMPLIANCE/AUDIT INVESTIGATOR I:**

Incumbents in this class receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, rules, policies and procedures associated with the program area. Incumbents perform all or part of the duties described in the series concept under direct supervision.

This is the entry level trainee class which provides for progression to the next higher level in the series upon meeting the minimum qualifications for the higher class and with the recommendation of the appointing authority.

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**MINIMUM QUALIFICATIONS**

**COMPLIANCE/AUDIT INVESTIGATOR III**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field and two years experience in an investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure in making program compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions or penalties; changes in management practices, policy, and procedure or recommending criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

II

High school graduation and four years experience as outlined in option I; OR

III

Two years as a Compliance/Audit Investigator I in Nevada state service; OR

IV

An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES:** (These may be acquired on the job and/or needed to perform the work assigned.)

Knowledge of supervisory principles and practices. Extensive knowledge of program laws, regulations and rules at the state, federal and/or national level. Knowledge of complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records. Knowledge of corporate structure and business operations. Knowledge of policy and procedure as it relates to conducting business as it relates to the program area.

Ability to plan and direct the activities of subordinates regarding investigative and auditing functions. Ability to summarize complicated factual data and present recommendations clearly. Ability to present meaningful solutions toward improvement and/or resolution of operational procedures. Ability to gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work. Ability to effectively present complicated and technical information to management, employees and public officials.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Knowledge of civil law and related criminal law to enforce program regulations as well as to ensure state and federal compliance through knowledge of the methods and practices of effective investigations and what constitutes legal evidence. Knowledge of where to go within the organization for needed information. Knowledge of record keeping practices to obtain and store needed investigative reports and documents. Knowledge of computer usage and program related terminology to access and input required data.

Ability to prioritize numerous assignments and make needed adjustments. Ability to work independently with minimal supervision. Ability to maintain equanimity in the face of resistance, indifference and hostility. Ability to handle and resolve complaints from consumers, business representatives and other state and local agencies. Ability to delegate responsibility.

In addition, all the knowledge, skills and abilities required of the lower levels of this series.

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**COMPLIANCE/AUDIT INVESTIGATOR II**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field and one year of investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure in making program

compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions or penalties, changes in management practices, policy and procedure, or recommending criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

II

High school graduation and three years of experience as outlined in option I; OR

III

One year as a Compliance/Audit Investigator I in Nevada State service.

IV

An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

Condition of Employment: Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in this class, in these positions, must first submit to a pre-employment screening test for controlled substances.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES:** (These may be acquired on the job and/or needed to perform the work assigned.)

Knowledge of the scope and purpose of program laws, rules and regulations on a state, federal or national level. Knowledge of accounting practices of various types of program related areas. General knowledge of corporate law governing ownership and conflict of interest.

Ability to conduct independent investigations and audits with minimal supervision. Ability to make independent judgments and recommendations. Ability to plan and organize workload. Ability to develop cooperative working relationship with state, federal and local agencies.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Knowledge of general accounting procedures and rules. Knowledge of business practices and procedures. Knowledge of investigative principles and practices. Knowledge of rules of evidence and the rights of citizens. Knowledge of office procedures, methods and equipment.

Ability to analyze statutes, rules, regulations and apply to investigative or audit findings. Ability to make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area. Ability to read and interpret contracts and legal documents in relation to the program area. Ability to work as part of a team. Ability to review and analyze information received from business, complainant and governmental agencies. Ability to conduct interviews both in person and by phone to ascertain factual information. Ability to mediate and negotiate resolution between contending parties.

In addition, all other knowledge, skills and abilities required at the lower level of this series.

**COMPLIANCE/AUDIT INVESTIGATOR I**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field; OR

**II**

High school graduation and two years of investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure, in making program compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions, penalties, changes in management practices, policy and procedure, or to recommend criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

**III**

An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

Condition of Employment: Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in this class, in these positions, must first submit to a pre-employment screening test for controlled substances.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES:** (These may be acquired on the job and/or needed to perform the work assigned.)

General knowledge of program rules and regulations. General knowledge of state and federal laws pertaining to the program area. Knowledge of agency record keeping practices to obtain needed information for investigations, auditing, and special projects. Knowledge of the functions of other state agencies to refer complaints to the appropriate jurisdiction.

Ability to maintain cooperative working relationships with staff members. Ability to discuss and explain program rules and regulations to persons of various backgrounds. Ability to work independently. Ability to work as part of a team. Ability to complete required forms and documents. Ability to review and analyze complaints for possible program or statutory violations. Ability to conduct interviews to obtain needed information. Ability to detect falsified records.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

General knowledge of research techniques and application. Basic knowledge of the theories of criminal behavior and psychology. Knowledge of basic investigative and auditing techniques.

Ability to write concise, logical and grammatically correct reports. Ability to speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies. Ability to record information quickly and accurately. Ability to convey accurate and precise data in a timely manner within established time frames. Ability to read and interpret statutes related to program area to determine compliance. Ability to speak with individuals of various social, cultural, economic and educational backgrounds.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:		11/15/91PC	11/15/91PC

**HOME SITEMAP**  
This page is Bobby Approved  
Federal Rehabilitation Act (Section 504)  
Last Updated: 01/27/05 01:00:37 PM  
Webmaster





**STATE OF NEVADA**  
**Department of Administration**  
**Division of Human Resource Management**

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**CLASS SPECIFICATION**

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
AUDIT MANAGER	38	B	7.139
AUDIT SUPERVISOR	37	B	7.145
AUDITOR III	36	B	7.148
AUDITOR II	34	B	7.154
AUDITOR I	32	B	7.161

**SERIES CONCEPT**

Auditors conduct audits on financial and/or tax accounts, records, activities, operations and/or internal controls of individuals, business organizations, state agencies or other government jurisdictions subject to State taxation or regulation to ensure compliance with State and Federal rules and regulations and legal requirements and/or proper safeguarding of agency funds.

Research the past audit history of individuals, organizations or agencies and develop and/or perform audit steps as defined in an approved audit program.

Review financial and/or tax accounts and records, examine narrative and flowchart documentation and interview personnel involved to determine compliance with a specific set of governing laws, rules, regulations, policies, procedures, agreements and contracts; investigate past activities and practices of the individual or organization by examining business records which may have to be obtained from a variety of sources.

Conduct audits in accordance with generally accepted government auditing standards, generally accepted auditing standard, and/or standards for the professional practice of internal auditing as adopted by the work unit.

Document all findings and prepare work papers and reports that summarize audit findings and recommendations regarding adequacy of controls, operational procedures and/or determination of financial adjustments/deficiencies; improve and modify controls and procedures in order to standardize systems and/or practices, to strengthen the integrity of the system and to ensure compliance with applicable regulations and policies.

Conduct entrance and exit interviews with individuals, organization representatives or agency division heads to explain the purpose and scope of the audit, to discuss findings, verify facts and answer questions regarding the audit.

Monitor the progress of implementation and the ongoing adherence to procedures and policies established as a result of audit findings.

Conduct special investigations and specific audits in areas determined to be "at risk" by the supervisor; investigate suspected instances of fraudulent activity conducted by either employees, contractors and/or vendors as necessary.

Prepare reports, conduct research, and develop case files for maintaining evidence in each case; develop final departmental administrative determinations; preserve evidence for future litigation.

May represent evidence before state governing bodies and/or provide testimony in a court of law in defense of the departmental administrative determinations.

Effect the collection of delinquent contributions including recommending possible legal action against delinquent entities; prepare and serve legal documents on tax assessments to organizations and individuals; may serve legal documents to execute on judgment liens and may instruct law enforcement to seize assets.

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### SERIES CONCEPT (cont'd)

Perform related duties as assigned.

\*\*\*\*\*

### CLASS CONCEPTS

**AUDIT MANAGER:** Under general direction, incumbents must have in-depth knowledge of the full range of duties described in the series concept and are responsible for the development, implementation and review of audit plans, programs, work papers, and reports; assist management in the development of rules, regulations, policies and procedures for the work unit; and may assist management in the development of the work unit's budget. Incumbents must supervise a staff consisting of one or more Audit Supervisors or have responsibility for managing an audit unit of lower level Auditor III and/or Auditor II positions. Supervision includes performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline. Work is assigned through adherence to an approved annual audit plan coordinated with agency goals and objectives and is reviewed through goal attainment and as unusual circumstances occur.

**AUDIT SUPERVISOR:** Under general direction, incumbents either:

- 1) Act as a Regional Audit Manager in the Employment Security Division of the Department of Employment, Training and Rehabilitation; or
- 2) Within the Department of Taxation, act as a supervisor over at least four lower level Auditors to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline. In addition to being knowledgeable of and able to perform the full range of duties described in the series concept, incumbents are responsible for the review of all completed audits in their unit; serve as the first level of review in resolving appealed determinations and represent cases before the hearing officer as required; determine audit inventory and select accounts to be audited; and develop and deliver public training workshops. Positions assigned to this level in the series are distinguished from the Auditor III based upon the technical complexity involved in work assignments, broader and more varied audit types, a more in-depth and specialized knowledge required to perform these duties and the number of positions supervised.

**AUDITOR III:** Under limited supervision, incumbents are expected to perform the full range of duties described in the series concept and either:

- 1) Supervise a staff of lower level auditors to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline; and conduct the most difficult audits which are sensitive or highly complex in nature as defined by each agency. Incumbents assign and review work for technical accuracy and provide guidance and assistance as needed; or
- 2) Perform internal audits the preponderance of the time as a permanent assignment. Internal auditing is defined as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations through evaluation of systems and processes. Auditing activities go beyond document review and are aimed at mitigating risks; ensuring effective and efficient operations; ensuring reliability and integrity of financial and operational information; safeguarding of assets; and compliance, by the employing agency, with laws, rules, regulations and established policies and procedures.

**AUDITOR II:** Under general supervision, incumbents perform the full range of duties described in the series concept and perform audits of both a routine and complex nature. Work is assigned through adherence to an approved annual audit plan coordinated with agency goals and objectives and is reviewed and evaluated for technical accuracy to existing audit standards. Incumbents assist in training less experienced or lower level auditors. This is the journey level in the series.

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**CLASS CONCEPTS (cont'd)**

**AUDITOR I:** Under general supervision, incumbents learn to perform the duties described in the series concept in a training capacity or may be permanently allocated at the sub-journey level performing the most basic auditing assignments as determined by the agency. Work is assigned through specific instructions and is reviewed for technical accuracy to existing audit standards. Incumbents assist higher level auditors in conducting audits of a routine nature. This class represents the trainee level and may provide for progression to the next level in the series upon meeting the minimum qualifications, satisfactory performance and with the approval of the appointing authority.

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**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENT:**

- \* Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions, must submit to pre-employment screening for controlled substances.
- \* A valid driver's license or evidence of equivalent mobility is required at the time of appointment and as a condition of continuing employment.

**INFORMATIONAL NOTE:**

- \* Applicants must attach a copy of their college or university transcripts indicating successful completion of required credits in accounting and/or auditing.

**AUDIT MANAGER**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university, which included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, and four years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; **OR** graduation from high school or an equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, and six years of professional experience as described above; **OR** one year of experience as an Audit Supervisor in Nevada State service; **OR** two years of experience as an Auditor III in Nevada State service which includes an additional 3 college credits in intermediate accounting and/or auditing; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing. (See Special Requirements and Informational Note)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**  
**Detailed knowledge of:** audit procedures to sufficiently review complex audits. **Working knowledge of:** supervisory techniques including selection, modification, training, work assignment and review, employee evaluation, setting work performance standards and discipline. **Ability to:** evaluate audit reports against a set of established standards to arrive at a final determination; control and direct multiple audit operations of an assigned unit; develop and implement policies, procedures, standards, rules and regulations; assess the operational impact of legislation or audit recommendations; make independent decisions regarding audit findings and corrective recommendations; provide technical advisement to management, lower level staff and the general public; develop appropriate methodologies to meet objectives; comply with professional standards of conduct. **Skill in:** written English sufficient to review, edit, and enhance formal determination letters regarding non-compliance with applicable regulations and laws; motivating others to effective action; collection and presentation of evidence in

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### MINIMUM QUALIFICATIONS (cont'd)

#### AUDIT MANAGER (cont'd)

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (cont'd)

audit findings to present at hearings; delegating work to others to effectively accomplish goals and objectives within prescribed time frames; and all knowledge, skills and abilities at the lower levels.

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** goals and objectives of the Department and work unit.

#### AUDIT SUPERVISOR

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university, which included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, and three years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; **OR** graduation from high school or equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing, and five years of professional experience as described above; **OR** one year of experience as an Auditor III in Nevada State service which includes an additional 3 college credits in intermediate accounting and/or auditing; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing and 6 college credits in intermediate accounting and/or auditing. (*See Special Requirements and Informational Note*)

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Detailed knowledge of:** Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance. **Working knowledge of:** administrative law procedures for an administrative hearing, as well as the collection and presentation of evidence at administrative hearings; audit methodology to review and approve audit reports of others. **General knowledge of:** supervisory principles and practices to include performance evaluations, work performance standards, scheduling, work assignment and review, training and discipline. **Ability to:** evaluate complex information against a set of standards; identify professional development needs of others and coach and mentor subordinate staff; use logic to analyze or identify underlying principles, relationships, or facts associated with information to draw logical conclusions; review and/or edit documents for accuracy, completeness and compliance with established laws, regulations and policies; organize audits by type and size to maintain a high level of productivity; apply accounting principles and concepts to audit problems. **Skill in:** written English sufficient to review, edit, and enhance formal determination letters regarding non-compliance with applicable regulations and laws; motivating others to effective action; organizing the activities of others and delegating work to effectively accomplish goals and objectives; determining correct mathematical methods or formulas to solve problems; providing consultation and/or expert advice or testimony; and all knowledge, skills and abilities required at the lower levels.

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Audit Manager)*

#### AUDITOR III

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university, which included 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing, and two years of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; **OR** graduation from high school or

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### MINIMUM QUALIFICATIONS (cont'd)

#### AUDITOR III (cont'd)

##### EDUCATION AND EXPERIENCE (cont'd)

equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing, and four years of professional experience as described above; **OR** one year of experience as an Auditor II in Nevada State service, which includes an additional 3 college credits in intermediate accounting and/or auditing; **OR** an equivalent combination of education and experience as described above which included 6 college credits in beginning accounting and/or auditing and 3 college credits in intermediate accounting and/or auditing. *(See Special Requirements and Informational Note)*

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Detailed Knowledge of:** generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; audit techniques and procedures to effectively conduct audits of both private and government entities; accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis in situations involving a high degree of sensitivity and complexity. **Working knowledge of:** Federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine organizations' compliance; data processing principles and methods of auditing computerized accounting systems; laws, rules, regulations, court decisions and precedents relevant to the area of assignment. **General knowledge of:** administrative law procedures for an administrative hearing, as well as, the collection and presentation of evidence at administrative hearings; audit procedures sufficient to complete complex audits with minimal supervision. **Skill in:** organizing and presenting evidence and documentation; written English sufficient to review, edit and enhance formal determination letters regarding non-compliance with applicable regulations and laws; investigating laws, court cases, hearing officer decisions and/or other relevant research materials; and all knowledge, skills and abilities required at the lower levels.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Audit Supervisor.)*

#### AUDITOR II

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university, which included 6 college credits in beginning accounting and/or auditing, and one year of professional level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; **OR** graduation from high school or equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing and three years of professional experience as described above; **OR** one year of experience as an Auditor I in Nevada State service; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing. *(See Special Requirements and Informational Note)*

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Working knowledge of:** generally accepted accounting principles and audit techniques and procedures; investigative procedures used to establish facts; report writing to delineate audit techniques utilized, facts discovered, and conclusions reached. **General knowledge of:** federal and State rules, regulations, guidelines and statutes governing particular tax or program of responsibility in order to effectively determine an organization's compliance. **Skill in:** reading technical documents such as leases, rental agreements, purchase agreements, bids and financial statements; analyzing financial systems and making corrective recommendations; and all knowledge, skills and abilities required at the lower level.

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### MINIMUM QUALIFICATIONS (cont'd)

#### AUDITOR II (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Auditor III.)*

#### AUDITOR I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university, which included 6 college credits in beginning accounting and/or auditing; **OR** graduation from high school or equivalent education, supplemented by 6 college credits in beginning accounting and/or auditing, and two years of professional or technical level auditing or accounting experience involving analyzing financial information and making recommendations based upon that analysis; **OR** two years of experience as an Accountant Technician I in Nevada State service; **OR** an equivalent combination of education and experience as described above, which must have included 6 college credits in beginning accounting and/or auditing. *(See Special Requirements and Informational Note)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**General knowledge of:** accounting and financial record keeping principles and practices to sufficiently examine and analyze a variety of business records and develop meaningful conclusions based upon that analysis; generally accepted accounting principles to sufficiently evaluate financial information provided by both private and government entities; audit techniques and procedures to effectively conduct audits of both private and government entities. **Ability to:** use word processing, database, spreadsheet and other computer software programs. **Skill in:** basic mathematical computation; written English sufficient to compose reports and business correspondence and to communicate with a variety of people to effectively gather and transmit necessary information.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Auditor II.)*

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

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ESTABLISHED:	9/60	7/1/93P 3/9/93PC	1/1/61	1/1/62	5/18/78
REVISED:				9/1/64	
REVISED:			9/1/65		
REVISED:	4/1/66		5/18/78	5/18/78	10/25/85
REVISED:				2/9/79-3	2/9/79-3
REVISED:	5/18/79-3				
REVISED:	1/24/84		10/25/85	10/25/85	
REVISED:	11/13/87-3				
REVISED:			6/9/89-3	6/9/89-3	6/9/89-3
REVISED:	7/1/93P		7/1/93P	7/1/93P	7/1/93P
REVISED:	3/9/93PC		3/9/93PC	3/9/93PC	3/9/93PC
REVISED:	8/11/95UC	8/11/95UC	8/11/95UC	8/11/95UC	8/11/95UC

**AUDIT MANAGER**  
**AUDIT SUPERVISOR**  
**AUDITOR III**  
**AUDITOR II**  
**AUDITOR I**

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<b>36</b>	<b>B</b>	<b>7.148</b>
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REVISED:	04/11/14PC	04/11/14PC	04/11/14PC	04/11/14PC	04/11/14PC
REVISED:		7/1/15R			
REVISED:	9/30/16PC	11/5/15UC	9/30/16PC	9/30/16PC	9/30/16PC
REVISED:		9/30/16PC			11/17/16UC

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February 14, 2018

Via Facsimile (775) 684-0122

Carrie Lee,  
State of Nevada  
Department of Administration  
Division of Human Resources Management  
209 E. Musser Street, Ste. 101  
Carson City, Nevada 89701

**Re: Appeal of Classification Determination per NRS 284.152(4)**

Appellant's Name/Classification:	James Reynolds, Compliance/ Audit Investigator III
Agency/Division/Bureau/Work Unit:	Agency 902; Agency Org/Budget # 4770; Employment Security Division; Employment, Training & Rehabilitation Department
Personnel Commission Meeting Date:	March 2, 2018 at 9:00 a.m.
Appellant	

Dear Ms. Lee,

This position statement is being submitted on behalf of the Appellant, James Reynolds, in support of his request to be reclassified from a Compliance/Audit Investigator III, grade 35 to a Chief Compliance/Audit Investigator, grade 37 pursuant to NAC 284.126(b).

Mr. Reynolds filed a grievance on or about January 13, 2015 because he was assigned and performed supervisory duties and responsibilities, which were outside the scope of his class as a Compliance/Audit Investigator III, grade 35 between 2012 and 2015. The supervisory duties and responsibilities he performed fell within the scope of the Chief Compliance/Audit Investigator, grade 37. Edgar Roberts, Chief of Contributions, responded to the grievance during Step 1 and conceded on page 3 of his response dated February 10, 2015 that Mr. Reynolds was working outside the scope of his class during the relevant period, but stated that he would be back in class compliance after Mr. Roberts' recommendations were incorporated. (See Appellant's Exhibit "2" on p. 3 at paragraph 4). Further, Mr. Roberts suggested that for the three years, Mr. Reynolds was temporarily assigned all claims statewide for Southern and Northern Nevada because the Reno Supervising Auditor position was vacant or in



training and/or testing for that period. (See Appellant's Exhibit "2" on p. 2 at paragraph 1).

In addition, Mr. Roberts represented that things would change after the new UInv system was implemented and running, but that the work performance standards and desk instructions would need to be revised to remove the supervisory duties, which included but were not limited to performing evaluations, imposing discipline, and scheduling. (See Appellant's Exhibit "2" on p. 2 at paragraph 1 and 2 and Appellant's Exhibit "11"). Mr. Roberts stated that Mr. Reynolds should continue to assume the statewide duties until Northern Nevada was fully staffed, meaning until they hired, trained, and retained a Supervising Auditor for Northern Nevada. (See Appellant's Exhibit "2" on p. 2 at paragraph 2).

During Step 2 of the Grievance Process, the acting ESD Deputy Administrator, Jeffrey Frischmann, acknowledged that Mr. Reynolds had been working out of class as the tasks and responsibilities assigned between 2009 and 2015 were supervisory in nature and went beyond the concept of a team lead. (See Appellant's Exhibit "1" on p. 4 at paragraph 5). Mr. Frischmann also noted that new work performance standards, which were provided to Mr. Reynolds. However, Mr. Reynolds did not sign off on the new standards because he did not want to waive any rights relating to his pending grievance. (See Appellant's Exhibit "1" on p. 4 at paragraph 5 and Appellant's Exhibit "10").

Mr. Frischmann also stated that it was necessary for Mr. Reynolds to continue to assign claims statewide and that he would continue to be required to do so because UI was a statewide program. (See Appellant's Exhibit "1" on p. 4 at paragraph 6). During Step 3 of the Grievance Process, it was acknowledged again that Mr. Reynolds had legitimate concerns about working out of class based on his duties. (See Appellant's Exhibit "1" at p. 6).

At every Step of the grievance process, the representatives for the State of Nevada conceded that Mr. Reynolds was performing supervisory duties and responsibilities that fell outside of his class, were beyond the duties and responsibilities of a team lead, and fell within the scope of the Chief Compliance/Audit Investigator, grade 37. They conceded that Mr. Reynolds should have been compensated for performing duties and responsibilities within the scope of the Chief Compliance/Audit Investigator, grade 37, but claimed it was not possible to do so. The representatives stated that the supervisory duties and duties and responsibilities outside Mr. Reynolds' class would need to be removed from Mr. Reynolds work performance standards going forward. However that did not happen.

In addition, Mr. Reynolds has been required to continue to perform duties statewide and to provide supervisory duties from February 10, 2015 to November 6, 2017. (See Chart at Appellant's Exhibit "12" which contains a summary for Exhibits "22" through "42" and Appellant's Exhibits "22" through "41"). On January 30, 2017, Mr. Reynolds was assigned to supervise and review work performed by a new investigator, Nancy Magallon, who is an Investigator III in Northern Nevada, which satisfies NAC 284.206(3)(c) because they are in the same class. (See Appellant's Exhibit "36"). As of November 6, 2017, Mr. Reynolds was still assigning claims statewide, but Ms. Roebuck, the Audit Supervisor in Carson City, began to review/approve claims for Northern Nevada. (See Appellant's Exhibit "42").

It appears as though there has been a significant oversight with respect to this matter. The determination appears to be based upon changes made by the State after Mr. Reynolds filed his grievance on or about January 13, 2015 in an effort to remedy the situation, rather than the facts that existed at the time the grievance was filed. The State's representatives conceded at Step 1, Step 2, and Step 3 that there was a significant change in the duties and responsibilities assigned to Mr. Reynolds for the three years preceding the filing of his grievance because he was performing evaluations, imposing discipline, scheduling, and supervising subordinate investigators statewide, as well as employees with his same classification and/or higher classifications, which was outside of the scope of his class and the class specification for the Compliance/Audit Investigator III, grade 35. These duties were not part of the scope of responsibility for his position, but fell within scope of the Chief Compliance/Audit Investigator, grade 37, which was conceded during the Steps; and at that time resulted in the preponderance of duties and responsibilities being allocated to his position as a Compliance/Audit Investigator III, grade 35.

It appears from the determination and subsequent correspondence regarding the determination that Mr. Reynolds' grievance was narrowly reviewed to fit within his current class specification and/or based on facts that existed after the State implemented remedial actions in response to Mr. Reynolds' grievance. (See Appellant's Exhibits at "4" through "9"). At the time the grievance was filed, Mr. Reynolds did meet the requirements under NAC 284.206(2)(a) because he was performing essentially all the duties and responsibilities of a Chief Compliance/Audit Investigator. He did administer investigative activities on a statewide basis by assigning investigative activities in Southern and Northern Nevada; reviewed and evaluated efficiency and compliance with policy and procedures; supervised a staff of subordinate Compliance/Audit Investigators; worked with the Program Administrator and agency heads, oversaw the training of staff based on the needs in the area of investigations; prepared and approved work schedules, assigned cases based on assessed needs, maintained reporting procedures and reviewed status reports to determine whether objectives were met and that there was compliance with applicable laws. (See Appellant's Exhibits "11" through "42" and "44").

To the extent that the determination was based on the desk audit, it should not have been considered. (See Appellant's Exhibits "5" & "6"). The desk audit was performed after the grievance was filed, after the State instituted remedial measures to remove the duties that fell outside of Mr. Reynolds' classification, and after his work standards had been revised. As such, it only suggests that the State took subsequent remedial measures so that Mr. Reynolds would no longer appear to be working outside the scope of his class as a Compliance/Audit Investigator III, which should not have been considered. Therefore, the desk audit should not have been relied upon for purposes of the determination because it reflects the State's subsequent remedial measures, rather than the facts that existed at the time the grievance was filed.

Throughout the last five years, Mr. Reynolds was required to perform supervisory duties from 2009 to November 2017, which is permanent not temporary. (See Appellant's Exhibits "11" through "42"). Mr. Reynolds was required to train and/or supervise six (6) different people who were hired to be the Audit Supervisor, grade 37, for Northern Nevada. The Audit Supervisor, grade 37, is outside of Mr. Reynolds' class specification and at a higher grade than Mr. Reynolds' classification of the Compliance/Audit Investigator III, grade 35, which satisfies NAC 284.206(3)(c). (See Appellant's Exhibit "41"). The Audit Supervisors were later reassigned to other departments or quit.

Therefore, based upon the foregoing, Mr. Reynolds should be re-classified as a Chief Compliance/Audit Investigator, grade 37 with a pay rate that is commensurate with his current pay and it should be applied retroactively from January 13, 2015 forward.

If you have any questions do not hesitate to contact me.

Very truly yours,

LAW OFFICE OF DANIEL MARKS



DANIEL MARKS, ESQ.

DM/tz

CC: James Reynolds, III

**EXHIBIT "1"**

State of Nevada - GRIEVANCE

<u>Agency Number</u> 31	<u>Grievant</u> REYNOLDS, JAMES	<u>Status</u> Step 4 Pending
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<u>Grievant Information</u>	
<u>Name</u> EYNOLDS, JAMES	<u>Send Documents to External Rep</u> No
<u>Agency</u> 02	<u>Work Phone</u> 7024860258
<u>Organization</u> -770	<u>Home Phone</u> 7022288283
<u>Location</u> _V0237	<u>Email</u> jireynolds@nvdetr.org
<u>Title</u> COMPLIANCE/AUDIT INVEST 3	

<u>Mailing Address</u>	
<u>Mailing Address</u> 8400 Willowleaf Court Las Vegas, NV 89128 - 8285	
<u>USA</u>	
<u>Contact Number</u> 7023766817	

<u>Grievance Details</u>	
<u>Date</u> 3/2015	<u>Location</u> 2800 E. St. Louis Ave.
<u>Event Time</u> 8:43 AM	<u>Date Aware of Event</u>
<u>Grievant Submission Waiver</u> No	<u>Agency Submission Waiver</u> No

Categories(s)  
**Work Duties, Working Conditions**

Detailed Description  
I began my shift as Compliance/Audit Inv. III at 7:00 AM on the above date. My primary job duty is final review of completed investigations primarily regarding wage credits and independent contractor issues. The first claim I examined that day had a note attached that I had seen before. It was a cut and paste of an e-mail. Since the note questioned the status of an open claim, I felt it was something that should not be listed in notes that are set for public viewing as I feel it discredits the investigator and could be construed as asking if the investigator is doing his job. Since my shift starts earlier than my supervisors (Arturo Martinez--Supervising Auditor I) I waited for his arrival to discuss my concerns. He agreed with my concerns and instructed me to e-mail his supervisor (Melanie Maguire--Supervising Auditor II) and to cc him on said e-mail. Please see attachment labeled #1. I received a response at 9:48 a.m. See attachment labeled #2. It began by assuming I did not discuss this with my supervisor and promptly addressed the chain of command. Everything was written in bold letters basically attacking my work ethic and me personally. You can read for yourself the total e-mail since I have limited space. Ironically, at 10:42 a.m. I received a response agreeing with my concern about the note. Please see item labeled #3. However, my other main concern about people with classifications at level 30 checking the work of or instructing investigators who are at level 33 was not received at all well. At this point my supervisor intervened on my behalf sending another e-mail basically telling his supervisor that her position on my original e-mail left open questions which were never discussed. Please see items labeled #4. In addition I decided to review the class specifications for Contribution Examiner II's at level 30. Nowhere does it describe their job duties as to check and or instruct the work of others with higher classification levels. Please see item labeled number #5. The last 2 items that I am attaching labeled #6 are my own work performance standards and my latest evaluation. It should be noted that I have exceeded said standards 4 consecutive years and that Melanie Maguire's personal assessment of me and or my performance is incorrect. Part 2 of this grievance has to do with my own classification at level 35. It appears as if the state has taken several aspects of the Chief Investigator's job and combined them into my work level. For instance I have been doing work on a statewide basis at some level for the better part of 3 years. I direct the investigative activities of 9 subordinate investigators and have direct supervision of said 9. In addition I am responsible for their training needs and personal evaluations. I am also tasked with making sure the office is properly staffed. This is a brief synopsis of duties that I currently perform all listed under Chief Investigator. None of these issues are listed under Compliance/Audit Investigator III. Please see item listed #7. The last item attached labeled #8 is a copy of State ID listing me as Chief Investigator.

NRS or NAC Sections

Proposed Resolution

To resolve the current situation, I request a stop to the practice of subordinate level personnel checking the work and or instructing higher level personnel. Since I currently operate between 2 computer systems, I request written policies and procedures with regard to the relationship between my unit and the wage request unit. Please be advised that I ask for both since I have been informed that my unit will be assuming several of their current duties including but not limited to establishing wages, posting levies and sending student correspondence.

In resolving part 2, my own classification question, I ask for a financial settlement for the statewide work I have done and currently still doing. In addition, I ask that I be allowed to continue in my current position pursuant to my work performance standards even though they are somewhat different than what the classification describes. I believe I was hired to do my work for the Las Vegas field audit office, not the entire state.

**Details Attachment**

January13.pdf

**Step 1 Details**

<b>Submitted to</b> ROBERTS, EDGAR	
<b>Submission Due Date</b> 02/11/2015	<b>Submit Date</b> 02/06/2015
<b>Response Due Date</b> 02/23/2015	<b>Response Date</b> 02/18/2015
<b>Action Due Date</b> 03/04/2015	<b>Action Date</b> 03/01/2015
<b>Grievant extension</b> No	<b>Agency extension</b> No

**Response**  
Please see attachment with response.

**NRS or NAC Sections**

**Final Action**  
Calculate to Next Step

**Grievant Comments**  
This is in response to the written reply I received from Edgar Roberts to my original grievance. Please be advised that I find it unsatisfactory.  
The week after I filed the grievance I received a phone call from Edgar Roberts. It was an extremely brief call somewhere in the length of two to four minutes. He basically said he was responding to my written grievance and proceeded to say that no one should receive an email like this. He responded to me that my initial concern was already taken care of (please see email). He glanced over the issue of subordinate classifications checking the work of others with a higher classification. He agreed that this should not be happening with much regularity, and that it too would be taken care of. We both agreed that the work is complex, and that everyone makes mistakes. The last issue of misclassification was discussed the least. He seemed to indicate that he probably would not be able to help me much from the position that he was in. The call ended with him saying he would "write it up".  
The parts of the grievance that I find more serious, I do not believe got enough attention. The scope of the e-mail was glanced over verbally and not really addressed at all in writing. There is no mention of what I feel was a personal attack on me and on my work ethic. Some discussion of bold print to distinguish the response from my original e-mail is a weak excuse to disguise what the true intention was. Perhaps the state agrees, and/or condones this type of behavior. I do not know. I do think about what consequences I would have faced had I treated anyone this way. In addition, there was an e-mail sent by my supervisor (Art Martinez, Supervising Auditor I). It was written in my defense, and directly addressed some of the issues in what I felt was a personal attack on me. As of this writing, this e-mail was never discussed in any way. Is it the state's policy that if we do not talk about it, maybe it will go away? Perhaps the state deemed it "unimportant". Whatever the reason, I feel it deserves attention.  
It should also be mentioned that one of the very issues for which I have been chastised and criticized for in the past, has come full circle. My supervisor informed me on Thursday February 26, 2015, that more than 900+ wage protests would be coming to my unit instead of sitting in the queue of the wage request unit.  
There are a few issues discussed by Edgar that I do not agree with, but I will not discuss his entire response at length. For instance, I believe Edgar makes light of the fact that I actually cleared claims statewide, for a period of time between 2013-2014. In addition, I continued to receive claims for distribution statewide and have been since March 8, 2014. I do not believe this to be a temporary condition.  
I, in no way, stated or inferred that I supervised anyone on statewide basis, so that statement is completely false. I believe the confusion lies in the interpretation of me saying that I did work on a statewide basis, not supervising on a statewide basis.  
I believe Edgar spent an inordinate amount of time discussing the state's short comings regarding staff and the new computer system. Neither of these issues should be put on a single employee as a veiled excuse for questionable behavior.  
I should mention at this time that I am thankful for Edgar's support on the misclassification issue. As of February 23, 2015, I am no longer a functioning supervisor. I am now functioning as a lead worker.

I believe the issue now becomes how I actually arrived at my position with Detr. Please be advised that I thought Edgar would question me on this issue. When he did not, I realized he was not aware of my personal situation. I will now try to provide a better explanation of this situation.

One to state service in July 2007 as a Compliance/Audit Investigator III in the Secretary of State's Office. The position did field inspections of securities broker dealers. There was nothing supervisory in nature in this job. I worked approximately 14 months, when I was informed there was a lay-off due to budget cuts. I believe my last day was around the end of October 2008. At this time, I was instructed to register through the department of personnel for the lay-off list (please see attached NAC 284.630 Layoffs: Reemployment).

Before I was actually put out of work, I received a call from the department of taxation for a position that was lower than my original grade. Since I wanted to continue working, I accepted the position. I worked approximately four months, and was contacted by Detr for a position at my classification and job title.

I interviewed for the position and was told by the previous supervisor that the job was mine if I wanted it. I expressed concerns to him about the supervisory aspects of the position. I told him I had never supervised anyone and I wanted to speak to personnel again about the situation. When I did, I was told that if I did not take the position, I would be removed from the reemployment list and the state's responsibility to me would be complete. Once again, I felt that if I wanted to continue to work I would have to take the position presented to me. In essence, I was forced to take this job and I accepted it officially on February 9, 2009. It should be noted that my current supervisor was one of the original interviewers, but was not present for conversations I had with the previous supervisor.

I also know of at least one other investigator that fell into the same situation as myself, due to the lay-offs. He was offered a job at a lower grade until his current grade became available. As far as I know, he had no supervisory responsibilities and was not forced to accept any. I only mention this because it shows I was treated differently.

I submit that as a member of the reemployment list, that I was a member of protected class of people. These were people that faced the lay-off that were now in line for jobs from a protected list. Therefore, the names on that list were also protected.

I further submit that Edgar's response that there may have been some type of confusion when the positions were somehow combined is a weak excuse for what happened to me. I believe the state knew exactly what it was doing when it combined the positions.

While Edgar states that he cannot answer for the past, I do not expect him to. However, he should be made aware that the harm done to me began on February 9, 2009, when I was forced to take the Detr job, precludes the existence of Memo of 09-10 dated February 17, 2010, that states temporary adjustments to salary and back pay have been suspended and remain so to this day. This has led to seek the advice of counsel to help me in addressing this issue.

In conclusion, I believe that the state, in a reckless attempt to satisfy its responsibility to me as a member of the protected employment list, is culpable and did willfully, negligently, and intentionally force me to take a job that was misclassified from the beginning. As a result, I was forced to take several classes to become a supervisor and spent countless hours in my previous supervisor's office trying to learn the intricacies of the position. That created high levels of anxiety and stress for me. Finally, I am seeking relief for having to do any work on a statewide basis. I do not know of anyone who has work performance standards, outside of some high level classifications, who are deemed with doing work on a statewide basis. While Edgar thinks I should continue in this function, I do not. I have nine subordinate investigators that I deal with on a daily basis and plenty of work in the Las Vegas field audit office. In addition, I am seeking some kind of monetary compensation of either back pay and/or time for quality work that has already been performed. I remain hopeful that amiable solution can be reached as I would

like to settle this issue at this level.

Thank you in advance for reviewing this matter.

Step 1 Response Attachments

Response to grievance filed by Jim Reynolds February 2015.pdf

Step 1 Grievant Attachments

03-01-2015 03:36:47PM.PDF

Step 1 Event Log

Date/Time	User	Event Type	Description
03/01/2015	jreyno8	Grievance Escalated by Grievant	Step 1 Grievant Response Submitted
02/18/2015	erobert1	Grievance Response Submitted	Step 1 Response Submitted
02/06/2015	jreyno8	Grievance Submitted	Submitted at Step 1

Step 2 Details

Submitted to SON, RENEE	
Submission Due Date 03/16/2015	Submit Date 03/01/2015
Response Due Date 04/24/2015	Response Date 04/24/2015

<u>Action Due Date</u> 05/08/2015	<u>Action Date</u> 05/07/2015
<u>Grievant extension</u> No	<u>Agency extension</u> Yes
<u>Response</u> <p>Jeffrey Frischmann, Acting ESD Deputy Administrator, met with James Reynolds, Compliance Investigator III, on March 18, 2015 to discuss the escalation of Grievance #3561. The following is a summation of that meeting.</p> <p>Mr. Frischmann described the Grievance as being two parts, the first addressing the email between Mr. Reynolds and Melanie Maguire and the second addressing Mr. Reynolds concerns that he had been working out of class since accepting the Compliance Investigator III position at DETR in 2009.</p> <p>Regarding the email that was sent to Mr. Reynolds:</p> <p>Both Mr. Reynolds and Mr. Frischmann agreed that the tone of said email was not written in an acceptable professional tone and Mr. Reynolds was assured that steps had been taken to ensure that future emails from Ms. Maguire would be more carefully composed in a professional tone that is expected from all DETR management staff. Mr. Reynolds further acknowledged that the process for handling wage protests had been modified based on his original request and the workflow has improved as a result of Mr. Reynolds suggestion. Mr. Frischmann understood that Mr. Reynolds was satisfied with the actions that had been taken to address the email and was really more concerned at this point with the second part of his grievance.</p> <p>Regarding Mr. Reynolds assertion that he was working out of class and is requesting compensation for the work he performed since 2009:</p> <p>Mr. Reynolds asserts that when he was hired as a Compliance Investigator III in 2009 that he was assigned supervisory responsibilities for as many as 10 employees subsequent to his date of hire. He stated that his responsibilities included coaching of subordinate staff regarding performance and behavior issues, maintaining working personnel files within his assigned unit, approving timesheets and leave requests, being directed to attend supervisory training classes, and responsibilities for completing and administering standardized performance evaluations for employees under his direct control.</p> <p>Review of the Compliance Investigator III class specifications demonstrates that Mr. Reynolds was working out of class as the series concept describes the Investigator III as a team lead. The tasks and responsibilities given to Mr. Reynolds were supervisory in nature and went beyond the concept of a team lead. Mr. Reynolds claim that he was working out of class from 2009 to 2015 has merit. As a result, new work performance standards were created for Mr. Reynolds eliminating his previously held supervisory responsibilities. The new work performance standards were presented to Mr. Reynolds on March 5, 2015 but he has elected not sign and return the wps to his supervisor as of this date.</p> <p>Regarding Mr. Reynolds current duties that include the assignment of statewide claims between the northern and southern UI contributions offices, Mr. Frischmann explained that the Nevada UI Program is a statewide program and it is necessary for both geographical locations to work in partnership to ensure statewide services are delivered in the most efficient and effective way possible. The requirement to complete statewide work is within the requirements of this position.</p> <p>The issue of added compensation for the period of time that Mr. Reynolds was working out of class has been previously discussed with him and he was provided a copy of Memo PERD#09-10 from the Nevada Department of Personnel. Memo PERD#09-10 states that the Emergency Budget Action memo from Governor Jim Gibbons instructs all state agencies to rescind temporary adjustments to salaries pursuant to NAC 284.206. Memo PERD#09-10 still remains in effect, thereby, prohibiting DETR from awarding additional compensation per Mr. Reynolds request.</p> <p>Additionally, Mr. Reynolds indicated to Mr. Frischmann that he has a tremendous amount of respect and loyalty to his current supervisor, Arturo Martinez. Mr. Reynolds indicated that Art is a wonderful supervisor and he could not imagine working for a better supervisor. When asked if Mr. Reynolds felt comfortable taking problems and concerns to Mr. Martinez, he answered affirmatively. When asked why he waited six years to bring forward that he was working out of class, Mr. Reynolds responded that it was not about the money, but rather he was angry about the tone of the email and wanted to bring this issue up as well.</p> <p>In summary:</p> <p>The tone of the email was sub standard and DETR management staff have addressed the issue with the involved parties.</p> <p>Mr. Reynolds is required to work and assign claims regardless of geographical boundaries as the Nevada UI Program is a statewide program.</p> <p>Mr. Reynolds had been working out of class since his date of hire with DETR. On March 5, 2015 he was presented with work performance standards in accordance with the class specification for Compliance Investigator III series and his duties were brought in line with the series concept.</p> <p>Pursuant to Memo PERD#09-10, DETR is not able to address Mr. Reynolds request for additional compensation for the period of time he worked out of class and performed supervisory duties.</p> <p>Conclusion:</p> <p>As demonstrated by Mr. Reynolds performance evaluations and cooperation throughout the grievance process, Jim is a hard working dedicated employee that takes great pride in his work. He is an asset to the DETR family.</p>	
<u>NRS or NAC Sections</u>	
<u>Grievant Action</u>	
<u>Escalate to Next Step</u>	
<u>Comments</u> <p>This is my response to the meeting with Jeffrey Frischmann, acting ESD Deputy Administrator on March 8, 2015 regarding the escalation of Grievance #3561. I find the results unsatisfactory.</p> <p>I would like to thank Jeffrey Frischmann acting on behalf of Renee Olson for his input regarding my grievance. However, I believe we have different points of view regarding different aspects that I would like to address.</p>	



The state seems to want to divide the aspects of my grievance into individual points. However, I see it differently as the entire matter was instigated by unprofessional behavior towards me by Melanie Maguire.

Since I have been told that I have to trust that Melanie Maguire has been dealt with, it is easier said than done when the only tangible action taken in this grievance has been against me. In addition, I have been told that it is policy not to reveal actions taken against someone as a result of a grievance. My only comment in regard to this is that Melanie Maguire knows that there has been action taken against me. Is this how the policy is supposed to work?

I would now like to turn my attention to the point about "working out of class". Since it has already been confirmed on two levels that I was working out of class, I would like to focus more on alternative solutions to the problem. I believe that the state has acted with the same irrational behavior it acted with when I was forced to take this job. At that time I was told to take the job or I would be removed from the reemployment list (a protected class of people). This time, I am removed from an important part of my duties through no fault of my own. This action has created other problems for me. My personal status in the office has been diminished, to the point where it has come to my attention that I am the subject of rumor and innuendo regarding my situation. In addition, and more importantly, if you put no credence in the personal aspect, the work flow in the office has been compromised. Work that I have done routinely for the past 6 years now requires additional approval from my supervisor. This is counterproductive and inefficient. Furthermore, if my supervisor is out of the office, I have to scan and email claims to the north for approval. One of the people, who would be tasked with approving my work, still calls me on occasion to help solve claims. To me, this is plain wrong and once again; this delays the claim process for the people we are supposed to be serving. According to my attorneys, there are ways for me to be restored to my position and I request this to be done.

In addition, I believe the state has a problem with its work performance standards and their relationships to the specs of the position they represent. To elaborate, the specs are written with very broad language, so that they can be interpreted to fit what the state needs. Unfortunately, with many interpretations, I believe the state's version is not always correct. While I do believe that work performance standards can be adjusted to fit a position, I do not believe that the state has free reign to do this without regard to the specs of the position. This has affected me in a couple of different ways. For instance, as far as supervisory duties are concerned, there are 35's (my level) that represent both positions of supervisory and non-supervisory work. This is certainly confusing and I am sure this must be true for other classifications in state service as well. In fact, I have been told on at least one occasion that a lead position is a supervisory position which further adds to the confusion. (Please speak to my supervisor, Art Martinez, Supervising Auditor I, regarding this comment as he was present when it was made.)

The next point I would like to discuss is regarding the state's interpretation of me having to do work on a state-wide basis. That specific language appears under a level 37, yet the state seems intent that at level 35 the language could be interpreted as having to do work on a state-wide basis. My attorney and I totally disagree with this position. In addition, my old work performance standards made no mention, ever, of having to do work on a state-wide basis. This language was recently inserted into new work performance standards that I have not yet signed. At this point in time, I feel that I am being harassed, as at least on six occasions (the last being on May 4, 2015) I have been continually asked to sign the new document. Please be advised that the harassment does not come from my supervisor. In addition, the explanation that I must perform my duties state-wide because the UI program is administered state-wide, I believe is incorrect. As a weak example, I know of no one in welfare responsible for providing services to a claimant in Reno. I believe if the state needs work to be done state-wide, and the classification is incorrect, they should ask the employee instead of providing inaccurate information regarding the circumstances.

The next point I would like to discuss has to do with compensation. As far as compensation is concerned, I believe it is the state's position that this is the most important aspect of the grievance. Nothing could be further from the truth. However, with regard to the memo the state cites (PERD #09-10) I believe this is totally incorrect and would subject the state to undo harm since it did not exist when I was forced to take this job. I would ask that someone please explain to me how a memo that did not exist at the time of my hire can be the state's sole defense in this matter. I look forward to further discussion.

I have no explanation for the questions regarding my supervisor, and was somewhat surprised by them. However, I did answer them to the best of my ability. In addition, the question about why I waited so long to bring forward the issue of working out of class is that I was so angered by the mistreatment I received. Please understand that I have been subjected to the mistreatment over a long period of time and then finally reacted to it. Once again, I believe that Art Martinez should be contacted to discuss this matter further.

In conclusion, the trust issue leaves a lot to be desired when it comes to addressing different aspects of a grievance. Once again, I have to trust that the issue was dealt with when the only tangible action was taken against me. This feels more like retribution for filing the grievance than an attempt to solve it. With regard to the point about work being done on a state-wide basis, I believe that the state continually tries to put square pegs into round holes and vice-versa when it comes to work performance standards and their relationship to the specs to the position that they represent. While I certainly have no proof and am only concerned about myself, I would venture to say that many people in state service are working out of class and are unaware of this fact. Finally, I sincerely appreciate the kind words of Jeffrey Frischmann made on my behalf and look forward to discussing with you all of the issues mentioned so that this grievance can be put to rest. Thank you for your attention to this matter.

## Step 2 Response Attachments

No Attachments

## Step 2 Grievant Attachments

No Attachments

## Step 2 Event Log

Date/Time	User	Event Type	Description
05/07/2015	jreynol8	Grievance Escalated by Grievant	Step 2 Grievant Response Submitted
04/10/2015	rolso1	Grievance Response Submitted	Step 2 Response Submitted
04/10/2015	kbelleni	Response Due Date Extension	Grievance Response Due Date changed from 04/10/2015 to 04/24/2015 Per mutual agreement between James Reynolds and Jeffrey Frischmann, the step 2 response date has been extended to April 24, 2015. -Karen Belleni Personnel Officer III
04/10/2015	kbelleni	Response Due Date Extension	Grievance Response Due Date changed from 03/16/2015 to 04/10/2015 Per mutual agreement between James Reynolds and Acting ESD Deputy Administrator Jeffrey Frischmann, the due date for the step 2 response has been extended to April 10, 2015. -Karen Belleni Personnel Officer III, DETR
03/01/2015	jreynol8	Grievance Submitted	Submitted at Step 2

**Step 3 Details**

<u>Submitted to</u> <b>PEREA, DENNIS</b>	
<u>Submission Due Date</u> <b>05/21/2015</b>	<u>Submit Date</u> <b>05/07/2015</b>
<u>Response Due Date</u> <b>06/19/2015</b>	<u>Response Date</u> <b>06/19/2015</b>
<u>Action Due Date</u> <b>07/06/2015</b>	<u>Action Date</u> <b>07/02/2015</b>
<u>Grievant extension</u> <b>Yes</b>	<u>Agency extension</u> <b>Yes</b>

Response  
Based off of James' initial grievance his duties were evaluated and his concerns of working out of class were deemed legitimate and correct. His duties were realigned to put his duties at the proper level, but this was not satisfactory to James because it had made the workplace less efficient. At this time we are not in a position to increase his pay grade so we must leave the duties as they are. We are still working on the overpay issue that was discovered during the initial grievance investigation and hopefully we can bring that to conclusion in the near future.

NAC Sections

Grievant Action

**Escalate to Next Step**

Grievant Comments  
I do not believe that all issues have been addressed and therefore request a hearing.  
  
I have retained counsel and all future correspondence and communication should be routed through him.  
  
The attorney is Adam C. Anderson of the firm Patti, Sgro & Lewis.  
  
The address is 720 So 7th St., 3rd Floor Lv Nv 89101 & the phone # is (702) 385-9595

**Step 3 Response Attachments**

No Attachments

**Step 3 Grievant Attachments**

No Attachments

**Step 3 Event Log**

Date/Time	User	Event Type	Description
07/02/2015	jreynol8	Grievance Escalated by Grievant	Step 3 Grievant Response Submitted
05/21/2015	dperea	Grievance Response Submitted	Step 3 Response Submitted
05/21/2015	dperea	Response Due Date Extension	Grievance Response Due Date changed from 04/24/2015 to 06/19/2015 Prepare Response
06/18/2015	kbelleni	Response Due Date Extension	Grievance Response Due Date changed from 04/24/2015 to 06/18/2015  Per mutual agreement between James Reynolds and Dennis Perea, the step 3 response due date has been extended to June 18, 2015.  -Karen Belleni Personnel Officer III, DETR
06/04/2015	kbelleni	Response Due Date Extension	Grievance Response Due Date changed from 04/24/2015 to 06/04/2015  Per mutual agreement between James Reynolds and Dennis Perea, the step 3 response due date has been extended to June 4, 2015.  -Karen Belleni Personnel Officer III, DETR
05/21/2015	kbelleni	Response Due Date Extension	Agency extension flag was set in Step 3
05/21/2015	kbelleni	Response Due Date Extension	Grievant extension flag was set in Step 3
05/07/2015	jreynol8	Grievance Submitted	Submitted at Step 3

Step 4 Details	
Submitted to <b>COORDINATOR, EMC</b>	
<u>Submission Due Date</u> <b>07/17/2015</b>	<u>Submit Date</u> <b>07/06/2015</b>
<u>Response Due Date</u> <b>09/08/2015</b>	<u>Response Date</u>
<u>Action Due Date</u>	<u>Action Date</u>
<u>Decision Hearing Schedule Due Date</u> <b>09/08/2015</b>	<u>Hearing Date</u> <b>11/19/2015</b>
<u>Hearing Decision Due Date</u> <b>01/28/2016</b>	<u>In Abyeance</u> <b>No</b>
<u>In Conference</u>	<u>Decision</u> <b>N/A</b>
<u>Description/Comments</u>	
<u>Grievant Action</u> <b>N/A</b>	
<u>Grievant Comments</u>	

Step 4 Attachments
No Attachments

Step 4 Event Log			
Date/Time	User	Event Type	Description
11/19/2015	clee9	Grievance Hearing Date Set	Hearing Date changed from None to 11/19/2015 The Order Scheduling Hearing can be found attached to Grievance #3561 in the NEATS system
07/20/2015	clee9	Miscellaneous	Letter Granting Hearing
07/06/2015	jreynol8	Grievance Submitted	Submitted at Step 4

James Reynolds

**From:** James Reynolds  
**Sent:** Tuesday, January 13, 2015 8:34 AM  
**To:** Melanie Maguire  
**Cc:** Arturo Martinez  
**Subject:** FW: Message from "RNP0026736F2F24"  
**Attachments:** 201501130817.pdf

Good Morning Melanie,

Please see the attached copy of the wage protest screen.

I have a problem with the note of 1/5/15 attached to this claim. It is basically a copy of an e-mail asking for a status check on a wage protest. While I don't have a problem with the status check, I do have a problem with the information being included for public viewing. I believe it makes the investigator look like he's not doing his job. It is counter productive and a morale issue because you continue to allow those with a classification of 28 continue checking the work of those with a 33. In addition, I could mention the length of time it takes for claims to reach my desk but I know you would cite the recent defect that has been discovered and then I would further remind you that this is been going on for well over a year. Please be advised we have never posted anything suggesting something was excessively late. That was always sent directly to you.

In an effort to keep the claims going in a steady flow and to promote a better working environment, I am formally asking you to stop this practice before the issue escalates any further.

Thank You for your prompt attention to this matter.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

-----Original Message-----

**From:** ST\_FA\_Ricoh\_Aficio\_MP\_4002@nvdetr.org [mailto:ST\_FA\_Ricoh\_Aficio\_MP\_4002@nvdetr.org]  
**Sent:** Tuesday, January 13, 2015 8:18 AM  
**To:** James Reynolds  
**Subject:** Message from "RNP0026736F2F24"

This E-mail was sent from "RNP0026736F2F24" (Aficio MP 4002).

Scan Date: 01.13.2015 08:17:51 (-0800)  
Queries to: [ST\\_FA\\_Ricoh\\_Aficio\\_MP\\_4002@nvdetr.org](mailto:ST_FA_Ricoh_Aficio_MP_4002@nvdetr.org)



UJNV Days to Completion.xlsx

Work Order Item Number	Launch Date	Assigned to Date	Days from Launch to Assigned to
4712800	11/20/2014	12/31/2014	-43
4709622	11/19/2014	1/6/2015	-49
4698679	11/13/2014	12/17/2015	-34
4716119	11/22/2014	1/8/2015	-47
4701271	11/16/2014	12/23/2014	-37
4712263	11/20/2014	1/6/2015	-48
4708815	11/19/2014	1/6/2015	-49
4706740	11/18/2014	12/31/2015	-45
4750120	12/10/2014	1/8/2015	-29
4704768	11/18/2014	12/30/2014	-45
4703111	11/17/2014	12/30/2014	-46
4718117	11/24/2014	12/29/2014	-35
4709206	11/19/2014	12/16/2014	-28
4707973	11/19/2014	12/30/2014	-44
4705050	11/18/2014	12/30/2014	-45
4735982	12/3/2014	12/17/2014	-14
4706978	11/18/2014	12/30/2014	-45
4755162	12/12/2014	12/29/2014	-24
4770777	12/21/2014	12/30/2014	-15
4703814	11/17/2014	12/29/2014	-46
470129	11/16/2014	12/23/2014	-40
4704584	11/17/2014	12/30/2014	-46

2

James Reynolds

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From: Melanie Maguire  
Sent: Tuesday, January 13, 2015 9:48 AM  
To: James Reynolds  
Cc: Arturo Martinez  
Subject: Jim's WRU concerns  
Attachments: WRU note.pdf

Jim,

**Please see my comments in bold below. In the future, please take your concerns through the proper chain of command, Art, who is your direct supervisor. If you are not satisfied with his response, then proceed to me.**

*Melanie M Maguire*  
Supervising Auditor II

Dept of Employment, Training & Rehab  
Employment Security Division  
Ph 775-684-6386

[MMMaguire@nvdetr.org](mailto:MMMaguire@nvdetr.org)

-----Original Message-----

From: James Reynolds  
Sent: Tuesday, January 13, 2015 8:34 AM  
To: Melanie Maguire  
Cc: Arturo Martinez  
Subject: FW: Message from "RNP0026736F2F24"

Good Morning Melanie,

Please see the attached copy of the wage protest screen.

I have a problem with the note of 1/5/15 attached to this claim. It is basically a copy of an e-mail asking for a status check on a wage protest. While I don't have a problem with the status check, I do have a problem with the information being included for public viewing. I believe it makes the investigator look like he's not doing his job. It is counter productive and a morale issue because you continue to allow those with a classification of 28 continue checking the work of those with a 33.

**First of all, the examiners are grade 30's and these particular examiners have been handling obstructed claims much longer than anyone in your department. Second, not only do I allow them to check the work, but it is their job to do so. They have always checked our work, but we had a supervisor who made sure we made every change necessary before the examiners got it. The investigators know their job, it's easy to miss something or forget something, but that's why you're checking them, for**

correctness. They would not have so many rejects if you were doing your job thoroughly checking the claims before submitting them, that was the whole reason the Investigator III position was created. If I, as a grade 38, were checking the claims, I would be sending just as many back for corrections. Third, I had nothing to do with them posting the email, agree this should not have been done and will speak with their supervisor about it.

In addition, I could mention the length of time it takes for claims to reach my desk but I know you would cite the recent defect that has been discovered and then I would further remind you that this is been going on for well over a year. Please be advised we have never posted anything suggesting something was excessively late. That was always sent directly to you. **You have on many occasions mentioned the fact that the claims are delayed prior to reaching the field, we are well aware of the problem. Your job is to work them timely from the time you receive them in the field, the average being 10 days. You have been questioned on several lately that are over a month old, which shows that they are not being monitored by you. If you are not currently receiving the list of claims that are 10 days old, I will make sure you get it. I am not the supervisor of the wage request unit, but I am over the field, and all I can ask is that once you receive them, make sure they are being worked on your end. Don't be so concerned about how long it takes to receive them, but be more cognizant of how long it takes your unit to send them back (correctly). Each correction delays the processing of claims further.**

In an effort to keep the claims going in a steady flow and to promote a better working environment, I am formally asking you to stop this practice before the issue escalates any further.

Thank You for your prompt attention to this matter.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231



James Reynolds



**From:** Melanie Maguire  
**Sent:** Tuesday, January 13, 2015 10:42 AM  
**To:** Arturo Martínez  
**Cc:** James Reynolds  
**Subject:** FW: Posting of emails in Notes

fyi

---

**From:** Theresa Shaffer  
**Sent:** Tuesday, January 13, 2015 10:41 AM  
**To:** Sheri Liebherr; Cheryl Wright  
**Cc:** Benjamin Schober; Melanie Maguire  
**Subject:** Posting of emails in Notes

It has come to my attention that there are attachments to work items that really do not pertain to the resolution of the wage protest. Please do not attach any emails coming from Benefit's requesting updates. These have no significance as to how the protest is being worked or resolved. If you have any questions, please let me know.

Thank you,  
*Theresa Shaffer*  
ESD Manager II  
OETR/Employment Security Division/Contributions  
[tashaffer@nvdetr.org](mailto:tashaffer@nvdetr.org)  
(775)684-3948  
(775)684-6397 (fax)



**James Reynolds**

---

**From:** Arturo Martinez  
**Sent:** Tuesday, January 13, 2015 10:54 AM  
**To:** James Reynolds  
**Subject:** FW: Posting of emails in Notes

fyi

---

**From:** Melanie Maguire  
**Sent:** Tuesday, January 13, 2015 10:42 AM  
**To:** Arturo Martinez  
**Cc:** James Reynolds  
**Subject:** FW: Posting of emails in Notes

fyi

---

**From:** Theresa Shaffer  
**Sent:** Tuesday, January 13, 2015 10:41 AM  
**To:** Sheri Liebherr; Cheryl Wright  
**Cc:** Benjamin Schober; Melanie Maguire  
**Subject:** Posting of emails in Notes

It has come to my attention that there are attachments to work items that really do not pertain to the resolution of the wage protest. Please do not attach any emails coming from Benefit's requesting updates. These have no significance as to how the protest is being worked or resolved. If you have any questions, please let me know.

Thank you,  
*Theresa Shaffer*  
ESD Manager II  
DETR/Employment Security Division/Contributions  
[tashaffer@nvdetr.org](mailto:tashaffer@nvdetr.org)  
(775)684-3948  
(775)684-6397 (fax)

②

**James Reynolds**

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**From:** Arturo Martinez  
**Sent:** Tuesday, January 13, 2015 11:00 AM  
**To:** Melanie Maguire  
**Cc:** James Reynolds  
**Subject:** RE: 10 days and over OC's as of 1/13/15

Melanie,

Do you want updates on the 10 day plus claims? Let me know .

Art

-----Original Message-----

**From:** Melanie Maguire  
**Sent:** Tuesday, January 13, 2015 10:30 AM  
**To:** Arturo Martinez  
**Subject:** 10 days and over OC's as of 1/13/15

-----Original Message-----

**From:** [contrib@nvdetr.org](mailto:contrib@nvdetr.org) [mailto:[contrib@nvdetr.org](mailto:contrib@nvdetr.org)]  
**Sent:** Tuesday, January 13, 2015 10:45 AM  
**To:** Melanie Maguire  
**Subject:** Message from "RNP00267355A60A"

This E-mail was sent from "RNP00267355A60A" (Aficio MP C3002).

Scan Date: 01.13.2015 10:44:53 (-0800)  
Queries to: [contrib@nvdetr.org](mailto:contrib@nvdetr.org)

James Reynolds

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**From:** Arturo Martinez  
**Sent:** Tuesday, January 13, 2015 10:59 AM  
**To:** Melanie Maguire  
**Cc:** James Reynolds  
**Subject:** FW: Jim's WRU concerns

Melanie,

Jim saw Cheryl's note in UINV early this morning. He wanted to speak to me. I spoke with him regarding this ongoing concern. I instructed him to send the email(which I reviewed) and to cc me. In the past Amy Sweeting has emailed you directly (with a copy to me) regarding audit matters. I will inform her not to do that anymore.

In reference to the calls about investigations. I have seen the investigators responses to these inquiries and these are not all open and shut cases. Also, I personally have seen Jim sit with the investigators to review difficult claims that are over 10 days or will most likely go over 10 days. You are incorrect to say that he is not doing his job.

I also need to reply to your instruction not to be "so concerned" with wage protests that sat for several weeks before we get them in the field office. We have always started the clock(10 days) on when the field investigator receives the claim. When these claims started flooding the WRU and becoming excessively late Me and Jim offered to help but you said the WRU would not release the claims and they wanted to review each one before releasing them to the field office. Now more recently we are told it's a defect in benefits that is holding up these claims. However, lately we are getting calls from benefits and/or angry desperate claimants regarding a claim that an investigator just received. So naturally I have to concern myself as to why it is taking that long.

Thank You

Art

Arturo Martinez, Supervising Auditor I  
State Of Nevada  
Employment Security Division  
2800 East St. Louis Avenue  
Las Vegas NV 89104  
Phone: (702)-486-0262  
Fax: (702)-486-0231

---

**From:** Melanie Maguire  
**Sent:** Tuesday, January 13, 2015 9:48 AM  
**To:** James Reynolds  
**Cc:** Arturo Martinez  
**Subject:** Jim's WRU concerns

Jim,

Please see my comments in bold below. In the future, please take your concerns through the proper chain of command, Art, who is your direct supervisor. If you are not satisfied with his response, then proceed to me.

*Melanie M Maguire*  
Supervising Auditor II

Dept of Employment, Training & Rehab  
Employment Security Division  
Ph 775-684-6386

[MMMaguire@nvdetr.org](mailto:MMMaguire@nvdetr.org)

-----Original Message-----

From: James Reynolds  
Sent: Tuesday, January 13, 2015 8:34 AM  
To: Melanie Maguire  
Cc: Arturo Martinez  
Subject: FW: Message from "RNP0026736F2F24"

Good Morning Melanie,

Please see the attached copy of the wage protest screen.

I have a problem with the note of 1/5/15 attached to this claim. It is basically a copy of an e-mail asking for a status check on a wage protest. While I don't have a problem with the status check, I do have a problem with the information being included for public viewing. I believe it makes the investigator look like he's not doing his job. It is counter productive and a morale issue because you continue to allow those with a classification of 28 continue checking the work of those with a 33.

**First of all, the examiners are grade 30's and these particular examiners have been handling obstructed claims much longer than anyone in your department. Second, not only do I allow them to check the work, but it is their job to do so. They have always checked our work, but we had a supervisor who made sure we made every change necessary before the examiners got it. The investigators know their job, it's easy to miss something or forget something, but that's why you're checking them, for correctness. They would not have so many rejects if you were doing your job thoroughly checking the claims before submitting them, that was the whole reason the Investigator III position was created. If I, as a grade 38, were checking the claims, I would be sending just as many back for corrections. Third, I had nothing to do with them posting the email, agree this should not have been done and will speak with their supervisor about it.**

In addition, I could mention the length of time it takes for claims to reach my desk but I know you would cite the recent defect that has been discovered and then I would further remind you that this has been going on for well over a year. Please be advised we have never posted anything suggesting something was excessively late. That was always sent directly to you. **You have on many occasions mentioned the fact that the claims are delayed prior to reaching the field, we are well aware of the problem. Your job is to work them**

timely' from the time you receive them in the field, the average being 10 days. You have been questioned on several lately that are over a month old, which shows that they are not being monitored by you. If you are not currently receiving the list of claims that are 10 days old, I will make sure you get it. I am not the supervisor of the wage request unit, but I am over the field, and all I can ask is that once you receive them, make sure they are being worked on your end. Don't be so concerned about how long it takes to receive them, but be more cognizant of how long it takes your unit to send them back (correctly). Each correction delays the processing of claims further.

In an effort to keep the claims going in a steady flow and to promote a better working environment, I am formally asking you to stop this practice before the issue escalates any further.

Thank You for your prompt attention to this matter.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231



5

STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

Table with 4 columns: TITLE, GRADE, BEO-4, CODE. Rows include CONTRIBUTIONS EXAMINER III (Grade 33, BEO-4 E, Code 7.263), CONTRIBUTIONS EXAMINER II (Grade 30, BEO-4 E, Code 7.265), and CONTRIBUTIONS EXAMINER I (Grade 28, BEO-4 E, Code 7.266).

SERIES CONCEPT

Contributions Examiners are responsible for the accurate registration of liable employers for unemployment insurance, reporting and collection of federally and State mandated unemployment taxes and State mandated employment taxes, and determination of liability of employers' tax liability dates, tax rates, and eligible years of experience rates.

Review and analyze delinquent employer accounts and accounts in collection to determine if legal action is warranted; calculate monies owed; verify the accuracy of all information and prepare necessary documents to be filed with the District and/or County Court in order to initiate or terminate legal action.

Investigate the location of employer assets and initiate garnishment papers to verify existence of assets; place a hold on disposition and establish writs of execution and instructions to the Sheriff's Office to effect seizure of assets if necessary.

Maintain accounts, review statistical reports, identify and investigate errors, and make necessary adjustments to ensure accuracy.

Review status of accounts and initiate actions to bring delinquent accounts current by contacting employers to promote compliance with requirements and/or arrange for payment of outstanding liabilities including installment payment plans; monitor and follow up on agreements to ensure employer compliance.

Communicate with employers, claimants, attorneys, accountants and other interested parties regarding issues of unemployment taxes which may require explanation and interpretation; advise employers of their rights and responsibilities under the unemployment compensation program.

Verify the accuracy of billing statements for reimbursable accounts prior to mailing and make appropriate adjustments as necessary; calculate annual charges for reimbursable non-profit, government, political subdivision and voluntary election accounts; and prepare and submit the information to the research section.

Analyze information received on disputed benefit claims including claimant statements and field reports to determine employers' liability and if information is sufficient to resolve claims; authorize or deny usage of wage credits for claimants or refer cases to supervisor for further investigation.

Perform related duties as assigned.

\*\*\*\*\*

CLASS CONCEPTS

Contributions Examiner III: Under general supervision, incumbents direct the activities of a work unit within the Contributions Section of the Division of Employment Security. Incumbents are responsible for implementing policies and procedures to accurately collect and report federally and State mandated unemployment taxes. They supervise lower level Contributions Examiners including selection, training,

CONTRIBUTIONS EXAMINER III	33	E	7.263
CONTRIBUTIONS EXAMINER II	30	E	7.265
CONTRIBUTIONS EXAMINER I	28	E	7.266

Page 2 of 3

CLASS CONCEPTS (cont'd)

Contributions Examiner III: (cont'd)  
work assignment and review, performance evaluation and discipline. They also coordinate scheduling of the production of statements; review status of accounts; approve actions to bring delinquent accounts current and refund or waive monies due; maintain accounts by compiling and reviewing reports; and identify and investigate errors and coordinate necessary adjustments. This is the supervisory level in the series.

Contributions Examiner II: Under general supervision, incumbents perform the full range of duties described in the series concept. This is the journey level in the series.

Contributions Examiner I: Under close supervision, incumbents receive training in performing the duties described in the series concept. This is the entry level in the series and progression to the next level may occur upon meeting minimum qualifications and with approval of the appointing authority.

\*\*\*\*\*

MINIMUM QUALIFICATIONS

CONTRIBUTIONS EXAMINER III

**EDUCATION AND EXPERIENCE:** Graduation from high school or equivalent education and four years of collections experience involving the interpretation and application of rules, regulations, and laws, two years of which included collection of taxes; OR one year of experience as a Contributions Examiner II in Nevada State service; OR an equivalent combination of education and experience.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (required at time of application):  
Working knowledge of: various types of business enterprises such as sole proprietorships, corporations, partnerships, and non-profit groups; federal regulations and State statutes regarding unemployment taxation; automated systems used to input and retrieve information and coordinate the production of reports and statements; federal bankruptcy guidelines; and all knowledge, skills and abilities required at the lower levels.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES:** (typically acquired on the job):  
Working knowledge of: supervisory techniques including selection, training, motivation, establishing work performance standards, performance evaluation and discipline; applicable sections of the State Administrative Manual, Nevada Administrative Code and Rules for State Personnel Administration.

CONTRIBUTIONS EXAMINER II

**EDUCATION AND EXPERIENCE:** Graduation from high school or equivalent education and three years of bookkeeping or collections experience involving the interpretation and application of federal regulations and State statutes; OR one year of experience as a Contributions Examiner I in Nevada State service; OR an equivalent combination of education and experience.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (required at time of application):  
Working knowledge of: investigative techniques to identify employer assets; practices and terminology of accounting and bookkeeping; interviewing techniques; analyzing and interpreting reports, records and information; mathematical computations necessary to effectively calculate taxes, assessments and penalties; automated systems sufficient to enter and retrieve information; and all knowledge, skills and abilities required at the lower level.



CONTRIBUTIONS EXAMINER III  
 CONTRIBUTIONS EXAMINER II  
 CONTRIBUTIONS EXAMINER I

33	E	7.263
30	E	7.265
28	E	7.266

Page 3 of 3

MINIMUM QUALIFICATIONS (cont'd)

CONTRIBUTIONS EXAMINER II (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Contributions Examiner III.)*

CONTRIBUTIONS EXAMINER I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and two years of bookkeeping or collections experience involving the interpretation and application of rules, regulations and law; OR two years of experience which included contact with the public to explain procedures and elicit facts, make determinations and verify financial information, compose reports and correspondence, make basic mathematical calculations, and interpret written materials; OR an equivalent combination of education and experience.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (required at time of application):  
 Working knowledge of: practices and terminology of accounting; bookkeeping and recordkeeping methods and practices; standard office procedures, practices and methods; operation of office equipment including personal computer, calculator, copier, and fax machine. Ability to: compose routine business correspondence and reports; analyze and interpret complex information; communicate effectively both orally and in writing; establish and maintain positive working relationships with others; read, understand and explain policies, procedures and regulations. Skill in: basic mathematical computation.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Contributions Examiner II.)*

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>7.263</u>	<u>7.265</u>	<u>7.266</u>
ESTABLISHED:	07/01/87P 04/14/87PC	07/01/87P 04/14/87PC	07/01/87-12P 04/14/87PC
REVISED:	07/01/93P 09/24/92PC	07/01/93P 09/24/92PC	07/01/93P 09/24/92PC
REVISED:	12/17/04PC	12/17/04PC	12/17/04PC

Agency Use Only

Central Records Use Only

RECEIVED

FEB 27 2014



HUMAN RESOURCES  
DETR DANSON STATE OF NEVADA  
EMPLOYEE APPRAISAL & DEVELOPMENT REPORT

1. Employee Name: Last REYNOLDS First JAMES Initial J.

2. Class Title: COMPLIANCE AUDIT/INVESTIGATOR III

3. Employee ID #: 99489

4. Dept/Div/Section: DBTR/RSD/CONTRIBUTIONS/ LV FIELD AUDIT OFFICE

5. Date Evaluation Due: 02/09/14- Done 2/12/14

6. Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

7. Date Next Evaluation Due: 02/09/15

8. Probationary/Trial Period (check one):  
 6 month Probation/Trial:  2<sup>nd</sup> month  5<sup>th</sup> month  Other  
 12 month Probation/Trial:  3<sup>rd</sup> month  7<sup>th</sup> month  11<sup>th</sup> month  Other

OR Permanent (check one):  
 Annual  Other

9. Work Performance Standards:  are an accurate reflection of the position  will be revised to reflect changes

10. Overall Rating from Page 2, Number 14 (check one):  
 Does Not Meet Standards\*  Meets Standards  Exceeds Standards

\* If a rating of "Does Not Meet Standards" is given, another evaluation must be completed within 90 days. The rating may affect adjustments in salary based on merit (NAC 284.194) and longevity pay (NAC 284.270).

Rater's Printed Name: Arturo Martinez

Rater's Signature & Title: Supervising Auditor I Date: 2/12/14 (mm/dd/yy)

11. Additional Supervisory Review (optional):  Agree  Disagree (Comment Required)

Printed Name: Edgar J. Roberts

Signature and Title: Chief of Contributions Date: 2/12/14 (mm/dd/yy)

12a. Date employee received evaluation document: 2-12-14 Employee's Initials: JR (Does not indicate agreement or disagreement.)

b. Employee Response: NAC 284.470 requires that you complete the section below and sign the report on performance within 10 working days after discussion with your supervisor.  
 Agree  Disagree  Request Review\* (If you disagree with the report and request a review, you must specify the points of disagreement below or attached.)

c. Employee Signature:

13. Appointing Authority Review:  Agree  Disagree (Comment Required)

Date evaluation returned to supervisor: 2-12-14

Appointing Authority's Printed Name:

Appointing Authority Signature & Title: Date: 2-27-14 (mm/dd/yy)

Employee Evaluation & Development Report - Page 3

Employee Name: (Last)	Reynolds	(First)	James	(Initial)	J.
Employee ID #: 39489					

15. Rater's Comments: (A "does not meet standards" rating for any job element must include a detailed explanation of the deficiencies.)  
 Job Element 1: During this review period you have supervised 09 compliance audit/Investigator II's and one compliance audit/Investigator I. You have held staff meetings as needed to discuss any concerns so that they could be addressed. You have assured that the production continues to meet the Department's goals. No exceptions were noted during this period.

Job Element 2: From February 10, 2013 to February 9, 2014, you have assigned and reviewed 2,343 wage protests and independent contractor claims while ensuring that investigation assignments were equitably distributed among the investigators. You have issued instructions regarding the proper preparation of the wage protests forms sent to Central Office to ensure guidelines are being met. You have provided written and oral guidance to Investigator's questions regarding assignments.

Job Element 5: You have assisted in aiding investigators in dealing with difficult employers who are delinquent in filing quarterly tax returns and paying quarterly contributions. During this review period your staff has been working on reducing the number of delinquent reports list (Two Levy List).

Job Element 6: You did not prepare any determination letters during this review period. However, you reviewed 19 determination letters written by your staff to assure they properly covered the statutes and established guidelines. Also, you accompanied investigators to several appeal hearings as an observer for training purposes.

Job Element 7: During your review of the investigator's work, you have provided training regarding the proper preparation of the forms sent to Central Office. When necessary you distributed sample forms provided by Central Office to assure consistency in completing claims. During this review period you were responsible for the training of one new compliance audit/Investigator II's.

Job Element 8: During this review period you wrote 9 employee evaluations. No exceptions were noted.

Job Element 9: During this review period, there were several occasions when you were the supervisor in charge of the field office due to the Supervising Auditor I and the Auditor III being out of the office.

Job Element 10: Your customer satisfaction and professional conduct this period was in accordance with the current DETR policy.

Job Element 11: For this period, you have complied with the State's workplace safety requirements

16. Development Plan & Suggestions: (The supervisor will address how the employee can enhance performance and achieve standards; indicates recommendation for further development and training. This section should be discussed with the employee.)  
 During this review period you attended the following classes offered by State Personnel and DETR Training:

General Safety, Fire Marshal Fire Safety & Extinguisher Training and Ethics of Excellence: Managers & Supervisors.

Recommend continue taking courses offered by State Personnel or DETR Training that will enhance your effectiveness as a supervisor and promote career development. Continue to seek guidance from your Manager and peers when dealing with difficult issues.

17. Merit Award Program: (Provide information to employee relating to the Merit Award Program established in NRS 285.020.)

Please check method(s) used:

Employee Handbook

State Human Resource website:  
<http://hr.ny.gov/>

Other (List details) \_\_\_\_\_

Distribution: Original to Division of Human Resource Management; Copy to Agency; Copy to Employee

NPD-15  
 Rev. 7/13

Employee Evaluation & Development Report - Page 2

Employee Name: (Last)	Reynolds	(First)	James	(Initial)	J.
Employee ID #: 39489					

\* Note - Reviewing Officer uses form NPD-15R to respond to employee's request for review as outlined in NAC 284.470

14. Job Elements (Transfer from Employee Work Performance Standards form and provide a numerical rating of 1 = DMS; 2 = MS; or 3 = ES for each job element in column (A).	(A) Rating	(B) Weighted Value	(C) Weighted Rating
Job Element #1: Supervise Compliance Audit/Investigator III's	3	20%	.60
Job Element #2: Blocked Claims Review	3	25%	.75
Job Element #3: Benefits Claims investigations (Element not rated.) Employee did not perform any Benefits Claims Investigations in this review period.		N/A	
Job Element #4: In-State and Out-of-State Requests (Element not rated.) Employee did not compose any In-State and Out-of-State Requests during this review period.		N/A	
Job Element #5: Difficult Collections and Legal Action	2	4%	.08
Job Element #6: Determination Letters	2	3%	.06
Job Element #7: Training	3	3%	.09
Job Element #8: Conduct Evaluations	2	3%	.06
Job Element #9: Supervise Auditor III's	2	2%	.04
Job Element #10: Customer Satisfaction & Professional Conduct	2	25%	.50
Job Element #11: Safety Program	2	1%	.02
Overall Rating (Scale: 1 to 1.50 = DMS; 1.51 to 2.50 = MS; 2.51 to 3 = ES) (A "does not meet standards" rating may affect adjustments based on merit (NAC 284.194) and longevity pay (NAC 284.270). Another evaluation must be completed within 90 days (NRS 284.310).		.86	2.20 Adj=2.56



**DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
EMPLOYEE WORK PERFORMANCE  
STANDARDS FORM**

**RECEIVED**  
FEB 2 2014  
HUMAN RESOURCES  
DETROIT

Supervisors are responsible for establishing the initial standards. Standards must be reviewed annually and amended when appropriate. The employee must be given an opportunity to comment when the standards are revised (NAC 284.168).

Employee Name: Last Reynolds First James Initial J Employee ID #: 39489  
 Class Title: Compliance/Audit Investigator III Date Standards Est./Rev: 06-21-10  
 Department/Division: DETR - BSD

Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417  
 I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: James Reynolds Date: 02/12/2014

Supervisor Title & Signature: Supervising Auditor I Date: 02/12/2014

Reviewing Officer Title & Signature: Edgar Roberto Chief of Contributions Date: 2/18/2014

Appointing Authority Title & Signature: [Signature] Date: 2-24-14

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	Weighted Value	Performance Standards
Job Element #1: Supervise Compliance/Audit Investigator I/II's: Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.	20%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more exceptions
Job Element #2: Blocked Claims Review: Review completed blocked claims for compliance with Contributions Control Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.	25%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
Job Element #3: Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment-Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	10%	<p>Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.</p> <p>a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.</p> <p>Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5</p> <p>b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.</p> <p>Above Standard - completed in less than 9 days Standard - more than 9 days but less than 11 days Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection</p>

		Standard - 91% to 96% Below Standard - 90% or less
<b>Job Element #4:</b> In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.	4%	Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.  Above Standard - 1 deviation or less Standard - 2 deviations Below Standard - 3 or more deviations
<b>Job Element #5:</b> Difficult Collections and Legal Action: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtaining of delinquent reports are not possible, identify appropriate legal action by compiling adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	4%	Timeliness - Collections actions and obtaining of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:  Above Standard - 17 or more cleared in 60 days Standard - 15 to 16 Below Standard - 14 or less
<b>Job Element #6:</b> Determination Letters: At Journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.	3%	Above Standard - 0 unacceptable letters/presentations Standard - 1 unacceptable letter/presentation Below Standard - 2 or more unacceptable letters/presentations
<b>Job Element #7:</b> Training: Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #8:</b> Conduct evaluations: Perform investigator evaluations timely, consistently and fairly against established work performance standards.	3%	Above Standard - 0 exceptions Standard - 1 to 2 exceptions Below Standard - 3 or more exceptions
<b>Job Element #9:</b> Supervise Auditor I/II: Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor II to ensure office guidelines are maintained.	2%	Above Standard - 0 exceptions Standard - 1 exception Below Standard - 2 or more exceptions
<b>Job Element #10:</b> Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.	25%	All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).  Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.  Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the

		following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.
Job Element #11 Safety Program: Every employee must comply with the State's workplace safety requirements.	1%	Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone

\*If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03



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STATE OF NEVADA  
Department of Administration  
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

SERIES CONCEPT

Compliance/Audit Investigators perform investigative and auditing functions to monitor compliance and detect violations of State and/or federal laws or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, mortgage lending, or workers' compensation. Investigators allocated to this series do not require P.O.S.T. certification.

Enforcement powers regarding program violations are limited to a specific program area that involves administrative sanctions or penalties imposed by a Hearings Board, State official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other investigative classes by the additional audit function which is performed at least 25% of the time. Audit work is performed in a specialized field which requires an extensive knowledge of State and/or federal laws, program rules and regulations; business operations; corporate structure; financial transactions, terminology and recordkeeping; and detecting falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Receive and review formal complaints; make determinations regarding possible program violations and jurisdiction within the specified program area; gather and analyze background information and facts pertaining to the complaint; make determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conduct interviews with complainant, witnesses, employers, State and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to the case to prove a violation or criminal intent exists.

Prepare required forms and notices; deliver to appropriate party regarding complaint and/or alleged violations following department policy and procedure; respond, review and discuss with complainant and respondent.

Develop case files and maintain case logs and reports; place evidence in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources; preserve and utilize evidence to develop final case reports and/or for future litigation.

Gather and review evidence such as business and financial records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint; serve subpoenas or other legal documents as required.

Conduct audits on a periodic basis by either randomly selecting individual firms or business or as required by State law and reviewing business transactions for completeness, accuracy, and compliance with State and/or federal laws and regulations; evaluate internal procedures, operating methods, fiscal controls, and verify validity



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SERIES CONCEPT (cont'd)

of financial statements and records; explain provisions and application of State and/or federal guidelines and discuss assessments, audit findings and recommendations.

Prepare required forms and notices and send to appropriate parties regarding complaint and alleged violations; review and discuss responses with supervisor and/or Attorney General.

Conduct research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies; plan and coordinate investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepare investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, and exhibits of evidence, statements obtained from witnesses, conclusions and recommendations; review and submit reports for hearing or prosecution, and to impose fines and penalties; appear before the governing body or in a court of law to provide testimony as required.

Perform related duties as assigned.

\*\*\*\*\*

CLASS CONCEPTS

Chief Compliance/Audit Investigator: Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.

Oversee the training of staff based on projected or identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approve training programs to ensure compliance with program goals and objectives.

Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations.

Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.

Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head.

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**CLASS CONCEPTS (cont'd)**

**Compliance/Audit Investigator III:** Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This level in the class series is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.

**Compliance/Audit Investigator II:** Under general supervision, incumbents perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices. This is the journey level in the series.

**Compliance/Audit Investigator I:** Under close supervision, incumbents receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, regulations, policies and procedures associated with the assigned program area. Incumbents perform all or part of the duties described in the series concept.

This is the entry level class which provides for progression to the next level upon meeting the minimum qualifications, satisfactory performance and with the recommendation of the appointing authority.

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**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENTS:**

- \* Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must first submit to a pre-employment screening test for controlled substances.
- \* Some positions may be required to submit to a background investigation.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.

**CHIEF COMPLIANCE/AUDIT INVESTIGATOR:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years of professional experience in an investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanction penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR graduation from high school or equivalent education and six years of experience, four of which were in a professional investigative,

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### MINIMUM QUALIFICATIONS (cont'd)

#### CHIEF COMPLIANCE/AUDIT INVESTIGATOR: (cont'd)

##### EDUCATION AND EXPERIENCE (cont'd)

auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR an equivalent combination of education and experience; OR two years of experience as a Compliance/Audit Investigator III in Nevada State service. (See *Special Requirements*)

##### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Detailed knowledge of: the purpose, activities and functions of the program area as applied to administering audit/compliance activities. Working knowledge of: rules of evidence, rights of citizens and court procedures. Ability to: oversee audit/investigative activities on a statewide basis; supervise and evaluate the performance of a large staff; plan, organize and assign work to subordinate staff; gain the respect of others; negotiate and formulate complaint resolution; explain methods and requirements for compliance with agency policy; provide presentations to senior managers, commission and formal business meetings/groups, simplifying complex ideas and information; assist in the development of agency goals, objectives, operating policy and procedure; and testify in a court of law.

##### FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: Nevada Revised Statutes, agency policy and procedure and federal laws that pertain to the supervision of audit/investigative activities. Working knowledge of: supervisory principles and practices as well as State personnel policy necessary to supervise subordinate personnel. Ability to: motivate others to take appropriate action; provide in-service training to subordinates on program rules and regulations, audit/investigative techniques and courtroom procedures; analyze information, problems, situations, practices or procedures to define problems or objectives; communicate program goals, policy and procedures to subordinate staff, agencies, the judicial system and the general public; supervise a staff of investigators performing program audit/compliance investigations; and all knowledge, skills and abilities required at the lower levels.

#### COMPLIANCE/AUDIT INVESTIGATOR III:

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and three years of professional experience in an investigative, auditing or program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR graduation from high school or equivalent education and five years of experience, three of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR an equivalent combination of education and experience; OR one year of experience as a Compliance/Audit Investigator II in Nevada State service. (See *Special Requirements*)

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**MINIMUM QUALIFICATIONS (cont'd)**

**COMPLIANCE/AUDIT INVESTIGATOR III (cont'd)**

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**

Working knowledge of: civil law and related criminal law to enforce program regulations as well as to ensure State and federal compliance; methods and practices of effective investigations and what constitutes legal evidence; recordkeeping practices to obtain and store needed investigative reports and documents; computer usage and program-related terminology to access and input required data. Ability to: prioritize numerous assignments and make needed adjustments; work independently with minimal supervision; maintain equanimity in the face of resistance, indifference and hostility; resolve complaints from consumers, business representatives and other State and local agencies; delegate responsibility.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):**

Detailed knowledge of: complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records; corporate structure and business operations; policy and procedure related to conducting business as it relates to the program area. Working knowledge of: program laws and regulations at the State, federal and/or national level. Ability to: plan and direct the activities of subordinates regarding investigative and auditing functions; present meaningful solutions toward improvement and/or resolution of operational procedures; gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work; effectively present complicated and technical information to management, employees and public officials; *and all knowledge, skills and abilities required at the lower levels.*

**COMPLIANCE/AUDIT INVESTIGATOR II:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university business or public administration, business management, accounting, or related field and two years of professional experience in an investigative, auditing or professional program-related position which required the application of state and federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR graduation from high school or equivalent education and four years of experience, two of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR an equivalent combination of education and experience; OR two years of experience as a Compliance/Audit Investigator I in Nevada State service. (*See Special Requirements*)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**

Working knowledge of: general accounting procedures and rules; business practices and procedures; investigative principles and practices; office procedures, methods and equipment. Ability to: analyze statutes, rules, and regulations and apply to investigative or audit findings; make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area; read and interpret contracts and legal documents in relation to the program area; review and analyze information received from business, complainant and governmental agencies; conduct interviews both in person and by phone to ascertain factual information; mediate and negotiate resolution between contending parties.

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MINIMUM QUALIFICATIONS (cont'd)

COMPLIANCE/AUDIT INVESTIGATOR II: (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
 Working knowledge of: the scope and purpose of program laws, rules and regulations on a State, federal or national level; accounting practices of various types of program related areas; corporate law governing ownership and conflict of interest. Ability to: conduct independent investigations and audits with minimal supervision; make independent judgments and recommendations; plan and organize workload; develop cooperative working relationships with State, federal and local agencies; *and all knowledge, skills and abilities required at the lower level.*

COMPLIANCE/AUDIT INVESTIGATOR I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field; OR graduation from high school or equivalent education and two years of experience in an auditing or program-related position equivalent to an Administrative Assistant III or Accounting Assistant III in Nevada State service which required the application of state and/or federal laws, policy and procedures; reviewing documents prepared by others for program compliance determinations; preparing reports which summarize financial and statistical information; or maintaining financial records related to revenues and expenses, grants, budgets, purchases, and/or accounts; OR an equivalent combination of education and experience.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

General knowledge of: research techniques and application; basic investigative and auditing techniques. Ability to: write concise, logical and grammatically correct reports; speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies; record information quickly and accurately; convey accurate and precise data in a timely manner within established time frames; read and interpret statutes related to the program area to determine compliance; speak with individuals of various social, cultural, economic and educational backgrounds; maintain cooperative working relationships with staff members; work independently and as part of a team; complete required forms and documents.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: agency recordkeeping practices to obtain needed information for investigations, auditing, and special projects; the functions of other State agencies to refer complaints to the appropriate jurisdiction; program rules and regulations; State and federal laws pertaining to the program area. Ability to: review and analyze complaints for possible program or statutory violations; conduct interviews to obtain needed information; detect falsified records.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.360</u>	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:			11/15/91PC	11/15/91PC
REVISED:		12/10/10PC	12/10/10PC	12/10/10PC
REVISED:	5/06/11PC	5/06/11PC	5/06/11PC	5/06/11PC

NEVADA

DEPT. EMPL. TRNG. REHA. (DETR)  
FIELD SERVICE DIVISION

REYNOLDS, JAMES

2800 E ST LOUIS AVE  
LAS VEGAS, NV 89104

CHIEF INVESTIGATOR

ID # 39489



*James Reynolds*

DD FORM 1384 (10-67) 105

#8

# EXHIBIT "2"

2/10/2015

In response to the grievance filed by Jim Reynolds on 2/6/2015.

---

Per our discussion of your concerns over the phone during the second week of February, please see my review in regards to the grievance submitted on February 6, 2015.

Regarding the obstructed claim with the email attached in UInv by the Contributions examiner: Melanie Maguire and Theresa Shaffer had informed me that a Contributions examiner had attached an email to an obstructed claim in UInv that had requested the status of the claim by the benefits section of ESD. Theresa had addressed the issue with the examiner and the wage request unit. The examiner informed Theresa that it would not happen again. The email to the wage request unit was copied to Melanie who forwarded it to Art Martinez, the Supervising Auditor I in Las Vegas, and to you; thus notifying you both, that it had been addressed. In your claim, you state that, "ironically" you received an email agreeing with your note. Melanie told me that she did not feel the need to let you know that she had spoken with the other supervisor because by sending Theresa's response you would know that it had been addressed. Melanie told me that she had spoken with Art and agreed that the email should have never been attached.

In the same email from you to Melanie regarding this problem, you go on to say, "I believe it is counter-productive and a morale issue because you continue to allow those with a classification of 28 to continue checking the work of those with a 33." Melanie told me that in her email response to you she let you know she would bold her response to you so that you could tell the difference of what your original posting was and what her response was. It was not capitalized. There are no color printers in the field. The response was "the examiners are a grade 30 and have been handling obstructed claims much longer than anyone in your department. Second, not only do I allow them to check the work, but also it is their job to do so. They have always checked our work..." In your grievance, you state that, "nowhere does it describe their job duties as to check and or instruct the work of others with higher classification levels". You have attached a class spec sheet for Contributions Examiners, and very clearly in the series concept it shows, in the 8<sup>th</sup> paragraph, "Analyze information received on disputed benefit claims including claimant statements and field reports to determine employers' liability and if information is sufficient to resolve claims; authorize or deny usage of wage credits for claimants or refer cases to supervisor for further investigation." Also, listed under Contributions Examiner II, "Under general supervision, incumbents perform the full range of duties described in the series concept. This is the journey level in the series." When there was a supervisor in the unit, the examiners would refer the shortcomings to her (Debra Heinz) and she would address the issues with the field. When the supervisor retired, the examiners were sending the issues directly to you. When Melanie realized it was becoming a problem, she requested that the examiners send their requests directly to her and she would send them to Art, the Supervising Auditor I in the Las Vegas field audit office to address directly with you.

You have attached a copy of your work performance standards and a copy of the investigator class specs. You are stating that you have been doing your job on a statewide basis for the better part of 3 years. You have been the supervisor for the Las Vegas investigators and were instructed to assign all claims North and South, and that you would not be reviewing the Northern claims, or supervising the staff in Reno or Carson. The reason for statewide distribution is the implementation of UInv. Originally, the claims were assigned by the wage request unit directly to the North and South supervisors to assign to the investigators. The claims come in from monetary/benefits to the wage request unit and (most likely) will change later to remove the wage request unit, going directly to the field. Currently, we are unable to determine exactly how that will



work. The North has a staff of two investigator II's, one investigator I, and no investigator III. Two of the Northern investigators, as well as the Reno supervisor are assigned to the testing unit for UInv and have been unavailable for the past several months leaving one brand new investigator to learn the job and process claims. When the new investigator was hired to be the Reno investigator, she worked in Contributions keying and helping to catch up with the backlog. When she went to work in Reno, you assigned all Northern NV claims to her, but she was not fully trained, after just a couple of weeks. When Melanie realized that had been done, she had Lori Heiner, the Reno Supervising Auditor I request that you not send any more claims until the new investigator was caught up. Prior to hiring the new investigator, we only had one investigator in Reno because the other Reno investigator was on leave for over a year. We had an investigator in Carson City but she was out of the office for a while with personal issues, then working on the computer systems and trying to maintain a full load until she promoted into a different department. Our Reno Supervising Auditor position has been vacant or in training and/or testing for a good part of those three years, that you are speaking of and this was the reason you were asked to assign all claims. Melanie was reviewing the new investigator's claims, signing off on them and she would then send them to the wage request unit to process. The claims were not returned to LV for review after being assigned. The training was not done through LV. The Reno and/or Carson investigator evaluations were not done in LV. The supervision is not done through LV. Things are changing with the implementation of UInv and we have not even fully become dependent upon this new system, expecting that more things will change in the future. We will need to get the system up before re-writing the work performance standards and desk instructions.

After reading the job specs for the Compliance/Audit Investigator series, I agree we should make some changes to your WPS and duties. I believe the distribution of the claims should remain centralized until we are fully staffed and operational in UInv. LV will need to continue to do some Northern claims and it would be better for you to assign them. The class concept states that the Compliance/Audit Investigator III acts "as a lead worker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law." I also believe that you should continue to review the claims from LV. The Reno supervisor or Melanie will continue to review the Northern investigators' claims. The Compliance/Audit Investigator III concept also says, "Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator." Therefore, my next recommendation is that after you review the completed claims, the LV Supervising Auditor I, who is the audit manager and is the equivalent grade to a Chief Compliance/Audit Investigator, should sign them off as approved. The Reno Supervising Auditor I is currently the claim reviewer and signs/approves the completed claims. Melanie was filling in for her while she was in testing, but currently Lori Heiner is in between testing sessions and has taken back the duties until being recalled to test again for UInv.

In addition, there is nothing in the class concepts that the Compliance/Audit Investigator III is a supervisory position, but rather calls them a lead worker. I am recommending that the evaluations and scheduling duties for the Las Vegas Investigators be given back to the Supervising Auditor I, as is the practice in Reno office. I am not sure why you were issued an ID badge that said Chief, or why that fact has never been mentioned to me until now. We can and should have a new badge issued immediately with the correct job title.

The position of Compliance/Audit Investigator III in Las Vegas field audit was implemented after the events of 9/11/01, when the office doubled in size due to the downturn in the tourism industry and the subsequent decline in the NV economy. Prior to implementing the Compliance/Audit Investigator III position, the Supervising Auditor I was responsible for reviewing claims, signing

them and turning them in to Contributions. The Supervising Auditor I was also responsible for the evaluations of the investigators. There was an existing Auditor III who did the same supervisory duties for the Auditors. The auditor class specs allow for the Auditor III to be a supervisor. Perhaps the duties were confused at the inception of Compliance/Audit Investigator III in the field audit office.

Your suggestion to resolve the current situation by requesting a stop to the practice of subordinate level personnel checking the work and or instructing higher-level personnel has been addressed with the appropriate supervision chain of command. However, it is imperative that the recommendations made by the field comply with policy and law. The wage request unit is tasked with making sure the claim reports are "sufficient to resolve claims." The change we have already made is that the new supervisor will be involved along with his supervisor above him. We have recently hired a new wage request unit supervisor and he or his supervisor will be the one to request changes be made from the field. The most recent change we made is that all requests go to Art, to forward either to the investigator or to you, with a cc to Melanie and Theresa Shaffer so that they are informed when there is a problem. This will be in line with supervision since Art will be the signer on the claims, the final reviewer, and should be made aware if there is anything that needs to be changed after he signs off on the work.

Another of your suggestions is to adopt written policies and procedures with regard to the relationship between field audit and the wage request unit. Until UInv is in place and operating, it is unclear as to what the relationship will be. I believe the class specifications for the Contributions Examiners, as provided by you, state very clearly, "Analyze information received on disputed benefit claims including claimant statements and field reports to determine employers' liability and if information is sufficient to resolve claims; authorize or deny usage of wage credits for claimants or refer cases to supervisor for further investigation." Discrepancies and corrections must come back to the field for change or more information until sufficient to resolve claims.

With regard to a financial settlement, when my recommendations for changes are implemented, you will be back in class compliance as a Compliance/Audit Investigator III. I cannot answer to the past, except to say that by assigning claims statewide and for brief periods reviewing claims when there was no Reno supervisor, you were not acting as a statewide supervisor. Reno does not have an Investigator III position. Everyone in Contributions has felt a strain during the UInv implementation, taking on extra duties while our personnel are writing, assisting, and testing the UInv project. This project was never planned to go on as long as it has, and we were not able to hire personnel specifically assigned to the project, with the exception of one Business Process Analyst.

Your statement refers that you are asking to remain in your current position even though the duties are different than the classification, while asking for monetary compensation for current duties and back pay. Thank you for bringing this to my attention. HR has confirmed that temporary adjustments to salary were suspended in February 2010 and remain suspended to this day.

However, based on the Compliance/Audit Investigator series class concepts, my recommendations to be implemented by February 23, 2015, are as follows:

- In order to be equitable to all investigators, as lead worker, you will continue to assign all claims at least until UInv does not require the Northern investigators to continue with testing and becomes fully staffed.
- Per class concepts, as a Compliance/Audit Investigator III, you will continue to review the Las Vegas office completed claims for accuracy, clarity, format and to ensure policy and

procedure was followed, then submit the final reports to the Supervising Auditor I in Las Vegas for signature and approval prior to being submitted to Contributions.

- Per class concepts, as a Compliance/Audit Investigator III, you will continue to provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

*Define the Difference*

- Per class concepts, as a Compliance/Audit Investigator III, you will continue as a lead worker, but will no longer be a supervisor.
- Per class concepts, the Supervising Auditor I, acting as Regional Audit Manager, will directly supervise the Compliance/Audit Investigators, I, II, & III in Las Vegas with respect to evaluations, discipline and time sheets/scheduling.

Thank you for bringing your concerns to my attention.

**EXHIBIT "3"**

# STATE OF NEVADA - POSITION QUESTIONNAIRE (NPD-19) INSTRUCTIONS PAGE

(NOTE: To be completed for new positions and reclassification requests)

This form is to be submitted for CLASSIFIED positions only. Do not submit for unclassified positions, those on contract, or members of boards or commissions.

The classification process should be utilized when a new job is established or when an existing job experiences significant change in duties and responsibilities which alters the basic mission or purpose of the position to the degree that it no longer meets the class to which it is assigned (see NAC 284.126).

The purpose of the classification process is to ensure that jobs which are assigned like duties and responsibilities are placed in the same class. The process for reviewing a position involves the analysis of job factors that are required of the individual in order to perform in a particular position. The factors utilized in reviewing positions are: the nature and complexity of work performed; knowledge, skills, and abilities required; supervisory/managerial responsibility; independence/supervision received; scope of responsibility/consequence of error; authority to take action/decision-making; and personal contacts necessary to complete work.

As a standard rule, the classification methodology is an examination of the above criteria. Personal ability, performance, dedication, and longevity are personal characteristics and are not valid factors to be considered in the objective analysis utilized in classification. Likewise, workload and the volume of work performed are not considered.

## APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE INSTRUCTIONS

Please answer questions 1 through 14 and sign in the appropriate area on the cover sheet. The information provided for questions 1 and 2 should cover the following matters: significant changes in duties and responsibilities which have been made in the position since it was established or last reviewed by the Division of Human Resource Management; an indication of why those changes were made in the position; and an explanation regarding the impact these additional duties and responsibilities may have on other positions in the organization in terms of removing duties and responsibilities from those positions.

Per NAC 284.126, an employee may submit a classification request that does not have agency support or approval.

If an agency that is required to use the equipment or services of the Enterprise IT Services proposes the establishment of a new position or the reclassification of an existing position to a class in the Information Technology field, as identified in the Classification and Compensation Plan, the Division of Human Resource Management will submit the request to the Administrator of the Division of IT Services for approval. Agencies exempt from this requirement are provided for in NRS 242.131(2). If approved, the Division of Human Resource Management will then determine the appropriate classification for the position.

## EMPLOYEE INSTRUCTIONS

This form will be used as a guide for you to describe the duties and responsibilities of your present position. The information you provide will be used to determine where the position aligns within the existing classification system. Clear and concise information must be obtained for each duty listed. Organize your duties so similar job functions are grouped together. The duties should be listed in logical sequence, that is, most complex to least complex or most time consuming to least time consuming. Detailed and exact information is critical in making a proper classification decision. Please work with the appointing authority or designated representative to answer questions 1 through 14. Please sign in the appropriate area on the cover sheet to indicate your agreement with the information provided.

If a reclassification request is being submitted without agency approval, check the box indicating "no" in response to the question "Is this request being submitted with agency approval or knowledge?" Please sign in the appropriate area on the cover sheet and answer questions 1 through 14 as they relate to your position. If space is not sufficient, you may add additional pages.

An interview may be scheduled with the employee and/or supervisor if clarification of any information is required. If the reclassification is denied without an interview, the employee may request and receive an interview.

## APPEALS

Classification decisions may be appealed to the Administrator of the Division of Human Resource Management within 20 working days after receipt of the classification determination (see NAC 284.152).

# STATE OF NEVADA - POSITION QUESTIONNAIRE (NPD-19)

- New Position
- Vacant Position
- Filled Position

DEPARTMENT: Employment, Training & Rehabilitation		J. Division of Human Resources 2000 Raggio Parkway, Suite 200 Las Vegas, NV 89102	
DIVISION: Employment Security Division			
GEOGRAPHIC LOCATION OF POSITION: Las Vegas			
AGENCY ID# (3 digits): 902	FUND# (3 digits):		
AGENCY ORG/BUDGET# (4 digits): 4770	POSITION CONTROL#: 4417	CLASS CODE: 11.363	GRADE: 35
CURRENT CLASS TITLE (If vacant or filled position): COMPLIANCE/AUDIT INVESTIGATOR III		CLASS CODE: 11,360	GRADE: 37
REQUESTED CLASS TITLE: CHIEF COMPLIANCE/AUDIT INVESTIGATOR			
EMPLOYEE NAME: JAMES REYNOLDS	PHONE#: 702-486-0258	EMAIL: JJREYNOLDS@NVDETR.ORG	
SUPERVISOR NAME: ARTURO MARTINEZ	PHONE#: 702-486-0262	EMAIL: A-MARTINEZ@NVDETR.ORG	

1. APPOINTING AUTHORITY/EMPLOYEE CERTIFICATION	
CERTIFICATION: I certify that I have read the instructions page and the statements provided in this NPD-19 are correct and complete.	
Changed responsibilities were/will be effected on: <u>TBD</u>	Date:
Appointing Authority or Designated Representative signature: <i>[Signature]</i> #03	Date: <u>3-14-16</u>
Employee signature: <i>[Signature]</i>	Date: <u>3-14-16</u>
Is this request being submitted with agency approval or knowledge? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	

3a. FOR COMPLETION BY BUDGET DIVISION ONLY	
Required for new positions and when NAC 284.126 (3) applies.	
<input type="checkbox"/> Approved effective date (if change is approved by DHRM)	Date:
<input type="checkbox"/> Approved - date to be determined and change to be approved by DHRM	
<input type="checkbox"/> Disapproved	
Part-time (%):	Expire date:
Signature:	Date:
Notes:	

3b. FOR COMPLETION BY ENTERPRISE IT SERVICES ONLY	
Required when NRS 284.172 applies for positions to be classified to or changing classification within the Fiscal Management & Staff Services: Information Technology subgroup.	
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Signature:	Date:

4. FOR COMPLETION BY DIVISION OF HUMAN RESOURCE MANAGEMENT ONLY			
Dept code:	Effective date:	Expire date:	
Division code:			
Class code:	Title:	Grade:	
Class option:	IFC/Legislative approval required? <input type="checkbox"/> No <input type="checkbox"/> Yes, date approved:		

INSTRUCTIONS TO APPOINTING AUTHORITY		
Incumbent meets MQ's: <input type="checkbox"/> No <input type="checkbox"/> Yes	Study#:	
<input type="checkbox"/> Other:	Analyst:	Date:
	Supervisor:	Date:

- 1. What is prompting this request? If this is an existing position, state the significant changes (as defined in NAC 284.126) in duties and responsibilities which have been made in the position since it was established or last reviewed by Human Resource Management. If this is a new position, have there been additional responsibilities placed on the organization? If yes, please explain. Attach documentation relative to legislation, board/commission proceedings, new organizational goals, etc., if applicable.**

I filed grievance on January 13, 2015. In this grievance, I detailed the work that I am currently performing and have been performing since 2011. These duties and responsibilities that I have been forced to assume are beyond the scope of the duties and responsibilities of my classification, Compliance/Audit Investigator III. I have been mandated to perform several aspects of the Chief Investigator's job, as well as maintain my Investigator III duties and responsibilities. Specifically, I have been mandated to perform work on a statewide basis, directly supervise the investigative activities of nine (9) subordinate investigators. Additionally, I have been made responsible for their training needs and personal evaluations, and to make sure the office is properly staffed. Notably, my State ID even identifies me as Chief Investigator. I also act as the liaison to the Attorney General's office in workers compensation cases.

- 2. What position(s), if any, previously performed these new or additional duties? List class title and position control number of position(s). (A separate NPD-19 may be required for these positions.)**

These job tasks and duties are to be performed by the Chief Compliance Audit Investigator, Class 37, 11.360. Notably, I am not aware of a time where there was a Chief Compliance Audit Investigator during my employment. This is due to the fact that I was performing all of these tasks.

- 3. Briefly describe the major purpose of this job.**

The major purpose of the Chief Compliance Audit Investigator, Class 37, 11.360, as set forth by the Class Concepts prepared by the State of Nevada, Department of Administration, Division of Human Resource Management is as follows:

Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings boards or commission.

Oversee the training of staff based on projected of identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approved training programs to ensure compliance with program goals and objectives.

Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status to determine achievement of objectives and compliance with applicable laws and regulations.

Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.

Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head.

**4. Attach a copy of the agency organizational chart to this form. Please circle this position.**

The organizational chart does not provide for a Chief Compliance Audit Investigator, Class 37, 11.360. Again, I am not aware of a time where there was a Chief Compliance Audit Investigator during my employment. This is due to the fact that I was performing all of these tasks.

**5. List the duties performed in this job. Assign a number to each duty and estimate the percentage of time spent on each duty (percentages should add to 100%). If it is not possible to estimate the percentage of time spent in each area daily, estimate the time on a weekly, monthly, or annual basis. If this is an existing position, please put an asterisk (\*) next to each duty that is new.**

I defer to my Work Performance Standard signed and dated in February 2014, as this sets forth the duties I have been forced to assume.

DUTY#	DUTY	FREQUENCY
-------	------	-----------



1		
2		
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6. What duties are performed that require the incumbent to make choices, determinations, or judgments? Please give examples.

All duties I perform require me to make choices, determinations, or judgments. In effect I am the Chief Compliance Audit Investigator, and each task I perform in accordance with the Class Concept requires me to make choices, determinations, or judgments. For specific examples, see responses to Nos. 1 and 3 set forth above.

- 7a. List the class titles and position control numbers of all employees that are supervised by this position.

Compliance/Audit Investigator II's  
PCN's 3146, 4418, 4419, 4420, 4421, 4423, 6886, 6887, 8470, 2075.

- 7b. Describe the extent of supervisory responsibility exercised over these employees.  
(Check appropriate boxes.)

Final selection       Work assignment       Performance appraisal       Discipline  
 Training       Work review       Other (specify):

**8. List any licenses, certificates, degrees, or credentials that are required by law for this job.**

Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years of professional experience in an investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanction penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR graduation from high school or equivalent education and six years of experience, four of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; OR an equivalent combination of education and experience, OR two years of experience as a Compliance/Audit Investigator III in Nevada State Service.

**9. List equipment which is used that requires specialized training.**

I must be proficient in MS Office programs (word, excel, PPT). I am also training in using the Division's Intraweb function, and the UINV legacy system. I am also able to use and transfer pictures taken with a digital camera.

**10a. List the name, title, and position control number of the position's supervisor.**

Arturo Martinez, Supervising Auditor I (BA 4770/ PCN 4415)

**10b. Describe the type and extent of supervision received.**

I receive limited supervision by the Supervising Auditor.

**11. What statutes, laws, rules, procedures, or guidelines are used in performing assignments?**

My position requires substantial knowledge of State and Federal law, including NRS Chapter 612 and Federal IRS statutes.

12. **What people are contacted in carrying out the duties of this position? Explain the purpose of each contact.**

Private and public sector attorneys for case development, negotiating terms and conditions of approvals, denial and Administrative Orders. Other state agencies to confirm and understand other agency licensing requirements and to coordinate the case. I also work directly with the agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.

13. **Describe any unusual physical demands or working conditions required in this job, i.e., requires frequent lifting or moving of office furniture, frequent exposure to hazardous materials, etc.**

Incumbent must be able to lift up to 25 pounds of files or investigative materials.

14. **Provide any additional information about the job which you consider to be important to the classification, but which has not been previously mentioned.**

**EXHIBIT "4"**

LAW OFFICES OF  
**PATTI, SGRO, LEWIS & ROGER**  
A PROFESSIONAL CORPORATION

DEAN R. PATTI  
ANTHONY P. SGRO  
STEPHEN K. LEWIS \*  
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MARK C. HAFER\*  
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CORRINE P. MURPHY  
ANDREW D. SEDLOCK  
KEITH D. WILLIAMS  
L. COURTNEY KLUEVER\*\*  
\* Also licensed in Arizona  
\*\* Also licensed in California

September 21, 2016

**Via U.S. Mail and E-Mail**

Heather A. Dapice, Supervisory Personnel Analyst  
Department of Administration  
Human Resource Management  
Compensation, Classification and Recruitment  
555 East Washington Avenue, Suite 1400  
Las Vegas, NV 89101  
hdapice@admin.nv.gov

**Re: James Reynolds-NDP-19**

Dear Ms. Dapice,

In response to your prior correspondence, please be advised that my client has the following job duties, with the following estimates of time dedicated to each duty.

Description	Estimated %
Supervise Compliance/Audit Investigative I/II's, which includes supervising the subordinate investigator's workflow and production to ensure proper claims handling, on a statewide basis.	25%
Review completed blocked claims for compliance with Contributions Central Office guidelines and includes providing written or oral guidance to investigator's questions regarding investigative assignments.	20%
Benefits claim investigation: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigators Manual (ESIM) and Division standards. This task includes completing all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. And also includes preparing a comprehensive report which will entail a case history maintained in chronological order documenting contact or noncontact with Employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regard to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	20%
Process in-state and out-of-state requests, including investigating difficult requests assignment from other states or agencies, and when necessary, applying the laws of other states to accomplish the assigned task.	5%
Completing difficult collections and legal actions, including locating	5%

employers to demand filing of political reports of payments of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business negotiating payment agreement. The collection of debts and/or abatement of delinquent reports are not possible , Identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.	
Drafting determination letters, which includes at journey level investigation and preparing final determination letters, which represent the Division's cases to the appeals and border review; monitor the auditors preparation of determination letters and presentation of administrative hearings.	5%
Training new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis of compliance/audit investigators I/II.	2.5%
Conduct evaluations, which include performing investigator evaluation timely, consistently unfairly against established work performance standards.	2.5%
Supervise auditor know I/II: supervise the audit's workflow and production in the absence of the supervising auditor I and auditor II, to ensure office guidelines and maintain.	2.5%
Communicating with general public and customers, including providing guidance and assistance on regulatory and compliance issues and ensuring a positive relationship between the Division and the general public.	10%
Ensuring that the State's workplace safety requirements are met and maintained within the office.	2.5%

Should you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Regards,

PATTI, SGRO, LEWIS & ROGER

Corrine P. Murphy, Esq.

cc: Client.



**EXHIBIT "5"**



STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION  
*Division of Human Resource Management*  
555 East Washington Avenue, Suite 1400 | Las Vegas, Nevada 89101-1046  
Phone: (702) 486-2900 | <http://hr.nv.gov> | Fax: (702) 486-2925

October 13, 2016

Corrine P. Murphy, Esq.  
[CMurphy@pslrfirm.com](mailto:CMurphy@pslrfirm.com)  
Patti, Sgro, Lewis & Roger  
720 S. 7<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

**RE: Mr. James Reynolds – NPD-19**

Dear Ms. Murphy:

The Division of Human Resource Management has carefully reviewed the request to reclassify Mr. Reynolds' position from a Compliance/Audit Investigator III, 11.363, grade 35 to a Chief Compliance/Audit Investigator, 11.360, grade 37. The process of evaluating the position included an in-depth analysis of documents such as the NPD-19 submitted, both old and current class specifications, work performance standards, the original NPD-19 that established the position effective 07-17-2003, the desk audit completed on 10-11-2016, and an interview with Supervising Auditor I Arturo Martinez.

Based on the data collected in the review, we have concluded that the level of responsibility and scope of duties assigned to Mr. Reynolds correctly align with the Compliance/Audit Investigator III, 11.363, grade 35.

Per regulation, a position may be reclassified when significant change in the duties and responsibilities being performed has occurred. NAC 284.126, 1(b) defines significant change as "a change in duties and responsibilities assigned to a position in a class that:

- 1) Is outside the scope of the class as described by the class specification;
- 2) Is not part of the scope of responsibility of the position; and
- 3) Results in the preponderance of duties and responsibilities being allocated to a different class."

In short, significant change means that the duties assigned to a position have changed to such a degree that the current class concept no longer fairly describes the preponderance of responsibilities. In applying the definition, change that is the result of natural growth or an

increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar in nature or complexity to current or previously performed responsibilities. The use of new technologies and methods to carry out the same or similar duties also would not constitute significant change.

Positions may perform some higher-level duties; however, this does not provide the basis for reclassification to the higher level. In order to be reclassified from one level in a series to a higher level, a position must spend the preponderance of time performing higher-level duties.

In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of "supervision" from the position on 03-05-2015.

The class concept for the Compliance/Audit Investigator III, 11.363, grade 35, dated 10-19-1990, states the following:

*"Performs the full range of duties in the series concept, in addition, under limited direction of the Chief Investigator, Program Administrator or designee, acts as a lead worker on a regular reoccurring basis and performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Requires an extensive knowledge of state and federal laws, case law, program regulations, industry standards, concepts and practices to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.*

*This is the lead worker/advanced journey level in the class series and is distinguished from the lower level investigators by making determinations on the level and intent of investigations, and acting as a lead worker by providing training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. May review final investigative or audit reports for accuracy, clarity, format, and to insure policy and procedure is followed. May provide assistance to lower level investigators regarding case preparation and presentation in a court of law. The Investigator III's utilize their extensive knowledge of industry standards and case history to recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas."*

The NPD-19 classifying the position, currently held by Mr. Reynolds, established duties and responsibilities that provided for supervision of Compliance/Audit Investigator II's to include evaluating performance. A supervisory position, as outlined in NAC 284.498(5)(b), means a position which is held by an employee who: 1) formally evaluates staff; 2) is involved in the hiring and firing of subordinate staff; and 3) establishes policies which affect the performance or behavior of subordinate staff. As such, Mr. Reynolds was working within the duties and responsibilities of a Compliance/Audit Investigator III when he was appointed to the position on 02-09-2009.

In 12-10-2010, the Personnel Commission approved amended class specifications which removed the language for supervision from the concept for the Compliance/Audit Investigator III; however, removal of "supervision" did not affect the grade of the position and therefore it would not be considered grade determining for this series. The current class concept for the Compliance/Audit Investigator III, 11.363, grade 35, states the following:

*"Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.*

*This level in the class is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law. Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas."*

Supervision could have been removed from Mr. Reynolds' position when the amended class specifications were approved on 12-10-2010; however, neither the agency nor Mr. Reynolds submitted an NPD-19 to evaluate his position as a result of this change.

The next step of the process was to determine if Mr. Reynolds was functioning as a Chief Compliance/Audit Investigator between 12-10-2010 and 03-05-2015.

The current class concept for the Chief Compliance/Audit Investigator, states the following:

*"Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.*

*Oversee the training of staff based on projected or identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approve training programs to ensure compliance with program goals and objectives.*

*Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations.*

*Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.*

*Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head."*

In comparing the duties and responsibilities of the position when it was classified to its current duties and responsibilities, it does not appear that Mr. Reynolds has ever functioned in the capacity of a Chief Compliance/Audit Investigator. While direct supervision of a staff of subordinate Compliance/Audit Investigators is detailed, it is not a preponderant duty and would not, in and of itself, justify reclassification to the higher level. It should also be noted that this position reports to a Supervising Auditor I, who reports to a Supervising Auditor II who in turn reports to an Employment Security Division Manager IV; as such, this position would not be considered a Chief Compliance/Audit Investigator as it does not have responsibility for the administration of investigative activities on a statewide basis.

In order for Mr. Reynolds to have been eligible for a special adjustment to pay, he would have had to have met one of two requirements detailed in NAC 284.206. NAC 284.206(2)(a) states "an employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which the employee works out of his or her class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade." NAC 284.206(3)(c) states "the employee is supervising other employees of the same or a higher grade if the supervision is (1) not part of the supervision or management responsibilities for a program that is provided for in the class specification; and (2) includes, without limitation, selection, work assignment, training, work review, reports on performance and discipline of employees." Mr. Reynolds has neither performed essentially all the duties and responsibilities of a position classified at a higher grade nor has he supervised other employees of the same or a higher grade; as such, Mr. Reynolds would not be eligible for a special adjustment to pay pursuant to NAC 284.206.

In the event that Mr. Reynolds had met the requirements detailed above, he still would not have been eligible to receive a special adjustment to pay as NAC 284.206 was suspended by the Governor effective October 2010 and has not yet been reinstated.

After a thorough review of all duties performed and analysis of all relevant documentation, it is

determined that significant change in duties and responsibilities being performed has not occurred and that the nature and complexity of work performed and preponderance of duties are consistent with Compliance/Audit Investigator III, 11.363, grade 35.

It is also determined that Mr. Reynolds did not perform in the capacity of a Chief Compliance/Audit Investigator prior to the removal of supervisor duties and therefore is not entitled to a temporary classification and/or a special adjustment to pay.

If you disagree with this determination, you may file a written appeal with Division of Human Resource Management Administrator Peter Long within 20 working days after the receipt of written notice of this determination. Complete details of the appeal process may be found within Nevada Administrative Code (NAC) 284.152. Correspondence to Division Administrator Peter Long should be sent to his attention at:

Division of Human Resource Management  
Blasdel Building  
209 East Musser Street, Suite 101  
Carson City, Nevada 89701-4204  
[plong@admin.nv.gov](mailto:plong@admin.nv.gov)

This classification decision is not a reflection on Mr. Reynolds abilities or accomplishments, nor should it be seen as minimizing his contributions. It is apparent that he is providing a valuable service to his agency; however, we are required to make decisions based on objective classification principles and regulations.

We appreciate Mr. Reynolds participation in the classification process and wish him the best in his career with the State of Nevada. If you have any questions concerning this matter, please contact me at 702-486-2919.

Sincerely,

*Heather A. Dapice*

Heather A. Dapice, Supervisory Personnel Analyst  
Department of Administration  
Division of Human Resource Management

cc: Jeffrey Frischmann, Deputy Administrator  
[jjfrischmann@nvdetr.org](mailto:jjfrischmann@nvdetr.org)  
Department of Employment, Training & Rehabilitation  
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Department of Employment, Training & Rehabilitation  
Administrative Services Division

**EXHIBIT "6"**

LAW OFFICES OF  
**PATTI, SGRO & ROGER**  
A PROFESSIONAL CORPORATION

DEAN R. PATTI  
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\* Also licensed in Arizona

November 10, 2016

**Via Regular Mail & Email**

Division of Human Resource Management

Attn.: Peter Long

Blasdel Building

209 East Musser Street, Suite 101

Carson City, Nevada 89701-4204

plong@admin.nv.gov

**RE: Mr. James Reynolds – NDP-19**

Dear Mr. Long:

Please allow this letter to act as an appeal pursuant to Nevada Administrative Code (NAC) 284.152, of the determination letter authored by Ms. Heather Dapice ("determination letter") regarding the above referenced employee.

Please be advised that Mr. Reynolds is in the process of seeking a "Resolution Conference" (it was previously set, then taken off calendar and is pending rescheduling) regarding the desk audit conducted relating to this matter. Both myself and my client have been in contact with Ms. Denise Woo-Seymour regarding same. It is my understanding that the Resolution Conference ought to be exhausted prior to proceeding with this written appeal of the determination letter, in regards to his desk audit. However, in an abundance of caution, and to ensure Mr. Reynolds is complying with the statutory requirements, he is also providing this written appeal.

That being said, the Resolution Conference regarding the desk audit could be instructive in this matter, requiring that the determination on this appeal be stayed pending the outcome of the Resolution Conference. Regardless of the actual mechanics, the purpose is to provide all parties with the appropriate notice and to comply with the timelines required by statute. I have copied your assistance Ms. Ipolito on this matter, and have also sent under separate cover, via email and hardcopy, a request to reconvene the Resolution Conference.

**(a) Address the points outlined in the Division of Human Resource Management's recommendation regarding the proper classification for the position in question:**

**(a)(1)** According to the determination letter issued, the State' position is that a preponderance of Mr. Reynolds's duties still fall within the ambit of Compliance/Audit Investigator III, 11.363, grade 35; therefore, a re-classification to grade 37 is not warranted, per the standard outlined in NAC 284.126(1)(b). (See pg. 1 determination letter).



**(a)(2)** According to the determination letter “change that is the result of natural growth or an increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar in nature of complexity to current or previously performed responsibilities.” (See pg. 1-2 determination letter).

**(a)(3)** “In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of ‘supervision’ from the position on 03-05-2015.” (See pg. 3 determination letter).

**(a)(4)** The removal of the term “supervisor” from the duties description of Compliance/Audit Investigator III, 11.363, grade 35 does not impact the actual duties assigned to a grade 35 Audit Investigator.

**(a)(5)** “While direct supervision of a staff or subordinate Compliance/Audit Investigator is detailed, it is not a preponderant duty and would not, in and of itself, justify reclassification to the higher level.” (See pg. 4 determination letter).

**(a)(6)** Mr. Reynolds is not eligible for a special adjustment in pay, although per NAC 284.206, even if Mr. Reynolds had met the standards for an adjustment in pay, NAC 284.206 was suspended in 2010 and has not been rescinded. (See pg. 4 determination letter).

**(b) Indicate the points with which the appellant disagrees and express the reasons for the disagreement:**

**(b)(1)** A preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. In particular, Mr. Reynolds was mandated to perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators. Additionally, Mr. Reynolds is responsible for their training needs and personal evaluations, and making sure the office is properly staffed. Mr. Reynolds State ID even identifies him as Chief Investigator, however, this is not the position Mr. Reynolds assumed in 2009 when forced to take this job as to was the only job offered to him off of the re-employment list – a list he was a member because of prior budget cuts. Notably, there is a pending grievance regarding the payment matter, DETR has notified Mr. Reynolds regarding an alleged overpayment based upon the State’s error in his reemployment. DETR has proposed that Mr. Reynolds agree to repay said amounts. This is wholly inappropriate, although it is a separate matter.

**(b)(2)** The additional requirements which the determination letter claims bars Mr. Reynolds request for re-classification under NAC 284.126(b) are improper and must be stricken. This appears to be a way to avoid the fact that as a result of budget cuts issued by the State in earlier years Mr. Reynolds was forced to assume duties on a statewide basis, a preponderance of his duties.

The code is plainly worded that where a “preponderance” of duties fall within the higher grade, reclassification is warranted. “Preponderance” is defined as, “[s]uperiority in weight, importance or influence.” See Blacks Law Dictionary, 2<sup>nd</sup> Pocket Ed., (2001) at pg. 547. The above quoted language of the determination letter which purports to further explain the application of the

statute and explain what “preponderance” means is not supported by the actual text of the code in question, and in fact in layman’s terms preponderance means generally more than half, not that it me more than half as part of a sudden or unexpected event, as the determination attempts to assert. In fact, the standard that where it is a “natural growth” or “increase in workload” precludes reclassification would mean essentially that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek a reclassification. That would render the code that enables an employee to determine whether they are entitled to reclassification as completely meaningless and inapplicable. That is improper, unfair and a violation of due process.

To determine legislative intent, this court first looks at the plain language of a statute. Salas v. Allstate Rent-A-Car, Inc., 116 Nev. 1165, 1168, 14 P.3d 511, 513–14 (2000). We only look beyond the plain language if it is ambiguous or silent on the issue in question. Id. We read statutes within a statutory scheme harmoniously with one another to avoid an unreasonable or absurd result. Allstate Ins. Co. v. Fackett, 125 Nev. 132, 138, 206 P.3d 572, 576 (2009)(citing to Torrealba v. Kesmetis, 124 Nev. 95, —, 178 P.3d 716, 721 (2008)).

Although this is an administrative matter, the reading and interpretation of a code is still controlled by general legal concepts encapsulated in case law, i.e., plain language controls. Allstate, 125 Nev. at 138. The determination letter is attempting to include intent and additional requirements which are nowhere contained within the language of the code itself. Agreeably, an administrative agency should be provided deference in interpretation of statutes and an administrative agencies interpretation of its governing statute is persuasive, however an agency is not imbued with the power of re-writing statute or code. Nevada PERS v. Smith, 129 Nev. Adv. Op 65, \*8, 310 P.3d 560, 565 (2013).

**(b)(3)** The change and removal of the term “supervisor” has to do with the internal manner in which Mr. Reynolds’s job was defined. Even allowing for the change and removal of the term “supervisor” from the job description, Mr. Reynolds’s job duties, by a preponderance, still fall within the higher grade of 37.

**(b)(4)** There is a difference between being a “team lead”, which the amended 2010 guidelines assign to a grade 35 Audit Investigator and being a Supervisor, and the statement that the removal of this specific duty, which is now under the guidelines of grade 37 is essentially meaningless is not meritorious. Either the written guidelines and descriptions of duties mean something or they do not. Mr. Reynolds’s position is that they do.

**(b)(5)** Mr. Reynolds does not dispute that his supervisory role alone would support reclassification, however, as discussed in section (b)(1), this alone is not the basis for Mr. Reynolds’s request for reclassification. There are additional duties which are included in the higher grade 37 position, which Mr. Reynolds has been forced to assume. These additional duties do constitute a preponderance of his duties and mandate reclassification - please see section (b)(1) supra.

**(b)(6)** Setting aside that this appears to be a moot point, given that NAC 284.206 was suspended in 2010 and has yet to be reinstated, Mr. Reynolds disagrees with the determination that he

would not be able to meet the requirements under NAC 284.206. Mr. Reynolds asserts he has been performing a preponderance of the duties of the higher grade 37 classification, as detailed above at length.

**Conclusion:** The preponderance of duties performed by Mr. Reynolds are that of a Chief Compliance/Audit Investigator, 11.306, grade 37. Further, Mr. Reynolds performed as such prior to the removal of the “supervisor” description in the grade 35 description which occurred in 2010.

Mr. Reynolds is submitting this written appeal and pursuing a Resolution Conference, however, Mr. Reynolds also asserts that he is entitled to a hearing on this matter.

Very truly yours,

PATTI, SGRO & ROGER



CORRINE P. MURPHY, ESQ.

cc: Denise Woo-Seymour, Personnel Analyst III  
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**EXHIBIT "7"**

Brian Sandoval  
Governor



Patrick Cates  
Director

Peter Long  
Administrator

STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION  
*Division of Human Resource Management*  
209 E. Musser Street, Room 101 | Carson City, Nevada 89701  
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December 13, 2016  
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Las Vegas, NV 89101

RE: Mr. James Reynolds – NPD-19

Dear Ms. Murphy:

I have received your letter of appeal regarding the results of the classification study recently conducted by the Department of Administration, Division of Human Resource Management (DHRM), Compensation, Classification and Recruitment (CCR) section. You are appealing the request of Mr. James Reynolds to re-classify his position from Compliance/Audit Investigator III, 11.363, grade 35 to Chief Compliance/Audit Investigator, 11.360, grade 37.

My responsibility in the classification appeal process is to objectively review the classification determination for validity and adherence to accepted classification principles and to assess the use of appropriate methodology. I must consider the points in the original determination with which you disagree and the rationale for this disagreement. My review of this appeal took into consideration all the information gathered during the classification study including the current NPD-19 upon which the determination was made; information gathered during the initial audit; a review of the class specifications for the Compliance/Audit Investigator Series, and a review of the appeal information submitted.

I will address your concerns as I understand them.

- You indicate that a preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. In particular, he was mandated to

perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators, has responsibility for their training needs and personnel evaluations, makes sure the office is properly staffed and his State ID identifies him as Chief Investigator. In addition, you indicate that the standard where "natural growth" or "increase in workload" precludes reclassification and would mean essentially that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification and that would render the code that enables an employee to determine whether they were entitled to reclassification as completely meaningless and inapplicable. You also state that in layman's terms preponderance means generally more than half, not that it be more than half as part of a sudden or unexpected event, as the determination letter attempts to assert.

With regards to performing work on a statewide basis; this statement does not encompass the full duty as outlined in the class concept for the Chief Compliance/Audit Investigator, which states, in part, that *"incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedure...."* This responsibility belongs to the Audit Supervisor, 7.145, grade 37 who functions as the Regional Audit Manager within the Employment Security Division of the Department of Employment, Training and Rehabilitation (DETR), who in turn performs this duty under general direction of the Audit Manager, 7.139, grade 38, for DETR. Mr. Reynolds, under the limited supervision of the Audit Supervisor, assists in coordinating investigative activities such as making determinations on the level and intent of investigations and coordinating the work of Compliance/Audit Investigator II's and I's. These duties are clearly defined in the class concept for the Compliance/Audit Investigator III.

As to directly supervising investigative activities of nine subordinate investigators, having responsibility for their training needs and personnel evaluations and making sure the office is properly staffed; this position does not currently function in the capacity of a supervisor. A supervisory position, as outlined in NAC 284.498(5)(b), means a position which is held by an employee who: 1) formally evaluates staff; 2) is involved in the hiring and firing of subordinate staff; and 3) establishes policies which affect the performance or behavior of subordinate staff. Mr. Reynolds does not currently meet this definition; however, he does act as a leadworker by providing training, coordinating the work of lower level Compliance/Audit Investigators while conducting investigative and/or audit functions, reviewing final investigative audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed and providing assistance to lower level investigators regarding case preparation and presentation in a court of law. These duties are also clearly defined in the class concept for the Compliance/Audit Investigator III. Also, while Mr. Reynolds makes recommendations and gives input with respect to performance evaluations, leave requests, and staffing items, the responsibility for conducting performance evaluations, preparing and approving work schedules, approving leave, etc., is that of the Audit Supervisor.

Also, you indicate that since Mr. Reynolds State ID identifies him as a Chief Investigator this is a point that warrants reclassification. The job titles as listed on these identification cards are unofficial titles and have no bearing and play no part in the classification process itself.

Furthermore, I am unclear as to how you determined that the standard where "preponderance", "natural growth" or "increase in workload" precludes reclassification and would mean essentially, that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification. The determination letter makes no assertions as to "sudden and unforeseen events", NAC 284.126(1)(a) does not mention or infer "sudden and unforeseen events" and NAC 284.126(2) specifically identifies that reclassification of positions can occur as a result of gradual accumulation of duties and responsibilities which results in signification change.

With regards to the clarification of "natural growth" in classification methodology; "natural growth" is small incremental changes to duties and responsibilities that can occur through regulation changes, changes in operational procedures, process changes, technology changes, etc., that occur over time and do not affect the complexity of work assigned or the basic function of the position. For example, Compliance/Audit Investigators conduct audits on a periodic basis by either randomly selecting individual firms or business or as required by State law. If State law stated that 10% of businesses were to be audited every year and that changed to 20%, there is no change in the duty itself just the frequency of the audits, which increases the workload. Since there is no change in the duty itself, significant change has not occurred and the position would not warrant reclassification.

With respect to preponderance in the reclassification process, the agency and/or incumbent identifies a weight to a duty by assigning a percentage of time to that duty, as such, we can quantify with reasonable certainty the percentage of time an individual is performing a particular duty. For example, if a position performs duties at the Administrative Assistant II level 70% of the time and performs higher level duties of an Administrative Assistant III 30% of the time, they will be classified at the Administrative Assistant II level as they are the preponderant duties.

These clarifications neither change the intent nor do they add additional requirements in order to be re-classified; there still must be significant change in the duties and responsibilities that are outside the scope for the class as described in the class specification, is not part of the scope of responsibility of the position, and results in the preponderance of duties and responsibilities being allocated to a different class.

- You reference the determination letter statement "*In reviewing the current duties and responsibilities of the position, to the duties and responsibilities of the position when it was initially classified, the only significant difference is the removal of 'supervision' from the position on 03-05-2015,*" and state that the change and removal of the term "supervisor" has to

do with the internal manner in which Mr. Reynolds' job was defined and that the removal of supervision does not change the preponderance of duties being within the higher grade 37.

As previously stated, a position may be re-classified when significant change in the duties and responsibilities has occurred. In comparing the duties and responsibilities of the position when it was classified at the Compliance/Audit Investigator III to the duties and responsibilities described in the most recent NPD-19, there has been no change other than the removal of supervision. As such, reclassification to the Chief Compliance/Audit Investigator is not warranted as significant change has not occurred.

You indicate that the higher level duties performed are: performing work on a statewide basis; directly supervising the investigative activities of nine subordinate investigators; responsibility for the training needs of the investigators, personnel evaluations and making sure the office properly staffed. As previously stated, Mr. Reynolds is not responsible for the administration of investigative activities on a statewide basis, does not directly supervise staff, does not perform personnel evaluations and does not authorize staffing levels, these tasks are under the purview of the Audit Supervisor and Audit Manager.

Mr. Reynolds has responsibility for making determinations on the level and intent of investigations; acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions; reviewing final investigative or audit reports for accuracy, clarity, format and to ensure policy and procedure was followed; and providing assistance to lower level investigators regarding case preparation and presentation in a court of law. These duties are clearly defined in the class concept for the Compliance/Audit Investigator III.

In order to be classified to the Chief Compliance/Audit Investigator level, Mr. Reynolds must perform the duties and responsibilities ascribed to this level. Mr. Reynolds is not responsible for the duties described in the class concept, which include the following: administration of investigative activities on a statewide basis; establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedure; directly supervise a staff of subordinate Compliance/Audit Investigators; assist in the planning and development of the program budget, internal policy and procedure and the implementation or introduction of State legislation; review and approve training programs; prepare and approve work schedules which involved assigning days off, duty hours or compensatory leave; allocate investigators to shifts based on assessed needs; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations; oversee the use and repair of property and equipment; identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head. While Mr. Reynolds may assist, the responsibility for the performance of the above duties and the authority for the program itself resides with the Audit Supervisor and Audit Manager.



- Lastly, Mr. Reynolds contends that while NAC 284.206 was suspended, and has yet to be reinstated, he disagrees with the determination that he would be unable to meet the requirements set forth in this statute and asserts he has been performing a preponderance of the duties of the higher grade 37 classification.

NAC 284.206(2)(a) states "*an employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which the employee works out of his or her class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade.*" As Mr. Reynolds did not perform essentially all of the duties and responsibilities ascribed to the Chief Compliance/Audit Investigator, he would not meet this requirement.

NAC 284.206(3)(c) states "*the employee is supervising other employees of the same or a higher grade if the supervision is (1) not part of the supervision or management responsibilities for a program that is provided for in the class specification; and (2) includes, without limitation, selection, work assignment, training, work review, reports on performance and discipline of employees.*" Since Mr. Reynolds did not supervise staff at the same or higher grade, he would not meet this requirement.

Upon review and analysis, and considering all information provided and subsequently gathered, I find that the Compliance/Audit Investigator III is the correct classification for the position.

Thank you for the cooperation shown during the course of this study. If you wish to appeal this determination to the Personnel Commission, you must do so within 30 days after receipt of this decision (NAC 284.152).

Sincerely,

*Peter Long*

Peter Long, Division Administrator  
Division of Human Resource Management  
Department of Administration

cc: Jeffrey Frischmann, Deputy Administrator,  
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**EXHIBIT "8"**

LAW OFFICES OF  
**PATTI, SGRO & ROGER**  
A PROFESSIONAL CORPORATION

DEAN R. PATTI  
ANTHONY P. SGRO  
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ANDREW D. SEDLOCK  
KEITH D. WILLIAMS  
ALICIA EXLEY  
\* Also licensed in Arizona

January 12, 2017

**Via Regular Mail & Certified Mail:**

**7015 1520 0001 4966 9363**

Division of Human Resource Management  
Attn.: Peter Long, Administrator  
Blasdel Building  
209 East Musser Street, Suite 101  
Carson City, Nevada 89701-4204  
[plong@admin.nv.gov](mailto:plong@admin.nv.gov)

**Via Regular Mail & Certified Mail:**

**7015 1520 0001 4966 9561**

Personnel Commission State of Nevada  
209 E. Musser Street, Suite 102  
Carson City, Nevada 89701

**RE: Mr. James Reynolds – NDP-19**

Dear Mr. Long:

Please allow this letter to act as an appeal pursuant to Nevada Administrative Code (NAC) 284.152(4), of the determination letter dated December 13, 2016 (referred to hereinafter as "determination letter") regarding the above referenced employee.

Please be advised that Mr. Reynolds is in the process of seeking a "Resolution Conference" (it was previously set, then taken off calendar and is pending rescheduling) regarding the desk audit conducted relating to this matter. However, in an abundance of caution, and to ensure Mr. Reynolds is complying with the statutory requirements, he is also providing this written appeal to the determination letter.

First, allow me to thank you for your comprehensive letter addressing my November 10, 2016 letter. That being said, there continue to be disagreements regarding key points.

You incorrectly stated that I was asserting in my prior letter that,

'Preponderance', 'natural growth' or 'increase in workload' precludes reclassification and would mean essentially, that unless the increased duties or workload were part of some sudden and unforeseen event, no employee could ever seek reclassification. The determination letter makes no assertion as to 'sudden and unforeseen events', NAC 284.126(1)(a) does not mention or infer 'sudden and unforeseen events' and NAC 284.126(2) specifically identifies that reclassification of positions can occur as a result of gradual accumulation of duties and responsibilities which results in significant change.

It is not I who is positing that a “gradual accumulation of duties and responsibilities” cannot result in a re-classification. Rather it was Ms. Heather A. Dapice, in her first determination letter, dated October 13, 2016, (referred to herein after as “first determination letter”) who stated that,

[i]n applying the definition, change that is the result of natural growth or an increase in workload, common to most positions in State service, is not considered to fall within the meaning of significant change, nor is the addition of duties that are similar nature or complexity to current or previously performed responsibilities. (See enclosure, letter from Ms. Heather A. Dapice, dated October 13, 2016).

You seem to agree with my point that gradual increases can still result in a re-classification, but then later state that if the State were to essentially double an employee’s work load, that would not warrant re-classification.

For example, Compliance/Audit Investigators conduct audits on a periodic basis by either randomly selecting individual firms or businesses or as required by State law. If State law stated that 10% of businesses were to be audited every year and that changed to 20%, there is no change in the duty itself just the frequency of the audits, which increases the workload. There is no change in the duty itself, significant change has not occurred the position would not for reclassification.

Regardless, although Mr. Reynolds’s workload has increased as he is taking on significant additional duties, it is not just the work load, but also the duties outside the scope of the current classification of Audit/Investigator 35, which is at issue here. A preponderance of Mr. Reynolds duties are within the higher level classification of grade 37 and a reclassification is warranted. I understand your explanation of the term preponderance, but I would again refer to the definition I cited in my prior letter, “‘preponderance’ is defined as, ‘[s]uperiority in weight, importance or influence.’ See Blacks Law Dictionary, 2<sup>nd</sup> Pocket Ed., (2001) at pg. 547.”

In particular, Mr. Reynolds was mandated to perform work on a statewide basis, directly supervise the investigative activities of nine subordinate investigators. Additionally, Mr. Reynolds is responsible for their training needs and personal evaluations, and making sure the office is properly staffed. Again, this is not the position Mr. Reynolds assumed in 2009 when forced to take this job as to was the only job offered to him off of the re-employment list – a list he was a member because of prior budget cuts.

I believe that you are asserting that because Mr. Reynolds himself has a supervisor who also performs these duties, Mr. Reynolds is not performing them. While Mr. Reynolds has tremendous respect for his supervisor, because he is reporting to his supervisor does not preclude Mr. Reynolds from himself performing supervisory duties. Mr. Reynolds is performing the duties that would qualify him for “supervisor” under the code.

There is a lot of discussion in both the most recent determination letter, as well as the first determination letter, regarding what the code really means. Preponderance means “[s]uperiority in weight, importance or influence.” *Id.* It is not the 50% mark you state in your letter. If that were the

Enclosures as stated

case then the code would state “50%” rather than use the term “preponderance” which allows for both a greater than half calculation, but also allows for preponderance to be something more than just a mathematical calculation and address “importance” or “influence.” Although, Mr. Reynolds asserts he has meet the 50% mark regardless, but even if that were not the case, that is not the end of the inquiry when using the term preponderance.

To determine legislative intent, this court first looks at the plain language of a statute. Salas v. Allstate Rent-A-Car, Inc., 116 Nev. 1165, 1168, 14 P.3d 511, 513–14 (2000). We only look beyond the plain language if it is ambiguous or silent on the issue in question. Id. We read statutes within a statutory scheme harmoniously with one another to avoid an unreasonable or absurd result. Allstate Ins. Co. v. Fackett, 125 Nev. 132, 138, 206 P.3d 572, 576 (2009)(citing to Torrealba v. Kesmetis, 124 Nev. 95, —, 178 P.3d 716, 721 (2008)).

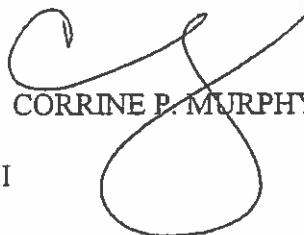
**Conclusion:** The preponderance of duties performed by Mr. Reynolds are that of a Chief Compliance/Audit Investigator, 11.306, grade 37. Further, Mr. Reynolds performed as such prior to the removal of the “supervisor” description in the grade 35 description which occurred in 2010.

Please note, I have enclosed the prior appear letter of November 10, 2016 with this correspondence and I incorporate the contents and legal positions articulated in the letter, in this letter and as a part of this appeal as well.

Mr. Reynolds is submitting this written appeal and pursuing a Resolution Conference, however, Mr. Reynolds also asserts that he is entitled to a hearing on this matter.

Very truly yours,

PATTI, SGRO & ROGER



CORRINE P. MURPHY, ESQ.

cc: Denise Woo-Seymour, Personnel Analyst III  
State of Nevada  
Department of Administration  
Division of Human Resource Management  
100 N. Stewart Street, Suite 200  
Carson City, NV 89701  
(775) 684-0149  
[dseymour@admin.nv.gov](mailto:dseymour@admin.nv.gov)

Tawny Ipolito  
[tipolito@admin.nv.gov](mailto:tipolito@admin.nv.gov)

Enclosures as stated

**EXHIBIT "9"**

## ESSENTIAL FUNCTIONS

CLASS TITLE: Compliance/Audit Investigator III

BUDGET ACCOUNT NO.: 4770 POSITION CONTROL NO.: 4417

DATE PREPARED: 01-16-09

INTERVIEWER: TERRY W. SIMONTON/ARTURO MARTINEZ

Supervise subordinate investigator's workflow and production in such a manner that the Division's goals are met.

Review completed blocked claims for compliance with Contributions Central Office guidelines; provide written or oral guidance to investigators' questions regarding investigative assignments.

Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.

Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.

Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business and negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.

At journey level investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the auditors' preparation of determination letters and presentation at administrative hearings.

Train new investigators consistent with the training plan and conduct ongoing training on at least a quarterly basis.

Perform investigator evaluations timely, consistently and fairly against established work performance standards.

Supervise the audit staff's workflow and production in the absence of the Supervising Auditor I and Auditor III to ensure office guidelines are maintained.

Provide quality customer service internally and externally. Exhibit professional and respectful behavior to staff, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.

Every employee must comply with the State's workplace safety requirements.

"This is a full time 40-hour per week position. The essential functions assigned require work performed on a full time basis."

Can you perform these essential functions with or without reasonable accommodation?

YES

NO

CANDIDATE'S SIGNATURE:

*James J. Reynolds*

DATE: 01-16-09

Rev.: 01-16-09

ADA-03



**EXHIBIT "10"**

61200



**DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
EMPLOYEE WORK PERFORMANCE  
STANDARDS FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given the opportunity to provide comment when the standards are revised (NAC 284.468).

<b>Employee Name:</b>	Last: Reynolds	First: James	Initial: J	<b>Employee ID #:</b>	39489 <del>38489</del>
<b>Class Title:</b>	Compliance/Audit Investigator III			<b>Date Standards Est/Rev:</b>	02/24/2015

<b>Department/Division:</b>	DETR - ESD				
<b>Agency # (3 digits):</b>	902	<b>Home Org # (4 digits):</b>	4770	<b>Position Control #:</b>	4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

**Employee Signature:** *Refuse to sign while Reason Granted* Date: *5-4-15* *JR*

**Supervisor Title & Signature:** *Supervising Auditor II Melvin Torres* Date: *5/7/15*

**Reviewing Officer Title & Signature:** *Edgard Roberts Chief* Date: *5/7/2015*

**Appointing Authority Title & Signature:** *Jeffrey J* Date: *06/02/15*

Job Elements (Defined as principal assignments, goals, responsibilities and/or related factors.)	* Weighted Value	Performance Standards
<b>Element #1:</b> Lead Worker: Acting as a lead worker, provide training and coordinate the work assignments of Compliance/Audit Investigator I & II's in the southern regional office. Provide assistance to lower level investigators regarding case preparation and presentation in a court of law.	27%	Above Standard - 0 exceptions Standard - 1 to 3 exceptions Below Standard - 4 or more expectations
<b>Job Element #2:</b> Blocked Claims Review: Review final investigative reports for accuracy, clarity, format, and to ensure policy and procedure was followed.	30%	Above Standard - greater than 95% acceptance rate Standard - 85% to 95% acceptance rate Below Standard - less than 85% acceptance rate
<b>Job Element #3:</b> Benefits Claims Investigations: Resolve difficult in-state and out-of-state blocked claims in accordance with the requirements of the Employment Security Investigator's Manual (ESIM) and Division standards. Complete all documents required to bring the employer's account into current compliance with UI laws, regulations, and policies. Prepare a comprehensive report to include: a case history maintained in chronological order documenting contact or non-contact with employer and/or claimant; a detailed narrative of the findings based on the evidence gathered; recommendations with regards to employer action and establishment of claimant's wages; collection action and asset location; and audit recommendation.	2%	Note: The following measurements are intended to be an indicator of performance. There may be other factors that influenced the performance level of the compliance/audit investigator III. These factors will be taken into consideration when using these measurements for evaluations.  a. Quantity of blocked claims completed per week as tracked through the Access Data Tracking System.  Above Standard - more than 7 blocked claims completed Standard - 5 to 7 Below Standard - less than 5  b. Timeliness of blocked claims completed as tracked through the Access Data Tracking System.

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		<p>Above Standard - completed in less than 9 days  Standard - more than 9 days but less than 11 days  Below Standard - more than 11 days</p> <p>c. Quality of blocked claims completed per year.</p> <p>Above Standard - 97% or more block claims completed without rejection  Standard - 91% to 96%  Below Standard - 90% or less</p>
<p><b>Job Element #4:</b>  In-State and Out-of-State Requests: Investigate difficult request assignments from other states or agencies as outlined in Job Element #3. When necessary, apply the laws of other states to accomplish the assigned task.</p>	2%	<p>Timeliness of request (a resolution must be achieved or a progress report submitted within forty-five (45) days of the assignment or the due date of the assignment, whichever is sooner.</p> <p>Above Standard - 1 deviation or less  Standard - 2 deviations  Below Standard - 3 or more deviations</p>
<p><b>Job Element #5:</b>  Perform related duties as assigned: Including, but not limited to the following;  1) Assign investigations to staff in the northern region as needed to assist in achieving equitable investigator workload assignments.  2) Program Compliance/Collections: Locate employers to demand filing of delinquent reports and payment of any liability owed to the department. Arrange for payment of debt by analyzing the financial condition of the business negotiating a payment agreement. If collection of debt and/or obtainment of delinquent reports are not possible, identify appropriate legal action by computing adequate levy amounts to be assessed using facts obtained during the investigation. Recommend levy or jeopardy assessments, demand of payment, filing of judgments, and notices to withhold to secure the debt and protect the Division's interests.</p>	5%	<p>Timeliness - Collections actions and obtainment of delinquent reports are to be performed within sixty (60) days from receipt of assignment. From a sample of twenty (20) assigned collection actions and/or request for delinquent reports:</p> <p>Above Standard - 17 or more cleared in 60 days  Standard - 15 to 16  Below Standard - 14 or less</p>
<p><b>Job Element #6:</b>  Determination Letters: At journey level, investigate and prepare final determination letters; present the Division's cases to the Appeals and Board of Review; monitor the lower level auditors' preparation of determination letters and presentation at administrative hearings.</p>	3%	<p>Above Standard - 0 unacceptable letters/presentations  Standard - 1 unacceptable letter/presentation  Below Standard - 2 or more unacceptable letters/presentations</p>
<p><b>Job Element #7:</b>  Training: Provide training for new investigators and conduct ongoing training for lower level investigators as needed, at least on a quarterly basis.</p>	5%	<p>Above Standard - 0 exceptions  Standard - 1 to 2 exceptions  Below Standard - 3 or more exceptions</p>
<p><b>Job Element #8:</b>  Customer Satisfaction and Professional Conduct: Provide quality customer service internally and externally, utilizing all relevant, professional skills, including, but not limited to, language and computer skills. Exhibit professional and respectful behavior to self, customers, and the general public. This includes exhibiting a positive attitude, being dependable, and maintaining cooperative and productive relationships with co-workers, supervisors, and subordinates.</p>	25%	<p>All employees are required to perform their duties in a professional and respectful manner while focusing their efforts, within the context of their position, on meeting the goals and objectives of the organization as defined and measured in the performance indicators. (Special note: rater takes into consideration any extenuating circumstances as well as ensuring adequate documentation is included to justify the rating given. An Exceeds Standards rating must be documented with specific examples that were well above and beyond the expectations of the position).</p>

		<p>Meets Standards: No more than two exceptions per year. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.</p> <p>Does Not Meet Standards: Three or more exceptions. Examples of exceptions include - Employee exhibited one or more of the following: poor attitude; lack of dependability; uncooperative with co-workers, supervisors and subordinates; and/or validated customer complaints.</p>
<p><b>Job Element #9:</b> Safety Program: Every employee must comply with the State's workplace safety requirements.</p>	<p>1%</p>	<p>Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone</p>

\*If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03  
Revised 3/12

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**EMPLOYMENT SECURITY DIVISION**

61200



DIVISION OF HUMAN RESOURCE MANAGEMENT  
EMPLOYEE WORK PERFORMANCE STANDARDS FORM

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given the opportunity to provide comment when the standards are revised (NAC 284.468).

Employee Name:	Last	Reynolds	First	James	Ini	J	Employee ID #	39489 <del>38489</del>
Class Title:	Compliance/Audit Investigator III						Date Standards Est/Rev:	02/24/2015

Department/Division:	DETR - ESD				
Agency # (3 digits):	902	Home Org # (4 digits):	4770	Position Control #:	4417

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

Employee Signature: *Refuse To Sign while Pending Grievance* Date: *5-4-15*

Supervisor Title & Signature: *Supervising Auditor II* *Melanie Troed* Date: *5/7/15*

Reviewing Officer Title & Signature: *Edgar Roberts Chief* Date: *5/7/2015*

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<p><b>Job Element #9:</b> Safety Program: Every employee must comply with the State's workplace safety requirements.</p>	<p>1%</p>	<p>Performance Standard Follow all safety rules, immediately report injuries and hazards to supervisor. Cooperate fully with the office safety committee in such a manner to ensure personal protection for everyone</p>

\*If a weighted value is not designated, each job element has an equal weight.

Distribution: Original to Agency; Copy to Employee; Copy to Supervisor

NPD-14 Est. 1/03  
Revised 3/12

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**MAY 07 2015**

**EMPLOYMENT SECURITY DIVISION**

**EXHIBIT "11"**

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FEB 21 2014



HUMAN RESOURCES  
DETR CARSON STATE OF NEVADA  
EMPLOYEE APPRAISAL & DEVELOPMENT REPORT

1. Employee Name: Last REYNOLDS First JAMES Initial J.

2. Class Title: COMPLIANCE AUDIT/INVESTIGATOR III

3. Employee ID #: 39489

4. Dept/Div/Section: DETR/ESD/CONTRIBUTIONS/LV FIELD AUDIT OFFICE

5. Date Evaluation Due: 02/09/14- Done  
2/12/14

6. Agency # (3 digits): 902 Home Org # (4 digits): 4770 Position Control #: 4417

7. Date Next Evaluation Due: 02/09/15

8. Probationary/Trial Period (check one): OR Permanent (check one):  
6 month Probation/Trial:  2<sup>nd</sup> month  5<sup>th</sup> month  Other  
12 month Probation/Trial:  3<sup>rd</sup> month  7<sup>th</sup> month  11<sup>th</sup> month  Other  Annual  Other

9. Work Performance Standards:  are an accurate reflection of the position  will be revised to reflect changes

10. Overall Rating from Page 2, Number 14 (check one):  
 Does Not Meet Standards\*  Meets Standards  Exceeds Standards

\* If a rating of "Does Not Meet Standards" is given, another evaluation must be completed within 90 days. The rating may affect adjustments in salary based on merit (NAC 284.194) and longevity pay (NAC 284.270).

Rater's Printed Name: Arturo Martinez

Rater's Signature & Title: *[Signature]* Supervising Auditor I Date: 2/12/14 (mm/dd/yy)

Additional Supervisory Review (optional):  Agree  Disagree (Comment Required)

Printed Name: Edgar J. Roberts

Signature and Title: *[Signature]* Chief of Contributions Date: 2/12/14 (mm/dd/yy)

12a. Date employee received evaluation document: 2-12-14 Employee's Initials: JR (Does not indicate agreement or disagreement.)

b. Employee Response: NAC 284.470 requires that you complete the section below and sign the report on performance within 10 working days after discussion with your supervisor.

Agree  Disagree  Request Review\* (If you disagree with the report and request a review, you must specify the points of disagreement below or attached.)

c. Employee Signature: *[Signature]* Date evaluation returned to supervisor: 2-12-14

13. Appointing Authority Review:  Agree  Disagree (Comment Required)

Appointing Authority's Printed Name:

Appointing Authority Signature & Title: *[Signature]* Date: 2-21-14 (mm/dd/yy)

Employee Evaluation & Development Report -- Page 3

Employee Name: (Last)	Reynolds	(First)	James	(Initial)	J.
Employee ID #: 39489					

15. Rater's Comments: (A "does not meet standards" rating for any job element must include a detailed explanation of the deficiencies.)

Job Element 1: During this review period you have supervised 09 compliance audit/investigator II's and one compliance audit/investigator I. You have held staff meetings as needed to discuss any concerns so that they could be addressed. You have assured that the production continues to meet the Department's goals. No exceptions were noted during this period.

Job Element 2: From February 10, 2013 to February 9, 2014, you have assigned and reviewed 2,343 wage protests and independent contractor claims while ensuring that investigation assignments were equitably distributed among the investigators. You have issued instructions regarding the proper preparation of the wage protests forms sent to Central Office to ensure guidelines are being met. You have provided written and oral guidance to investigator's questions regarding assignments.

Job Element 5: You have assisted in aiding investigators in dealing with difficult employers who are delinquent in filing quarterly tax returns and paying quarterly contributions. During this review period your staff has been working on reducing the number the delinquent reports list (Two Levy List).

Job Element 6: You did not prepare any determination letters during this review period. However, you reviewed 19 determination letters written by your staff to assure they properly covered the statutes and established guidelines. Also, you accompanied investigators to several appeal hearings as an observer for training purposes.

Job Element 7: During your review of the investigator's work, you have provided training regarding the proper preparation of the forms sent to Central Office. When necessary you distributed sample forms provided by Central Office to assure consistency in completing claims. During this review period you were responsible for the training of one new compliance audit/investigator II's.

Job Element 8: During this review period you wrote 9 employee evaluations. No exceptions were noted.

Job Element 9: During this review period, there were several occasions when you were the supervisor in charge of the field office due to supervising Auditor I and the Auditor III being out of the office.

Job Element 10: Your customer satisfaction and professional conduct this period was in accordance with the current DETR policy.

Job Element 11: For this period, you have complied with the State's workplace safety requirements

16. Development Plan & Suggestions: (The supervisor will address how the employee can enhance performance and achieve standards; indicates recommendation for further development and training. This section should be discussed with the employee.)

During this review period you attended the following classes offered by State Personnel and DETR Training:

General Safety, Fire Marshal Fire Safety & Extinguisher Training and Ethics of Excellence: Managers & Supervisors.

Recommend continue taking courses offered by State Personnel or DETR Training that will enhance your effectiveness as a supervisor and promote career development. Continue to seek guidance from your Manager and peers when dealing with difficult issues.

17. Merit Award Program: (Provide information to employee relating to the Merit Award Program established in NRS 285.020.)

Please check method(s) used:

- Employee Handbook  State Human Resource website:  Other (List details) \_\_\_\_\_  
<http://hr.nv.gov/> JR

Distribution: Original to Division of Human Resource Management; Copy to Agency; Copy to Employee

NPD-15  
Rev. [7/13]



**Employee Evaluation & Development Report – Page 2**

Employee Name: (Last)	Reynolds	(First)	James	(Initial)	J.
Employee ID #: 39489					

Note – Reviewing Officer uses form NPD-15R to respond to employee’s request for review as outlined in NAC 284.470

4. Job Elements (Transfer from Employee Work Performance Standards form and provide a numerical rating of 1 = DMS; 2 = MS; or 3 = ES for each job element in column A).	(A) Rating	(B) Weighted Value	(C) Weighted Rating
Job Element #1: Supervise Compliance Audit/Investigator I/II's	3	20%	.60
Job Element #2: Blocked Claims Review	3	25%	.75
Job Element #3: Benefits Claims Investigations (Element not rated.) Employee did not perform any Benefits Claims Investigations in this review period.		N/A	
Job Element #4: In-State and Out-of-State Requests (Element not rated.) Employee did not compose any In-State and Out-of-State Requests during this review period.		N/A	
Job Element #5: Difficult Collections and Legal Action	2	4%	.08
Job Element #6: Determination Letters	2	3%	.06
Job Element #7: Training	3	3%	.09
Job Element #8: Conduct Evaluations	2	3%	.06
Job Element #9: Supervise Auditor I/II's	2	2%	.04
Job Element #10: Customer Satisfaction & Professional Conduct	2	25%	.50
Job Element #11: Safety Program	2	1%	.02
<b>Overall Rating (Scale: 1 to 1.50 = DMS; 1.51 to 2.50 = MS; 2.51 to 3 = ES)</b> <i>A "does not meet standards" rating may affect adjustments based on merit (NAC 284.194) and longevity pay (NAC 284.270). Another evaluation must be completed within 90 days (NRS 284.340).</i>		.86	2.20 Adj=2.56



**EXHIBIT "12"**

**James Reynolds, Compliance/ Audit Investigator III**  
 Agency 902, Agency Org/Budget # 4770, Employment Security Division,  
 Employment, Training & Rehabilitation Department  
 March 2, 2018 Personnel Commission Meeting  
**Appellant, James Reynolds**

<u>Exhibit #</u>	<u>Date</u>	<u>Description of Document</u>	<u>Statement of Significance</u>
13	8/30/2012	Report - Field Office Investigation	Mr. Reynolds signed off on the report as the supervisor for Ed Pace, investigator in Northern Nevada. See p. 3.
14	3/7/2014	E-mail stream between Ms. Maguire, Mr. Pace, Ms. Lindsey, Mr. Reynolds, and Mr. Martinez re: assignment of completed claims	Ms. Maguire, Supervising Auditor II in Northern Nevada, requested for Mr. Reynolds and Mr. Pace to assume responsibility for reviewing the completed claims and assigning claims (Mr. Reynolds -Southern Nevada claims, Mr. Pace - Northern Nevada claims). Mr. Pace declined to review the completed claims for Northern Nevada.
15	6/05/2014	E-mail from Ms. Maguire to Field Audit Team re: Fiscal Year End	Ms. Maguire recognized the hard work and accomplishments of everyone on the team within their respective classifications. Ms. Maguire specifically acknowledges in paragraph 3 on page 1 that the "Supervisors in the South have been called upon to cover the vacant Northern area supervisory position, and have done a great job, Jim [Mr. Reynolds] in particular, in being able to consolidate the North and South investigation assignment in order to make equitable workloads."
13	6/10/2014	E-mail stream between Ms. Maguire, Mr. Martinez, Ms. Heiner, and Mr. Reynolds, re: investigation assignment and review function for claims in Reno	This email acknowledges that the duties for the Supervising Audit position, which include the investigation assignment and review function for claims in Reno were being performed by Mr. Reynold and that he would continue to fulfill such duties up to December 31, 2014.
17	9/29/2014	E-mail stream between Ms. Maguire, Ms. Heiner, Mr. Martinez, and Mr. Reynolds re: claims for Melinda	Ms. Heiner, the Supervising Auditor I in Reno, requested that Mr. Reynolds assign new claims to Melinda.

Exhibit #	Date	Description of Document	Statement of Significance
18	10/28/2014	E-mail stream between Ms. Maguire, Ms. Shaffer, Mr. Reynolds, Mr. Roberts, Mr. Martinez, and Ms. Bosheth re: Wage Protest concerns	Mr. Reynold was communicating with Ms. Maguire and Edgar Roberts, Chief of Contributions, regarding a wage protest concern, case assignments, and duplicate work.
19	12/22/2014	E-mail stream between Ms. Maguire, Mr. Martinez, Ms. Heiner, and Mr. Reynolds, re: Melinda's claims	This email acknowledges that Mr. Reynolds is still assigning claims for Southern and Northern Nevada, Northern Nevada still needs assistance from Southern Nevada, directs Mr. Reynolds to make proportionate assignments among the Northern investigators and to focus on assignments to complete reports for levy lists and collections.
20	12/23/2014	E-mail stream between Ms. Heiner, Mr. Reynolds, Mr. Martinez, and Ms. Maguire re: Melinda	This email confirms that Mr. Reynolds is still assigning claims for Southern and Northern Nevada, Northern Nevada still needs assistance from Southern Nevada, and requests that no more claims be assigned to Melinda.
21	2/6/2015	E-mail stream between Ms. Heiner and Mr. Reynolds re: Melinda	This email confirms that Mr. Reynolds is still assigning and reviewing claims for Northern Nevada.
22	2/23/2015	E-mail between Mr. Martinez and Mr. Reynolds, re: evaluations	Mr. Martinez, Chief Compliance/Audit Investigator I, requested evaluation dates and information (statistics) for the 3 reviews due in March 2015.
23	8/26/2015	E-mails between Mr. Martinez, Mr. Reynolds, and Ms. Maguire Re: review and final approval for 4065's	Mr. Martinez instructs Mr. Reynolds to review and provide final approval for 4065s to wrap up testing for field audit section. (4065 approval is known as "Investigation Request-Supervisor", see Exhibit "26" below, which explains the process).
24	9/1/2015	printout of Mr. Reynold's inbox with notes and related attachments	Mr. Reynolds was instructed at 8:10 a.m. to stop signing, re-instructed at 11:21 a.m. to continue approving until 9/4/15.

Exhibit #	Date	Description of Document	Statement of Significance
25	12/23/2015	E-mail stream between Mr. Martinez, Mr. Reynolds, Ms. Fowler, Ms. Maguire, and Ms. Barrette re: NEATS Supervisory Access	Mr. Martinez identified Mr. Reynolds as an immediate supervisor when he informed Ms. Fowler that Mr. Reynolds is not working in a supervisory capacity at this time and instructed her to remove supervisory functions from his NEATS profile.
26	6/8/2016	E-mail stream between Mr. Sewell, Ms. Bosheth, Mr. Reynolds, Mr. Martinez, and Ms. George re: Overall Worksheet approval process	This email confirms Mr. Reynolds will continue to perform supervisory functions and that he is being added as the supervisor WI – Investigation Request-Supervisor.
27	6/9/2016	E-mail from Mr. Reynolds to ms. Mbuka, Ms. Larry, Ms. Kwok, Ms. Sakai, Ms. Ray, and Mr. Martinez re: Scheduling	This email confirms that Mr. Reynolds is responsible for providing coverage for the office.
28	9/2/2016	E-mail stream between Mr. Martinez, Mr. Reynolds, Ms. Sweeting, Mr. Oxborrow, re: Replies to bug 39623 with Office Production Report for August 2016	Page 4 of the report shows Mr. Reynolds is a supervisor, performs all the functions of a supervisor regarding the 4065s, and submits it to Mr. Martinez to submit to benefits or the wage request unit. The last page contains a list of all the investigators in Las Vegas and Carson. Mr. Reynolds in not listed as an investigator.
29	9/7/2016	E-mail stream between Ms. Maguire, Ms. Lewis, Mr. Martinez, Mr. Reynolds, and Mr. Sewell re: dealing with late wage protests	Ms. Maguire states in her response that she will get with the field supervisors to see how they want to handle it. Her response was courtesy copied on James Reynolds, which shows he is considered to be a supervisor.
30	9/23/2016	E-mail from Mr. Sewell to Mr. Reynolds re: Lisa's cases.	Mr. Sewell, Supervising Auditor I in Northern Nevada, emailed Mr. Reynolds requesting that he not assign any cases to Lisa for the next week.
31	9/27/2016	E-mail from Mr. Martinez to Mr. Reynolds re: new procedures	Ms. Maguire, Mr. Martinez, and Mr. Reynolds met to discuss new procedures that will be going into effect.

Exhibit #	Date	Description of Document	Statement of Significance
32	10/03/2016	E-mail from Ms. Rosas to Mr. Sewell and Mr. Reynolds re: Investigation Request-Supervisor	Mr. Reynolds was asked to review and approving 4065 requests for Mr. Sewell, while he was out for the week. Investigation Request-Supervisor means 4065 requests see Exhibit "26".
33	10/4/2016	E-mail from Ms. Maguire to Mr. Reynolds, Mr. Martinez, Ms. George, Ms. Rackley, Mr. Roberts, and Mr. Sewell re: UInv Procedure implementation - 3 day contact and affidavit	This email shows that Jim is still supervising and assigning cases to Northern Nevada.
34	11/7/2016	Cor to Claimant with E-mail stream between Mr. Reynolds, Mr. Sewell, Ms. George, Mr. Martinez, and Ms. Maguire re: removal of Mr. Reynolds name from determination with inbox printout attached	This email is significant because it shows that Mr. Reynolds must be on the determination letter because he is the supervisor that reviews and approves the worksheets [4065s].
35	11/30/2016	E-mail from Mr. Reynolds to Ms. Mbuka re: time request	Mr. Reynolds supervises other employees and approves time off or other scheduling requests
36	1/30/2017	E-mail from Ms. Maguire to Mr. Reynolds re: Nancy	This emails shows that Jim continues to assign and supervise investigators in Northern Nevada, including Nancy Magallon, who is an Investigator III.
37	5/19/2017	E-mail from Ms. Roebuck to Mr. Reynolds re: Investigation Request - Supervisor	This email is from Jennifer Roebuck, Audit Supervisor I in Northern Nevada, to Mr. Reynolds regarding a 4065 request.
38	6/30/2017	E-mail from Ms. Maguire to Mr. Reynolds, Mr. Martinez, Ms. Roebuck, Ms. Falline, and Ms. Sweeting re: changes for Jennifer	Pursuant to this email, the Northern Nevada region will begin to review and assign it's own claims through Jennifer Roebuck.

Exhibit #	Date	Description of Document	Statement of Significance
39	8/30/2017	E-mail from Ms. Roebuck to Mr. Reynolds and Mr. Martinez re: evaluations	Ms. Roebuck requests feedback and information from Mr. Reynolds for the evaluations relating to two investigators he supervised and assigned cases to in Northern Nevada (Lisa Rosas and Jayne George).
40	9/20/2017	E-mail from Ms. Maguire to Ms. Roebuck, Ms. Falline, Mr. Martinez, Ms. Sweeting, and Mr. Reynolds re: Holiday coverage	Ms. Maguire's email refers to supervisors taking time off over the Thanksgiving Holiday. Further, she identifies Mr. Reynolds "Jim" as a supervisor and asks who will be filling in for him.
41	11/2/2017	E-mail from Ms. Roebuck to Mr. Reynolds, Mr. Martinez, and Ms. Maguire re: training for role in Wage Protests	Ms. Roebuck requests training for the process to assign, review, and approve wage protests in Northern Nevada. Mr. Martinez directs Mr. Reynolds to train Ms. Roebuck, the Audit Supervisor for Northern Nevada.
42	11/6/2017	E-mail from Ms. Roebuck to Ms. George, Ms. Rosas, Mr. Reynolds, Mr. Martinez, and Ms. Maguire, re: Investigations Review/Approve	Ms. Roebuck requests to begin assigning and emailing claims to her for review/approval, but states that Mr. Reynolds will continue to assign claims until the function is split.
43	N/A	Class Specification established July 1, 1991 and revised November 15, 1991	<p><u>Compliance/Audit Investigator III Grade 35:</u>  Performs the full range of duties . . . performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. . . . Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator. . . .</p> <p>May provide training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. May review final investigative or audit reports for accuracy, clarity, form and to insure policy and procedure is followed. . . .</p>



44	N/A	<p>Class Specification provided to Mr. Reynolds in or around January 2015, which were last revised on May 6, 2011</p>	<p><u>Chief Compliance/Audit Investigator: Grade 37:</u>  Responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities, review and evaluate operational efficiency and compliance, and directly supervise a staff of subordinate Compliance/Audit Investigators. . . .</p> <p>Oversee the training of staff, prepare and approve work schedules, allocate investigators, and review status reports.</p> <p><u>Compliance/Audit Investigator III Grade 35:</u>  Performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. . . . Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.</p> <p>Provides training or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. Review final investigative or audit reports for accuracy, clarity, format and to insure policy and procedure was followed.</p>
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**EXHIBIT "13"**

State of Nevada  
Department of Employment, Training & Rehabilitation  
Employment Security Division  
Unemployment Insurance Contributions Section

**REPORT – FIELD OFFICE INVESTIGATION**

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<b>Type of Investigation:</b>	<input checked="" type="checkbox"/> Wage Protest	<input type="checkbox"/> Independent Contractor
<b>Date of Request:</b>	August 30, 2012	
<b>Claimant's SSN:</b>		
<b>Claimant's Name:</b>		
<b>Employer Name:</b>	CLP Resources Inc.	
<b>Account Number:</b>	184450.00	

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**I. Investigative Log: Case History, maintain in chronological order.**

08-30-12: Monetary forwards CLP spreadsheet, which includes a listing of 25 individual entries. Monetary requests confirmation that wages were correctly reported to Nevada from the employer. The spreadsheet is forwarded to employer payroll principal, Kay Sol ([ksol@trueblueinc.com](mailto:ksol@trueblueinc.com)).

The employer has consistently misreported wages paid to out-of-state employees to Nevada. Nevada Unemployment Compensation Insurance law, specifically NRS 612.070, exempts wages that fail to meet localization requirements. Wages so earned may not, therefore, be used in a Nevada claim for unemployment benefits.

08-31-12: Sol returns the spreadsheet with entries identifying the liable state for wage reporting purposes. Sol's report is forwarded to the SAO for further processing.

09-06-12: Correction reports for deletion of incorrectly reported wages are processed and forwarded to the employer for review and signature.

09-10-12: The employer returns signed correction reports for the affected quarters.

Nevada EUCP files list the claimant's contact address as 4538 W. 12<sup>th</sup> St., Yuma, AZ 85364.

The Arizona IBIQ report contains the same claimant contact information that appears in the EUCP screen. The employer reported duplicate 113, 114 and 121 quarter wages to Arizona. The employer also reported Arizona wages in the 122 quarter.

**II: Status: Final**

State of Nevada  
Department of Employment, Training & Rehabilitation  
Employment Security Division  
Unemployment Insurance Contributions Section

**REPORT – FIELD OFFICE INVESTIGATION**

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- III: Claimant/Employer Contact:** If either the claimant or the employer was not contacted, explain why not. If both were contacted, enter N/A.

It was not necessary to contact the claimant in this instance.

- IV. Findings/Recommendations/Attachments:** Conclusions based on the evidence gathered.

**Conclusions:**

The claimant's Arizona IBIQ report lists employer-reported 113 through 122 quarter wages. The employer has confirmed the claimant worked as an Arizona employee and earned no Nevada wages.

**Recommendations:**

Pursuant to the provisions of NRS 612.070, wages earned from this source were not localized to Nevada and may not, therefore, be applied as Nevada wages in a Nevada claim for unemployment compensation insurance.

Delete the following wages:

113: \$1,028.50  
114: \$5,764.00  
121: \$511.50

Please note that wages for the affected quarters appear in Arizona IBIQ files. Also note that the employer reported the claimant's 122 quarter wages to Arizona.

**List Attachments:**

Statements to Correct (NUCS-4075) for the 113, 114 and 121 quarters.

**Collection Action/Asset Location:**

Bank of America

- V. Is an audit of the employer recommended? No.**

**Date claim cleared: 09-10-12**

State of Nevada  
Department of Employment, Training & Rehabilitation  
Employment Security Division  
Unemployment Insurance Contributions Section

**REPORT – FIELD OFFICE INVESTIGATION**

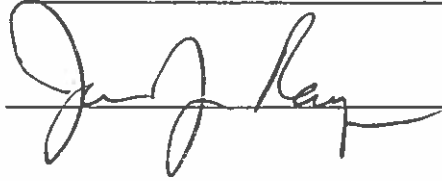
---

Investigator: Ed Pace RN08

Investigator's Signature:

Supervisor's Signature:

 (mslive)

Time: 3.5 hours

COPY

Transaction

Quarter

Delinquent Date

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA  
 DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION  
 EMPLOYMENT SECURITY DIVISION  
 500 E. Third Street - Carson City, Nevada 89713  
 Telephone (775) 684-6300 FAX (775) 684-6397

STATEMENT TO CORRECT

For the calendar quarter ending 9/30, 2011  
 (Use a separate form for each quarter being corrected)

REPORT DATE >

Employer Account No. 184450.00

Name CLP RESOURCES INC

1. Complete the following section to amend individual wage items previously reported on Quarterly Contribution and Wage report Form NUCS-4072. (If reimbursable employer, use this form to amend Form NUCS-4082.)

Employee Social Security No. OOO OO OOOO	Name of Employee (Print or Type)	Wages Previously Reported		Correct Amount of Wages	
		Dollars	Cents	Dollars	Cents
			1,338.00		0.00
			9,890.00		0.00
			5,577.00		0.00
			5,299.25		0.00
			3,928.87		0.00
			6,880.16		0.00
			1,836.00		0.00
			1,320.00		0.00
			1,974.60		0.00
		TOTALS	66,435.22		0.00

*If more spaces are needed request Form NUCS-4500*

2. Complete the following section to amend wages previously reported in Items 3, 4 or 5 of quarterly report. (If reimbursable employer, use this section to amend total wages paid this quarter.)

	Previously reported	Amended	Additional (Complete explanation section below)	Deductions
TOTAL (Item 3) .....	\$ 9,211,379.96	\$ 9,144,944.74	\$ -	\$ 86,435.22
NONTAXABLE (Item 4) ..	\$ 1,921,783.82	\$ 1,921,783.82	\$ -	\$ -
TAXABLE (Item 5) .....	\$ 7,289,596.14	\$ 7,223,161.12	\$ -	\$ 66,435.22
<b>CONTRIBUTIONS</b>				
Adjustment at UI rate in effect for quarter indicated above		5.4 %	\$ -	\$ 3,587.50
Adjustment at CEP rate of .05% (.0005) .....			\$ -	\$ -
<b>INTEREST</b>				
At 1/2 percent (.005) for each month from delinquent date (UI tax only) through June 30, 2000			\$ -	\$ -
OR			\$ -	\$ -
At 1 percent (.01) for each month from delinquent date (UI tax only) effective July 1, 2000 .....			\$ -	\$ -
<b>PENALTY INTEREST</b>				
Only if original report was not filed timely, at 1/10 percent (.001) X additional taxable wage amount (see above) for each month from delinquent date original report was filed .....			\$ -	\$ -
<b>NET ADJUSTMENT</b>				
UNDERPAYMENT .....			\$ -	\$ -
OVERPAYMENT .....			\$ -	\$ 3,587.50

EXPLANATION OF CHANGES REPORTED ABOVE

*K. M. Prater*  
 Signature

PR Tax Accountant (775) 680-9254  
 Title Telephone

9/10/12  
 Date

NUCS-4072 (Rev. 1-12)

OBSTRUCTED CLAIM

STATE OF NEVADA  
DEPARTMENT OF EMPLOYMENT, TRAINING & REHABILITATION  
EMPLOYMENT SECURITY DIVISION

CONTINUATION SHEET  
STATEMENT TO CORRECT  
QUARTERLY LIST OF WAGES REPORTED

ACCOUNT NUMBER 184450.00

PAGE 2 OF 3

EMPLOYER NAME CLP RESOURCES INC

QUARTER ENDED 9/30/11

EMPLOYEE SSA#	NAME OF EMPLOYEE (PRINT OR TYPE)	WAGES PREVIOUSLY REPORTED	CORRECT AMOUNT OF WAGES
		863.50	-
		572.00	-
		976.00	-
		572.00	-
		1,199.00	-
		4,569.00	-
		1,028.50	-
		2,771.49	-
		4,911.00	-
		1,196.25	-
		987.25	-
		348.00	-
		324.00	-
		1,441.00	-
		4,443.15	-
		480.00	-
		781.00	-
<b>TOTAL</b>	<b>OBSTRUCTED CLAIM</b>	27,463.14	-





COPY

Transaction       
 Quarter       
 Delinquent Date       
 Reviewed by                       
 Date                     

STATE OF NEVADA  
 DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION  
 EMPLOYMENT SECURITY DIVISION  
 500 E. Third Street - Carson City, Nevada 89713  
 Telephone (775) 684-8300 FAX (775) 684-8397

STATEMENT TO CORRECT

For the calendar quarter ending 12/31, 2011  
 (Use a separate form for each quarter being corrected) REPORT DATE >

Employer Account No. 184450.00

Name CLP RESOURCES INC

1. Complete the following section to amend individual wage items previously reported on Quarterly Contribution and Wage report Form NUCS-4072. (If reimbursable employer, use this form to amend Form NUCS-4082.)

Employee Social Security No. SSN   SS   SSN	Name of Employee (Print or Type)	Wages Previously Reported		Correct Amount of Wages	
		Dollars	Cents	Dollars	Cents
		8,488.00	0.00		
		10,445.00	0.00		
		8,180.00	0.00		
		6,473.50	0.00		
		7,370.83	0.00		
		8,954.62	0.00		
		5,784.00	0.00		
		6,774.00	0.00		
		8,232.83	0.00		
TOTALS		148,384.96	0.00		

2. Complete the following section to amend wages previously reported in Items 3, 4 or 5 of quarterly report. (If reimbursable employer, use this section to amend total wages paid this quarter.)

	Previously reported	Amended	Additional (Complete explanation section below)	Deductions
TOTAL (Item 3) .....	\$ 9,773,213.68	\$ 9,624,828.72	\$ -	\$ 148,384.96
NONTAXABLE (Item 4) ..	\$ 2,387,636.46	\$ 2,387,636.46	\$ -	\$ -
TAXABLE (Item 5) .....	\$ 7,385,578.22	\$ 7,237,193.26	\$ -	\$ 148,384.96
<b>CONTRIBUTIONS</b>				
Adjustment at UI rate in effect for quarter indicated above		6.4 %	\$ -	\$ 8,012.79
Adjustment at CEP rate of .05% (.0005) .....			\$ -	\$ -
<b>INTEREST</b>				
At 1/2 percent (.005) for each month from delinquent date (UI tax only) through June 30, 2000 .....			\$ -	\$ -
At 1 percent (.01) for each month from delinquent date (UI tax only) effective July 1, 2000 .....			\$ -	\$ -
<b>PENALTY INTEREST</b>				
Only if original report was not filed timely, at 1/10 percent (.001) X additional taxable wage amount (see above) for each month from delinquent date original report was filed .....			\$ -	\$ -
<b>NET ADJUSTMENT</b>				
UNDERPAYMENT .....			\$ -	\$ -
OVERPAYMENT .....			\$ -	\$ 8,012.79

EXPLANATION OF CHANGES REPORTED ABOVE

Kyryn Boyd Signature      PR Tax Accountant (753) 680-8254      9/10/12      Date  
 Telephone

OBSTRUCTED CLAIM

COPY

STATE OF NEVADA  
DEPARTMENT OF EMPLOYMENT, TRAINING & REHABILITATION  
EMPLOYMENT SECURITY DIVISION

CONTINUATION SHEET  
STATEMENT TO CORRECT  
QUARTERLY LIST OF WAGES REPORTED

ACCOUNT NUMBER 184450.00

PAGE 2 OF 2

EMPLOYER NAME CLP RESOURCES INC

QUARTER ENDED 12/31/11

EMPLOYEE SSA#	NAME OF EMPLOYEE (PRINT OR TYPE)	WAGES PREVIOUSLY REPORTED	CORRECT AMOUNT OF WAGES
		6,465.00	-
		5,335.00	-
		240.00	-
		5,830.00	-
		5,959.75	-
		10,029.30	-
		5,764.00	-
		4,722.59	-
		7,371.00	-
		9,013.09	-
		5,225.00	-
		5,868.00	-
		6,711.00	-
		3,170.75	-
			-
			-
			-
			-
TOTAL	<b>OBSTRUCTED CLAIM</b>	81,704.48	-

COPY

Transaction

Quarter

Delinquent Date

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA  
 DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION  
 EMPLOYMENT SECURITY DIVISION  
 500 E. Third Street - Carson City, Nevada 89713  
 Telephone (775) 684-6300 FAX (775) 684-6397

STATEMENT TO CORRECT

For the calendar quarter ending 3/31 2012  
*(Use a separate form for each quarter being corrected)* REPORT DATE

Employer Account No. 184450.00

Name CLP RESOURCES INC

1. Complete the following section to amend individual wage items previously reported on Quarterly Contribution and Wage report Form NUCS-4072. (If reimbursable employer, use this form to amend Form NUCS-4082.)

Employee's Social Security No.	Name of Employee (Print or Type)	Wages Previously Reported		Correct Amount of Wages	
		Dollars	Cents	Dollars	Cents
			3,288.00		0.00
			11,455.00		0.00
			840.00		0.00
			5,018.00		0.00
			9,559.13		0.00
			12,778.40		0.00
			511.50		0.00
			429.00		0.00
			10,577.73		0.00
			<b>TOTALS</b>		<b>0.00</b>

If more spaces are needed request Form NUCS-4500.

2. Complete the following section to amend wages previously reported in Items 3, 4 or 5 of quarterly report. (If reimbursable employer, use this section to amend total wages paid this quarter.)

	Previously reported	Amended	Additional (Complete explanation section below)	Deductions
TOTAL (Item 3)	\$ 7,693,300.55	\$ 7,620,530.98	\$ -	\$ 72,769.59
NONTAXABLE (Item 4)	\$ 1,081,233.44	\$ 1,081,233.44	\$ -	\$ -
TAXABLE (Item 5)	\$ 6,612,067.11	\$ 6,539,297.52	\$ -	\$ 72,769.59

**CONTRIBUTIONS**

Adjustment at UI rate in effect for quarter indicated above 5.4 % \$ - \$ 3,929.56

Adjustment at CEP rate of .05% (.0005) \$ - \$ -

**INTEREST**

At 1/2 percent (.005) for each month from delinquent date (UI tax only) through June 30, 2000 . . . . \$ -

or

At 1 percent (.01) for each month from delinquent date (UI tax only) effective July 1, 2000 . . . . \$ -

**PENALTY INTEREST**

Only if original report was not filed timely, at 1/10 percent (.001) X additional taxable wage amount (see above) for each month from delinquent date original report was filed \$ -

**NET ADJUSTMENT**

UNDERPAYMENT \$ -

OVERPAYMENT \$ 3,929.56

EXPLANATION OF CHANGES REPORTED ABOVE

Kipri Red PR Tax Accountant 252) 680-2571 9/10/12  
Signature Title Telephone Date

OBSTRUCTED CLAIM





COMMAND ENTRY ==>

INMIQ02

INQUIRY WAGE INFORMATION

15:26:36 09/07/12

SSN:

MORE - +

OPT	EMPLOYER	11-1	11-2	11-3	11-4	12-1	12-2
_	AZ CONSTRUCTION RESOURCES INC	0	0	355	0	0	0
_	CLP RESOURCES INC	0	0	1028	5764	511	187

Q0200 TO VIEW EMPLOYER DETAIL, PLACE AN 'S' IN THE OPT FIELD AND PRESS ENTER

F1=HELP F3=EXIT F7=BKWD F8=FWD

4-C

1

Sess-1

10.131.152.5

TP01EX8D

4/8

COMMAND ENTRY ==>

INMIQ03            INQUIRY EMPLOYER INFORMATION  
SSN:                ST: AZ

15:26:36 09/07/12

	QTR	WK	WAGES	USED
CLP RESOURCES INC	11-1	00	0.00	
CLP RESOURCES, INC.	11-2	00	0.00	
% TALX UC EXPRESS	11-3	00	1028.50	
PO BOX 173860	11-4	00	5764.00	
	12-1	00	511.50	
DENVER                CO 80217-3860	12-2	00	187.00	
LAST NAME:				

00300 TO RETURN TO WAGE INFORMATION, PRESS F3 (EXIT)  
F3=EXIT

4-0                1    Sess-1    10.131.152.5                TP01EX8D                2/21





**EXHIBIT "14"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Friday, March 07, 2014 12:15 PM  
**To:** James Reynolds  
**Subject:** FW: Claims

Don't show anyone this note

---

**From:** Melanie Maguire  
**Sent:** Friday, March 07, 2014 12:06 PM  
**To:** Arturo Martinez  
**Subject:** FW: Claims

fyi

---

**From:** Melanie Maguire  
**Sent:** Friday, March 07, 2014 11:59 AM  
**To:** Ed Pace  
**Subject:** RE: Claims

Ok, thanks Ed for letting me know.  
Melanie

---

**From:** Ed Pace  
**Sent:** Friday, March 07, 2014 11:54 AM  
**To:** Melanie Maguire  
**Subject:** RE: Claims

I am not comfortable assigning claims. Furthermore, I have approximately 50 outstanding claims. The additional burden of assigning claims with such a heavy workload is not a welcome addition to my work day. I would prefer, therefore, that you assign the responsibility to someone else.

Also, please note that I expect to be absent from work from March 17, 2014 through April 21, 2014 for FMLA purposes.

Ed Pace  
Investigator  
Employment Security Division  
Reno Field Audit Office  
1325 Corporate Blvd  
Reno, NV 89502  
Ph 775-823-6682  
Fax 775-856-2667



---

**From:** Melanie Maguire  
**Sent:** Friday, March 07, 2014 11:44 AM  
**To:** Ed Pace; Joanne Lindsey

**Cc:** Arturo Martinez; James Reynolds  
**Subject:** Claims

Ed and Joanne,  
Until further notice, please re-assign your completed claims to Jim Reynolds for review.

Ed, I have asked WRU to assign the Northern Nevada claims to you, please assign them.

This is a temporary situation, I'll look into the long term when I return next week.

Thank you,

Melanie Maguire  
Supervising Auditor II  
775-684-9327



**EXHIBIT "15"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Thursday, June 05, 2014 2:08 PM  
**To:** Dawn Etchison; Ed Pace; Gregory Tremblay; Patrick Winans; Teresa Schuff; Acha Chambers; Amy Sweeting; Arturo Martinez; Barry Mastrantonio; Beth Mbuka; Carol Larry; Connie Kwok; Daniel Russo; James Reynolds; John McBride; Jolene Bosheth; Joseph Clayton; Julie Finch; Khalid Tatum; Laurel Kaneshiro; Rebecca Wheeler; Sharon Whitney; Stephen Hirsch; Tealie Oxborrow; Thomas Nelson; Victoria Ray; Joanne Lindsey; Barbara King  
**Subject:** fiscal year end

Dear Field Audit Team,

As the fiscal year comes to a close, I would like to take this time to congratulate you all on the hard work you have done.

With an investigator position vacant in the North all year and another Northern investigator being called upon to help with the new computer programs, the rest of you have picked up the slack and I am very proud of the work you have been able to accomplish. We are currently recruiting for the vacant Reno investigator position. Thank you to the investigators.

The Supervisors in the South have also been called upon to cover for the vacant Northern area supervisory position, and have done a great job, Jim in particular, in being able to consolidate the North and South investigation assignments in order to make equitable workloads. Amy and Barb have put in a tremendous amount of hours for the new UInv computer system and new Compas audit program. Art has also stepped up to help with Amy's workload while I have asked her to do an arduous undertaking, test writing and proofing the programs. So thank you to the supervisors.

The Dept of Labor required audit numbers have been accomplished by the auditors from both sides of the State and more misclassified workers were picked up this year since fy2006 (When Art picked up 1744 misclassified workers by himself). While the employers are getting more creative, we are becoming more investigative and informative in our daily tasks. I appreciate the time and effort the auditors are putting into their assignments. Thank you.

Last but not least, to the new administrative assistants, your work is very important to making the department run smoothly, keeping the cars running, handling the phone calls and questions, along with the administrative paperwork. You've had to learn a great deal in a short amount of time. I would like to speak for the field audit unit as a whole, thank you for all you do, sometimes even without us knowing you're doing it.

The job we are doing has not gotten any easier over the last few years due to the economy, more claimants, more employers trying to streamline their budgets, and with the impending computer programs and all of the errors created by it. I know what a great job you all are doing, each and every new scenario is a learning experience making you more valuable to our department and to our claimants. I see growth even in the couple of years I've been in this position and I'm very proud of you all.

I'm looking forward to the next fiscal year, hopefully UInv and Compas will do all they should to make our lives easier once they are truly up and running. I am also happy that most of you will be getting step increases this coming fiscal year, not as much as you deserve, but at least we're moving in the right direction.



We are still looking at a go Live date in November, but am not holding anyone back on annual this year. Please schedule your annual leave as you would like to. I know it's early, but some arrangements need to be made in advance. I would like to get an idea of how office coverage for the holidays at the end of the year is going to look. Please let your supervisor know by the end of June if you plan on taking any time off for Thanksgiving, Christmas or New Year's in order that we can accommodate the leave requests and still maintain office coverage. Don't put in the leave requests just yet, first let your supervisors know what time frame you are interested in so that we can take an overall look at the scheduling.

Thank you again for your hard work and patience...

*Melanie M Maguire*

Supervising Auditor II

Dept of Employment, Training & Rehab

Employment Security Division

Ph 775-684-6386

Cell 775-684-9327

[MMMaguire@nvdetr.org](mailto:MMMaguire@nvdetr.org)



**EXHIBIT "16"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Tuesday, June 10, 2014 4:15 PM  
**To:** James Reynolds  
**Subject:** FW: claims

FYI

---

**From:** Melanie Maguire  
**Sent:** Tuesday, June 10, 2014 4:05 PM  
**To:** Arturo Martinez  
**Subject:** RE: claims

Tell Becky we'd love to have her up here!!

---

**From:** Arturo Martinez  
**Sent:** Tuesday, June 10, 2014 4:03 PM  
**To:** Melanie Maguire  
**Subject:** RE: claims

I'll keep this news under wraps. Wow, basically a whole new Reno office. When these new investigators are hired these functions(assigning & reviewing claims) will be returning to the Reno office ?

I'll ask around about transfers to Reno. Not sure if there are any takers right now though.

Art

---

**From:** Melanie Maguire  
**Sent:** Tuesday, June 10, 2014 3:42 PM  
**To:** Arturo Martinez  
**Cc:** Lori Heiner  
**Subject:** RE: claims

Art,  
Just for your information (not public yet), Ed Pace gave his notice, his last day will be June 20. The only investigator we will have is Joanne part-time. Jim will need to continue assigning claims until we get some new investigators. The current recruitment just closed and we should be able to pull both off of it. I'll keep you updated. You can tell Jim, but until Ed has said anything, please don't let it be known.

Ps- Per Edgar, please inquire if any of your trained investigators would like to transfer to Reno.

Melanie

---

**From:** Arturo Martinez  
**Sent:** Tuesday, June 10, 2014 12:14 PM  
**To:** Melanie Maguire  
**Subject:** RE: claims

Melanie,

I believe this(see email below) was a temporary measure to help the Reno Office while Jay's position was filled. Now that Supervising Audit position has been filled we should return the investigation assignment and review functions back to the Reno office. I would think by the end of June would work.

Thanks

Art

---

**From:** Melanie Maguire  
**Sent:** Monday, March 10, 2014 10:23 AM  
**To:** Ed Pace; Joanne Lindsey  
**Cc:** Ed Lagomarsino; James Reynolds; Arturo Martinez  
**Subject:** claims

Ed and Joanne,

After speaking with Jim, what he wants to do is have Ed assign any outstanding claims on Friday to Joanne to finish up and he will not assign her any new claims, just assign all incoming claims to the LV investigators. Please assign James Reynolds as your delegate in order to monitor the claim numbers in your inboxes. I'm not sure how long this arrangement will go on, so let's make the end date December 31, 2014. We can change it if/when we need to.

Ed, Please discuss anything with Joanne you will need to in order that she can easily pick up where you are leaving off, and give all of your outstanding claim folders to Ed Lagomarsino on Friday to bring to Joanne on Monday.

Thank you all for working as a team,

Melanie



**EXHIBIT "17"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Monday, September 29, 2014 8:53 AM  
**To:** James Reynolds  
**Subject:** RE: Claims

That should keep her busy, thanks Jim.

---

**From:** James Reynolds  
**Sent:** Monday, September 29, 2014 8:39 AM  
**To:** Melanie Maguire  
**Cc:** Arturo Martinez; Lori Heiner  
**Subject:** RE: Claims

I assigned 10 claims to Melinda this morning.

---

**From:** Melanie Maguire  
**Sent:** Friday, September 26, 2014 4:42 PM  
**To:** James Reynolds  
**Cc:** Arturo Martinez; Lori Heiner  
**Subject:** FW: Claims

Jim,  
Do you have some claims you can assign to Melinda? If not, we can have her start on collections or the two or more levy list.  
Thanks, Melanie

---

**From:** Lori Heiner  
**Sent:** Friday, September 26, 2014 4:40 PM  
**To:** Melanie Maguire  
**Subject:** Claims

Melanie,

Can you ask Jim to assign more to Melinda. She only has three outstanding and wants more to do. Thanks.

Lori

*Lori M. Heiner*

Supervising Auditor I  
Department of Employment, Training & Rehabilitation  
Employment Security Division  
Reno Field Audit Office  
1325 Corporate Blvd., Suite B  
Reno, Nevada 89502

Phone: (775) 823-6686  
Fax: (775) 856-2667  
Email: [lmheiner@nvdetr.org](mailto:lmheiner@nvdetr.org)





**EXHIBIT "18"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Tuesday, October 28, 2014 8:15 AM  
**To:** Theresa Shaffer  
**Cc:** James Reynolds  
**Subject:** FW: Wage Protest concerns

Theresa,

Can you take a look into this procedure please? I think Pam Davidson's been helping out in the wage request unit but it looks like she's been working claims that were already assigned to the field.

Thank you,

Melanie

---

**From:** Edgar Roberts  
**Sent:** Monday, October 27, 2014 4:59 PM  
**To:** Melanie Maguire  
**Cc:** Theresa Shaffer  
**Subject:** RE: Wage Protest concerns

I have not looked into this. However, Theresa may know who worked on the wage protest in the Wage Request Unit. At least this will be a start to get the rest of the story on this issue.

Edgar J. Roberts, CPM  
Chief of Contributions  
Employment Security Division  
Contributions Section  
Department of Employment, Training and  
Rehabilitation  
(775) 684-6399  
[ejroberts@nvdetr.org](mailto:ejroberts@nvdetr.org)

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---

**From:** Melanie Maguire  
**Sent:** Monday, October 27, 2014 4:19 PM  
**To:** Edgar Roberts  
**Subject:** FW: Wage Protest concerns

Edgar,  
??

Have you done anything with this?

Melanie

---

**From:** James Reynolds  
**Sent:** Tuesday, October 21, 2014 8:49 AM  
**To:** Edgar Roberts

**Cc:** Arturo Martinez; Melanie Maguire  
**Subject:** FW: Wage Protest concerns

Good Morning Edgar,

Per our phone conversation this morning, here is the information we spoke about.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

---

**From:** James Reynolds  
**Sent:** Thursday, October 16, 2014 10:19 AM  
**To:** Melanie Maguire  
**Cc:** Arturo Martinez; Jolene Bosheth  
**Subject:** FW: Wage Protest concerns

\*\*\*2<sup>ND</sup> REQUEST\*\*\*

Good Morning Melanie,

I know that you are busy.....however the situation described below requires your attention.

I need to know why other people are working on active wage protests that my unit is still working on.

If a procedure has changed, please let me know what the new procedure is or if not I need this to stop.

Thank You for your prompt attention to this matter. Please advise.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

---

**From:** Jolene Bosheth  
**Sent:** Thursday, October 09, 2014 9:47 AM  
**To:** James Reynolds  
**Subject:** Wage Protest concerns

Jim,

In the last couple of days I've been assigned 2 wage protests that action has already been taken by PkDavidson per notes section of the claims prior to being assigned to me. Since I don't know who this person is (not listed on the Contributions phone list) I looked on <http://ned.nv.gov> site, which lists Pamela Davidson as a Contributions Examiner. It is concerning that she is working on these investigations by moving wages from one SSN to another SSN (refer to attachment) or moving wages to Alpha (refer to attachment). She moved wages earned under the name of [redacted] at El Pollo Loco, Jack in the Box, and Zabas Grill to Alpha because the Claimant, [redacted] stated he never worked for El Pollo Loco. Proper documentation needs to be received from the SSA to verify who has been assigned this SSN. The ERs have not been notified that there is possible identity fraud and appears [redacted] is still working for El Pollo Loco.

Let me know if you need any clarification regarding the attachments or my concern

Thank you,

Jolene Bosheth  
Compliance Audit Investigator II  
State of NV, Employment Security Div.  
DETR Las Vegas Field Audit  
2800 E. St Louis Ave.  
Las Vegas, NV 89104  
702-486-0225 direct  
702-486-0231 or 702-486-0276 fax



**EXHIBIT "19"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Monday, December 22, 2014 3:08 PM  
**To:** James Reynolds; Lori Heiner  
**Cc:** Arturo Martinez  
**Subject:** RE: Melinda's claims

Jim,

Until we have all three investigators working claims in the North, please only assign proportionately to Melinda, keeping in mind that she's new and still learning how to do claims. I believe she has 50-60 that she's working now. The South will need to continue to help with these claims. If you need to explain to your investigators, tell them they are lucky they have not been pulled to be testers and our two investigators would probably be much happier doing claims.

Also, the two or more levy lists need some attention in between claims. There has been no progress, which means there will be more claims because of not having the reports. Collections has always been a part of the job and has been put on the back burner because of huge claim loads, but now that they are down, we need to get back to that.

Thank you,  
Melanie

---

**From:** James Reynolds  
**Sent:** Monday, December 22, 2014 8:07 AM  
**To:** Lori Heiner  
**Cc:** Arturo Martinez; Melanie Maguire  
**Subject:** RE: Melinda's claims

Good Morning Lori,

When I assign claims to Melinda, it is for everything (Reno & Carson City)

---

**From:** Lori Heiner  
**Sent:** Monday, December 22, 2014 8:03 AM  
**To:** James Reynolds  
**Cc:** Arturo Martinez; Melanie Maguire  
**Subject:** Melinda's claims

Good Morning Jim,

When you assign Melinda claims, are you assigning her all of the Reno claims or just a portion?

Lori

*Lori M. Heiner*

Supervising Auditor I  
Department of Employment, Training & Rehabilitation  
Employment Security Division



Reno Field Audit Office  
1325 Corporate Blvd., Suite B  
Reno, Nevada 89502

Phone: (775) 823-6686  
Fax: (775) 856-2667  
Email: [lmheiner@nvdetr.org](mailto:lmheiner@nvdetr.org)

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**EXHIBIT "20"**

## James Reynolds

---

**From:** Lori Heiner  
**Sent:** Tuesday, December 23, 2014 9:08 AM  
**To:** James Reynolds  
**Cc:** Arturo Martinez; Melanie Maguire  
**Subject:** Melinda

Good Morning Jim,

Melinda currently has 60 claims and is overwhelmed at the moment. Please don't give her any claims until further notice. I need her to concentrate on these 60 claims as we are getting phone calls and e-mails from Benefits wondering why these claims are not closed. Unfortunately for all of us, she is my only investigator and had to take time off in a use it or lose it status. Until UIInv is up and running, I am assuming that I will only have one investigator and she doesn't have the experience to handle all of the Reno and Carson claims. Please thank your investigators for me for taking on the additional burden of the Reno and CC claims. I know that it has been a lot of extra work for you and your people and believe me, I really appreciate it. Thanks so much & have a great holiday!

Lori

*Lori M. Heiner*

Supervising Auditor I  
Department of Employment, Training & Rehabilitation  
Employment Security Division  
Reno Field Audit Office  
1325 Corporate Blvd., Suite B  
Reno, Nevada 89502

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**EXHIBIT "21"**

## James Reynolds

---

**From:** Lori Heiner  
**Sent:** Friday, February 06, 2015 10:14 AM  
**To:** James Reynolds  
**Subject:** RE: Melinda

Sounds wonderful! Thanks so much.

---

**From:** James Reynolds  
**Sent:** Friday, February 06, 2015 10:12 AM  
**To:** Lori Heiner  
**Cc:** Arturo Martinez  
**Subject:** RE: Melinda

Hi Lori,

I assigned only ABP claims today, 2 each, for Tracy, Jayne & Melinda. I will continue to assign ABP or extremely easy wage protests for Jayne & Tracy with Melinda getting more difficult claims. I will only send 2 to 3 per day until I hear from you.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

---

**From:** Lori Heiner  
**Sent:** Friday, February 06, 2015 7:40 AM  
**To:** James Reynolds  
**Subject:** Melinda

Jim,

Melinda is at the point where she can start getting claims again. As a new Investigator, what are your thoughts on how many to give her? I was thinking no more than 2 per day until she gets more experience. I helped her clear some of the claims that she had before and now I am going to review her claims until I have to go back to testing. I believe that by reviewing her claims and not Melanie, I can get a better feel for what she can handle and hopefully get this amount up a little once she has more experience in managing her time. Please let me know your thoughts on this. Thanks.

Lori

*Lori M. Heiner*  
Supervising Auditor I

Department of Employment, Training & Rehabilitation  
Employment Security Division  
Reno Field Audit Office  
1325 Corporate Blvd., Suite B  
Reno, Nevada 89502

Phone: (775) 823-6686  
Fax: (775) 856-2667  
Email: [lmheiner@nvdetr.org](mailto:lmheiner@nvdetr.org)

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**EXHIBIT "22"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Monday, February 23, 2015 9:30 AM  
**To:** James Reynolds  
**Subject:** FW: Evaluations

Jim ,

I have 3 reviews coming up in March (Connie, Beth & Steve). Provide me the necessary statistics so I can complete the evaluations.

Thank You

---

**From:** Arturo Martinez  
**Sent:** Monday, February 23, 2015 9:22 AM  
**To:** James Reynolds  
**Subject:** Evaluations

Please provide me a list of investigators and their evaluation due dates.

Thanks



**EXHIBIT "23"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Wednesday, August 26, 2015 9:04 AM  
**To:** James Reynolds  
**Cc:** Melanie Maguire  
**Subject:** RE: Message from "RNP0026736F2F24"

Jim ,

Please disregard my instructions to forward to Melanie. Melanie has requested that you temporarily sign off on the 4065s , to help us wrap up testing for field Audit section. If you have any questions please see me.

Thanks

Art

-----Original Message-----

**From:** James Reynolds  
**Sent:** Wednesday, August 26, 2015 8:46 AM  
**To:** Melanie Maguire  
**Cc:** Arturo Martinez  
**Subject:** FW: Message from "RNP0026736F2F24"

Melanie--attached are 4065's for final review.

Unless changes are required, please just send me back the signature page. Thx.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

-----Original Message-----

**From:** ST\_FA\_Ricoh\_Aficio\_MP\_4002@nvdetr.org [mailto:ST\_FA\_Ricoh\_Aficio\_MP\_4002@nvdetr.org]  
**Sent:** Wednesday, August 26, 2015 8:48 AM  
**To:** James Reynolds  
**Subject:** Message from "RNP0026736F2F24"

This E-mail was sent from "RNP0026736F2F24" (Aficio MP 4002).

Date: 08.26.2015 08:47:39 (-0700)  
Queries to: [ST\\_FA\\_Ricoh\\_Aficio\\_MP\\_4002@nvdetr.org](mailto:ST_FA_Ricoh_Aficio_MP_4002@nvdetr.org)



**EXHIBIT "24"**





Good Morning JJREYNOLDS JJREYNOLD..

Wednesday, August 26, 2015

[View Open Work Items](#) | [Help](#) | [Contact](#) | [Resources](#) | [Logout](#)

### MY INBOX

#### MY INBOX

Inbox - Wage Protections - Unreviewed

1341, 2 000

- My Inbox
- Appeals
- Benefits
- IWF
- System Administration

#### Recent Items

Work Item Description	Due Date	Status	Emd Acct #	Owner	SSN	Claimant Name
<input checked="" type="radio"/> 4984056 : Independent Contractor Wage Protest Request	05/20/2015	Assigned		BEACON POINTE NV LLC		
<input type="radio"/> 5120368 : Wage Protest Request	07/28/2015	Assigned		JOIN INC		
<input type="radio"/> 5127711 : Alternate Base Period Wage Protest Request	07/31/2015	Assigned		JOIN INC		
<input type="radio"/> 5147439 : Alternate Base Period Wage Protest Request	08/12/2015	Assigned		SEMCO MODERN SEAMLESS SURFACE		
<input type="radio"/> 5162076 : Wage Protest Request	08/20/2015	Assigned		RENO RENTS LLC		
<input type="radio"/> 5170933 : Wage Protest Request	09/09/2015	Assigned		AUTOZONE WEST INC		
<input type="radio"/> 5192746 : Wage Protest Request	09/09/2015	Assigned		L&B TELECOMMUNICATIONS LLC		
<input type="radio"/> 5193480 : Wage Protest Request	09/09/2015	Assigned		OUTLAW VAPORS LLC		
<input type="radio"/> 5193774 : Wage Protest Request	09/09/2015	Assigned		RIGHTWAY DRYWALL & PAINT LLC		
<input type="radio"/> 5195508 : Wage Protest Request	09/09/2015	Assigned		REDI SOLUTIONS LLC		
<input checked="" type="radio"/> 5195605 : Wage Protest Request	09/09/2015	Assigned		CHAVEZ CONSTRUCTION CLEAN UP		
<input type="radio"/> 5195678 : Wage Protest Request	09/09/2015	Assigned		BARRISTER GLOBAL SERVICES NET		
<input type="radio"/> 5196242 : Wage Protest Request	09/09/2015	Assigned		H.J BURKE INC		
<input checked="" type="radio"/> 5196480 : Wage Protest Request	09/09/2015	Assigned		99 CENT ONLY LLC		
<input type="radio"/> 5196568 : Wage Protest Request	09/09/2015	Assigned				
<input type="radio"/> 5204745 : Wage Protest Request	09/16/2015	Assigned				

*verbally told 8:10 AM 9-1-15  
 To stop signing  
 Then re-instructed @ 11:24 AM 9-1-15  
 To continue until Friday 9-4-15*



Good Morning JJREYNOLDS JJREYNOLD..

Wednesday, August 26, 2015

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### MY INBOX

#### MY INBOX

Inbox - [Wage Protections](#) -Unreviewed

1

- My Inbox
- Appeals
- Benefits
- IWF
- System Administration

#### Recent Items

Work Item Description	Due Date	Status	Emp Acct #	Owner	SSN	Claimant Name
<input checked="" type="radio"/> <a href="#">4984056 : Independent Contractor Wage Protest Request</a>	05/20/2015	Assigned		BEACON POINTE NV LLC		
<input type="radio"/> <a href="#">5120368 : Wage Protest Request</a>	07/28/2015	Assigned		JOIN INC		
<input type="radio"/> <a href="#">5127711 : Alternate Base Period Wage Protest Request</a>	07/31/2015	Assigned		JOIN INC		
<input type="radio"/> <a href="#">5162026 : Wage Protest Request</a>	08/20/2015	Assigned		RENO RENTS LLC		
<input type="radio"/> <a href="#">5170933 : Wage Protest Request</a>	09/09/2015	Assigned		AUTOZONE WEST INC		
<input type="radio"/> <a href="#">5192746 : Wage Protest Request</a>	09/09/2015	Assigned		L&B TELECOMMUNICATIONS LLC		
<input type="radio"/> <a href="#">5193480 : Wage Protest Request</a>	09/09/2015	Assigned		OUTLAW VAPORS LLC		
<input type="radio"/> <a href="#">5193774 : Wage Protest Request</a>	09/09/2015	Assigned		RIGHTWAY DRYWALL & PAINT LLC		
<input type="radio"/> <a href="#">5195508 : Wage Protest Request</a>	09/09/2015	Assigned		REDI SOLUTIONS LLC		
<input checked="" type="radio"/> <a href="#">5195605 : Wage Protest Request</a>	09/09/2015	Assigned		CHAVEZ CONSTRUCTION CLEAN UP		
<input type="radio"/> <a href="#">5195678 : Wage Protest Request</a>	09/09/2015	Assigned		BARRISTER GLOBAL SERVICES NET		
<input type="radio"/> <a href="#">5196242 : Wage Protest Request</a>	09/09/2015	Assigned		99 CENT ONLY LLC		
<input type="radio"/> <a href="#">5196568 : Wage Protest Request</a>	09/09/2015	Assigned				
<input type="radio"/> <a href="#">5204745 : Wage Protest Request</a>	09/16/2015	Assigned				
<input checked="" type="radio"/> <a href="#">5205063 : Independent Contractor Wage Protest Request</a>	09/15/2015	Assigned				
<input type="radio"/> <a href="#">5205412 : Wage Protest Request</a>	09/15/2015	Assigned		UNLIMITED POSSIBILITIES LLC		



Good Morning JJREYNOLDS JJREYNOLD..

Wednesday, August 26, 2015

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### MY INBOX

#### MY INBOX

[Inbox](#) - [Wage Protests](#) - Unreviewed

1

My Inbox

▸ Appeals

▸ Benefits

▸ IWF

▸ System Administration

Recent Items

<u>Work Item Description</u>	<u>Due Date</u>	<u>Status</u>	<u>Emp. Acct #</u>	<u>Owner</u>	<u>SSN</u>	<u>Claimant Name</u>
<a href="#">5131517 : Alternate Base Period Wage Protest Request</a>	08/03/2015	Assigned		PROCHEM PROACTIVE LLC		
<a href="#">5195678 : Wage Protest Request</a>	09/09/2015	Assigned		CHAVEZ CONSTRUCTION CLEAN UP		
<a href="#">5196242 : Wage Protest Request</a>	09/09/2015	Assigned		BARRISTER GLOBAL SERVICES NET		
<a href="#">5196480 : Wage Protest Request</a>	09/09/2015	Assigned		H.J BURKE INC		
<a href="#">5205412 : Wage Protest Request</a>	09/15/2015	Assigned		UNLIMITED POSSIBILITIES LLC		



Good Afternoon JJREYNOLDS JJREYNOLD..

Wednesday, August 26, 2015

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### WAGE PROTEST REQUEST

#### WAGE PROTEST REQUEST



Claimant: ; SSN: 438; Phone:  
 Issue Category: Claim Exception; Issue Type: Wage Protest  
 Claimant ID: 4627748; Claim ID: 1813697; Issue ID: 3079019; Detection Date: 07/17/2015  
 DOB: ; Mother's Maiden Name:  
 Currently assigned to JAMES REYNOLDS since 08/20/2015  
 Recent Update: [More](#)

- Links:
- [View Weekly Claims](#)
  - [View Wages](#)
  - [View Claims](#)
  - [View Labor Market Information](#)
  - [Waiver List](#)
  - [Claimant Details](#)
  - [Separation List](#)

- My Inbox
- Appeals
- Benefits
- IWF
- System Administration

Date Started: 07/17/2015 Due Date: 08/07/2015  
 Program: UI BYB: 07/12/2015 BYE: 07/09/2016 WBA: 0  
 Waiver Information: No LDW: 07/15/2015 RTW: MBA: 0  
 Employer: OSBC01 PRIME LCC Language: English

#### Recent Items

#### Other Open Issues

5139544 : Double Dip - UI



#### Related Claimant

-3438 [Change Contact Information](#)

Relationship: Claimant  
 Phone(1): Ext: Contact Method: E-mail  
 Phone(2): Ext:  
 Street 1: Street 2:  
 City: E-mail:  
 State: NV Zip: Country: USA

#### Temporary Claimant Contact Information

Temporary Phone  Temporary E-mail   
 Modified By Date Modified

#### Related Employer

OSBC01 PRIME LCC, EAN: 35067800 [Employer Contact Information](#)

Relationship: Employer  
 Emp Type: Contributory DBA: OLD SCHOOL BREWING COMPANY FEIN: 3051  
 Agent Name: Eff\_Date: 01/30/2015 Status:  
 Liability Date: 01/01/2015 Bus Type: Limited Liability Company Fax:  
 Phone(1): Ext:  
 Phone(2): Ext:  
 Street 1: 8410 WEST DESERT INN Street 2:  
 City: LAS VEGAS E-mail:  
 State: NV Zip: 89117 Country: USA

#### Temporary Employer Contact Information

Contact Name  Title   
 Temporary Phone  Temporary Fax   
 Temporary E-mail  Modified By

#### Additional Contacts

No Additional Parties Attached.

[Add Contact](#) [Add Manual Contact](#)

[Save](#) [Cancel](#)

UINW IWF 2015 08-19 11:26:59 PPD



**EXHIBIT "25"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Wednesday, December 23, 2015 10:22 AM  
**To:** James Reynolds  
**Subject:** FW: NEATS Supervisory Access

Jim ,

As per our discussion. I was instructed by Carson City to update your NEATS profile access(see email below). Let me know if you have any questions

Thank You

Art

Arturo Martinez, Supervising Auditor I  
State Of Nevada  
Employment Security Division  
2800 East St. Louis Avenue  
Las Vegas NV 89104  
Phone: (702)-486-0262  
Fax: (702)-486-0231

---

**From:** Arturo Martinez  
**Sent:** Wednesday, December 23, 2015 10:19 AM  
**To:** Robin D. Fowler  
**Cc:** Melanie Maguire; Jill Barrette  
**Subject:** NEATS Supervisory Access

Good Morning Robin ,

I am James Reynolds(#39489) immediate supervisor. Mr. Reynolds is not working in a supervisory capacity at this time. Please remove any supervisory functions from his NEATS profile. Let me know if you have any questions or need more information.

Thank You,

Art

Arturo Martinez, Supervising Auditor I  
State Of Nevada  
Employment Security Division  
2800 East St. Louis Avenue  
Las Vegas NV 89104  
Phone: (702)-486-0262  
Fax: (702)-486-0231





# EXHIBIT "26"

## James Reynolds

---

**From:** Christopher Sewell  
**Sent:** Wednesday, June 08, 2016 8:13 AM  
**To:** Jolene Bosheth; James Reynolds  
**Cc:** Arturo Martinez; Jayne George  
**Subject:** RE: Overall Worksheet approval process

Jolene,

Yes, that is the workflow. I did not know Jim was not getting the supervisor WI. I will check on making sure it automatically gets assigned to him.

I will work with Jayne to make sure this workflow is the best option.

Chris

---

**From:** Jolene Bosheth  
**Sent:** Tuesday, June 07, 2016 4:34 PM  
**To:** James Reynolds; Christopher Sewell  
**Cc:** Arturo Martinez  
**Subject:** Overall Worksheet approval process

Jim & Chris:

Here is the overall Worksheet approval process to my understanding:

When the Investigator (Inv) finishes the Worksheet (WS), which is a "paperless 4065", the Request Approval is selected. A new WI# is generated for the WS called "Investigation Request-Supervisor".

Currently, the new WI# is not automatically assigned to Jim. So the Inv has to obtain the "Investigation Request-Supervisor" WI# from IWF by entering the ER acct # and range of dates created.

Once the Inv locates the "Investigation Request-Supervisor" WI, the Inv will open the WI and write the following note in the Action & History tab: "**Worksheet #\_\_ ready for review & approval**".

The Inv will e-mail Jim the WS WI# that it is ready for review. (The Inv does not need to reference the WAGE PROTEST WI#.)

Jim search IWF for the exact WI# and assign it to himself and read Action & History to get the WS #.

Once Jim reviews the WS and it is good, he will e-mail Inv to say it met approval. (If there needs to be a change, Jim will notify the Inv of the change.)

\*Chris, at this point, does Jim assign the WS WI# to Art to complete?

At this point, the Inv will add notes in the WAGE PROTEST WI (as usual) and then ESCALATE the WAGE PROTEST WI# to Art.

Hope this helps.  
Jolene



**EXHIBIT "27"**

## James Reynolds

---

**From:** James Reynolds  
**Sent:** Thursday, June 09, 2016 3:47 PM  
**To:** Beth Mbuka; Carol Larry; Connie Kwok; Minaco Sakai; Victoria Ray  
**Cc:** Arturo Martinez; James Reynolds  
**Subject:** Scheduling

Just a reminder... I am out of the office tomorrow 6/10/16 returning on Monday 6/13/16.

In addition, with vacation season upon us and us being short staffed, I am still tasked with providing adequate coverage for the office.

As a courtesy, if you have time off coming up, please make sure your duty day is taken care of. Please work this out among yourselves.

Any questions, please see me. Thx.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231



**EXHIBIT "28"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Friday, September 02, 2016 3:24 PM  
**To:** James Reynolds  
**Cc:** Amy Sweeting  
**Subject:** FW: 36923  
**Attachments:** Replies to bug 39623 090216.docx; Office Production Report Aug 16 R Dr working copy Amy 090216.xlsx

Jim ,

Please review for discussion.

Thanks

---

**From:** Amy Sweeting  
**Sent:** Friday, September 02, 2016 1:22 PM  
**To:** Arturo Martinez  
**Subject:** FW: 36923

We may need some input.

---

**From:** Tealie Oxborrow  
**Sent:** Friday, September 02, 2016 1:13 PM  
**To:** Amy Sweeting  
**Subject:** 36923

Hey Amy –

I've attached my replies but I need more info before I can finish. (Parts for Jim or that I have more questions on are in RED on the word document). The excel document is giving me fits so hopefully it will open ok. I don't think it likes the production report spreadsheet from compass very much. Maybe the macros or something are giving it fits. ( I just pasted that data and it seems happier)

Item A – It looks like it is counting ALL quarters audited (even those without changes) but that matches up to the Compas report so I'm thinking that's OK. If it's not, let me know and I'll redo this part.

For item A for Jim – same as Item G or H below – need to know if he knows if the numbers are correct for the investigators.

Item D – Are all the investigators listed here? I think so but I'm not up to date on who's who!

Item E – Appears to be dependent on CR 33892 so calling it blocked.

Item F – Bug 37705 regarding determination letters. We're not using the system yet for determination letters so this is properly showing as "zero" this month. Calling this pass since it appeared in the previous test month that if someone used the determination letter on UINV it did place an indicator on the report.

Item G & H – What is the difference between an audit investigation and a wage protest? I think maybe this is getting closer because it shows zero investigations for August, but I'm not certain exactly what that terminology refers to on the



investigation side. When I looked at the queries it looked like the same thing...but they're coming up with different answers now for August so maybe this is fixed???? I don't know. Confuses me a bit.

The other big thing I need to know is if Jim has an idea of whether or not the 4072 and 4075 figures shown on the report appear to be correct for the investigators. I still don't understand when the "tick mark" gets placed...if we need to dig for more details on that so he has a better idea of whether this report will be useful for him then we can write back with that, but I'll need his input on how this looks.

For us this matches up with the compas report. If you want me to dig deeper into the supplement/expanded area then I can dig and get those figures and try to see what's what. At the moment it matches compass so I figured that was good – although a little pointless because why wouldn't we just print it out of compass?? I don't know if it's really matching up or if they're just pulling the data from the compass library!! (Could they really match? Gasp! – They should, but it would just be amazing). What do you think on this?

Other issue would be the orphaned collection amounts.....how will we get this info for employee reviews etc.? It was handy to have and now it is no more. :/

Tealie Oxborrow  
Auditor II  
2800 E. St. Louis Ave.  
Las Vegas, NV 89104  
Phone: 702-449-9460  
Fax: 702-486-0276 or 702-486-0231  
[tkoxborrow@nvdetr.org](mailto:tkoxborrow@nvdetr.org)

For Mailing:  
DETR – St. Louis Field Audit #51  
PO Box 43177  
Las Vegas, NV 89116-1177

Issue #A - Column for 4075's is including all quarters audited, whether or not there were changes (for auditors). It is including expanded audits (this is correct), but it is NOT including supplemental audits (this is incorrect).

The 4075's column should only count the quarters with changes to the wage amounts. Instead it is including each quarter AUDITED, not each quarter with a CHANGE. Also, it is including "expanded" quarters in its calculations, but it is not including "supplemental" quarters in the totals. Per the SS RPT6589 specifications, it should only include CORRECTIONS.

<-- Developer Comments -->

Supplemental Audits are not included as per defect# 38966 (Comments by Amy Sweeting on 7/7/2016)

Ready to developer

It does appear that the quarter data coming in from datapass includes ALL quarters for the current audit year (different than what I had first written), not just change quarters. Refreshed data 8/1/16 returned values to the B drive for the month of August and this appears to be correct. Pass

Issue #B - Collections # and Collections Amount - no data flows to these columns.

These columns are listed in the SS RPT6589 processing requirements and were included on reports generated before UINV. These are used by the Investigative Supervisor for employee reviews and the information is included in the employee work performance standards, thus it is necessary for this data to be compiled. Currently showing as orphaned. Can this information be populated??

-- Orphaned Column --

Information is not available in UINV.

Issue #C - Employer Registrations Column does not populate.

This column is listed in the SS RPT6589 processing requirements but is showing as orphaned. Can this information be populated?? For auditors, much of the registration processing to update Nevada Business Registration is now completed by the auditor on UINV before the audit is submitted to the supervisor for approval. Not certain how this information would be obtained if this is also the case for investigators. (In the past we had to mail up paper forms with our auditor/investigator numbers for entry by someone in Carson City, so this probably made tracking much simpler. Per the 6/30/16 manual transmittal report, it appears a few are still submitted by hand as 6 were processed by investigators in June (refer to column 0736 on the manual "Transmittal Totals" report).

-- Orphaned Column --

Information is not available in UINV.

Issue #D - One auditor with audits not included in Carson Field Auditor list.

Christopher Sewell completed one audit but he was not included in the Carson Field Auditor list. All auditors with audits should be listed. (Probably due to problems with where number of audits completed data is coming from).

---It is not Reproducible in PROD WH:

Christopher Sewell record is available.

Query Result

SQL | All Rows Fetched: 19 in 0.031 seconds

	OFFICE_NM	AUDITOR	NUM_AUDT	WG_PROTST	NOT_WITHLD	INVEST	EMPLOYER_REGISTRATIONS	NUC_4702	NUC_4705	DTR_LTR	
1	CARSON	FALLINE, SHARON	10	(null)	(null)	(null)	(null)	0	56	(null)	(null)
2	CARSON	GEORGE, E. JAYNE	(null)	1	(null)	0	(null)	0	0	1	(null)
3	CARSON	SCHUFF, TERESA	16	(null)	(null)	(null)	(null)	0	82	(null)	(null)
4	CARSON	SEWELL, CHRISTOPHER	1	(null)	(null)	(null)	(null)	0	4	(null)	(null)
5	CARSON	WINANS, PATRICK	12	(null)	(null)	(null)	(null)	1	47	(null)	(null)
6	LAS VEGAS	BOSHETH, JOLENE	5	1	(null)	0	(null)	2	20	0	(null)

REPLY TO DEVELOPER

6/1/08 - Deleted in August data. No entry for Christopher Sewell (of Thomas Nelson) and this is appropriate as

there is no more complete audits in August data to a separate program. 6/1/08

[Redacted]

Issue #E - Notices to withhold column does not populate (or uncertain of actual total)

According to Jayne George, Notices to Withhold must be completed manually at the moment, per instruction from Tracy Bacon, the Collections Unit Supervisor. Jayne may have completed two of these, but she's not certain if those were in May or June. I don't have any other stats on any of these being completed by the LVFAO in June. I am not clear on where this data will flow from and what reports to look at or where to find the information to verify the zero balance on the July report.

Dependent on pending GR#33892? No notice to withhold showing on July report. Which seems appropriate since these are not being

used. The notices to withhold report will wait on GR#33892 to clear. 6/1/08

ISSUE #F - Determination letter figures - what is the origin of this data?

Determination letters must be produced manually right now due to a defect. The report showed one determination letter for Jayne George. Where did this data come from since any letters would have to be completed manually? I asked Jayne for her June stats and she did not indicate that she had completed any determination letters in June. I don't know where the figures on the 6589 report are coming from.

--- AUDIT\_INVESTIGATION\_MASTER(DET\_LTR\_REQD='Y')

Please see the below report query

aim.DET\_LTR\_REQD "DET\_LTR\_REQD\_FLG", IT.INVSTGTYP\_DESC,DW.WRKR\_FRST\_NM,DW.WRKR\_LST\_NM from \_WHSE\_FND.AUDIT\_INVESTIGATION\_MASTER AIM,UINV\_WHSE\_FND.INVESTIGATION\_TYPES IT,UINV\_WHSE\_FND.DLI\_WORKERS DW

```

where DW.WRKR_ID=AIM.WRKR_ID
      w.WRKR_ID=683
      f.INVSTGTYP_CD=AIM.INVSTGTYP_CD
AND aim.DET_LTTR_REQD='Y'
and trunc(comp_DT) BETWEEN ADD_MONTHS(TRUNC(SYSDATE,'MM'),-1) AND TRUNC(SYSDATE,'MM')-1
--group by IT.INVSTGTYP_DESC,DW.WRKR_FRST_NM,DW.WRKR_LST_NM
;

```

DET_LTTR_REQD_FLG	INVSTGTYP_DESC	WRKR_FRST_NM	WRKR_LST_NM
1 Y	Wage Protest	E. JAYNE	GEORGE

Dependent on the 8/7/05. The data that is listed in the system are not necessarily being utilized until the report is processed. I will appear that when they do begin use, this portion of the report will work. PAST

ISSUE #G - Investigations - what is the origin of this data? Similar to Issue #F, one investigation is listed for Minaco Sakai. Where did this data flow from to populate here? I do not know where to look to verify this information. Need assistance and/or more information in order to verify.

==AUDIT\_INVESTIGATION\_MASTER (INVSTGTYP\_CD='A')

```

select count(1) Investigation ,IT.INVSTGTYP_DESC,DW.WRKR_FRST_NM,DW.WRKR_LST_NM from
UINV_WHSE_FND.AUDIT_INVESTIGATION_MASTER AIM,UINV_WHSE_FND.INVESTIGATION_TYPES IT,UINV_WHSE_FND.DLI_WORKERS DW
      : DW.WRKR_ID=878
      : Dw.WRKR_ID=878
and trunc(comp_DT) BETWEEN ADD_MONTHS(TRUNC(SYSDATE,'MM'),-1) AND TRUNC(SYSDATE,'MM')-1
group by IT.INVSTGTYP_DESC,DW.WRKR_FRST_NM,DW.WRKR_LST_NM;

```

Query Result

SQL | All Rows Fetched: 2 in 0 seconds

INVESTIGATION...	INVSTGTYP_DESC	WRKR_FRST_NM	WRKR_LST_NM
1	1 Audit Investigation	MINACO	SAKAI

Reply to developer

Need for the clarification on this - it appears the marker is placed when the ESD worker's loan then triggers an 'AIM' - maybe 'Audit Investigation Marker'? Can you explain when this occurs? Does it occur when a worksheet is started or when the supervisor associates the work item when is the marker placed? Again because the investigators recently began utilizing the worksheets, this may be easier to check on in the August report. If with our more information about exactly when triggers the marker/indicator on the report would be helpful for developing the solution.

[REDACTED]

Also -

[REDACTED]

[REDACTED]

[REDACTED] Wage Protests - What is the origin of this data?

Similar to Issues F & G, I need to know the origin of this data in order to check it. The LVFAO started using the UINV spreadsheets to submit the 4065 Wage Protests on approximately June 6th or 7th. No manual data was maintained, so I have nothing to use to verify these figures. Do we know when the worksheet is counted to give credit to the investigator? Per the Investigative Supervisors, the investigators hit a button to "request approval" on the Wage Protest Worksheet. That sends the worksheet to him for approval. The supervisor then creates a separate work item for the worksheet that he completes when he approves the worksheet. After this he emails the investigator and asks them to escalate the claim (a separate work item) for review. The supervisor reviews this and escalates the claim to Art Martinez, who then submits it to benefits or the wage request unit. So the question is, at what time in this process does the investigator get credit for the wage protest so that the data populates on the RPT6589?

--- AUDIT\_INVESTIGATION\_MASTER (INVSTGTYP\_CD='W')

```
select count(1),IT.INVSTGTYP_DESC,DW.WRKR_FRST_NM,DW.WRKR_LST_NM from
UINV_WHSE_FND.WRKR_IDENTIFICATION_MASTER@UINV WHSE_FND.INVESTIGATION_TYPES IT,UINV_WHSE_FND.DLI_WORKERS DW
where DW.WRKR_ID=AIM.WRKR_ID
and Dw.WRKR_ID=878
and trunc(comp_DT) BETWEEN ADD_MONTHS(TRUNC(SYSDATE,'MM'),-1) AND TRUNC(SYSDATE,'MM')-1
group by IT.INVSTGTYP_DESC,DW.WRKR_FRST_NM,DW.WRKR_LST_NM;
```

Jerry Result

SQL | All Rows Fetched: 2 in 0.016 seconds

COUNT(1)	INVSTGTYP_DESC	WRKR_FRST_NM	WRKR_LST_NM
1	30 Wage Protest	HINACO	SAKAI

[REDACTED]

[REDACTED]

Need clarification.

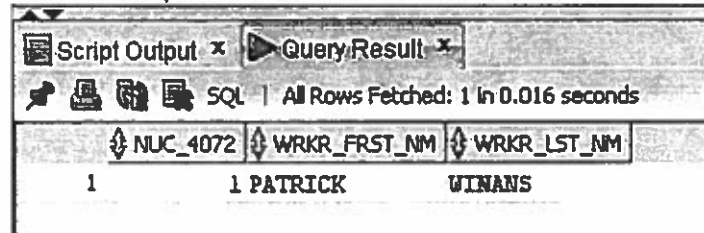
Issue # 1 - 4072's & 4075's for investigators - figures are incorrect when compared to manually calculated amounts.

Figures for 4072's and 4075's do not agree with the manual transmittal totals that were maintained for June. Need to know the origin of this data and how it is calculated.

-- Please find the 4072 query

```
Select COUNT(1) NUC_4072, DW.WRKR_FRST_NM, DW.WRKR_LST_NM
from UINV_WHSE_FND.AUDIT_PERIOD_DETAILS APD,UINV_WHSE_FND.AUDIT_ASSIGNMENTS AA,UINV_WHSE_FND.DLI_WORKERS DW
WHERE AA.AUDT_ASGN_ID=APD.AUDT_ASGN_ID
AND AA.WRKR_ID=DW.WRKR_ID
AND TRUNC(AA.COMP_DT) BETWEEN ADD_MONTHS(TRUNC(SYSDATE,'MM'),-1) AND TRUNC(SYSDATE,'MM')-1
AND APD.RPT_FILE_FLG = 'A'
GROUP BY DW.WRKR_FRST_NM,DW.WRKR_LST_NM;
```

Prod WH output:

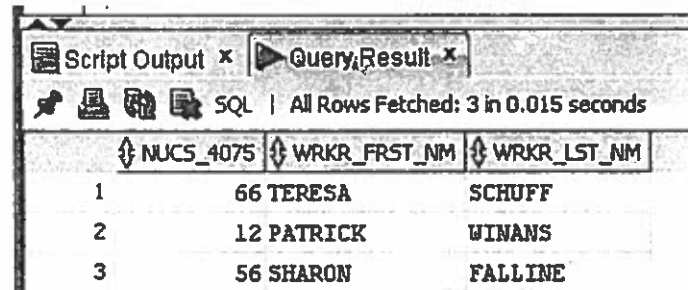


NUC_4072	WRKR_FRST_NM	WRKR_LST_NM
1	1 PATRICK	WINANS

--Please find the 4075 query

```
Select COUNT(1) NUC_4075,DW.WRKR_FRST_NM,DW.WRKR_LST_NM
from UINV_WHSE_FND.AUDIT_PERIOD_DETAILS APD, UINV_WHSE_FND.AUDIT_ASSIGNMENTS AA,UINV_WHSE_FND.DLI_WORKERS DW
WHERE AA.AUDT_ASGN_ID=APD.AUDT_ASGN_ID
AND AA.WRKR_ID=DW.WRKR_ID
AND AA.COMP_DT BETWEEN ADD_MONTHS(TRUNC(SYSDATE,'MM'),-1) AND TRUNC(SYSDATE,'MM')-1
AND AA.WRKR_ID in (3844,1108,1033)
AND RPT_FILE_FLG IN ('C','D')
GROUP BY DW.WRKR_FRST_NM,DW.WRKR_LST_NM;
```

Prod WH output:



NUC_4075	WRKR_FRST_NM	WRKR_LST_NM
1	66 TERESA	SCHUFF
2	12 PATRICK	WINANS
3	56 SHARON	FALLINE

Please find the 4072 query

Please find the 4075 query - again if I could spend more time on queries maybe this will make more sense

[REDACTED]

Regarding this on the 9/1/14 report found that for the subjects the analysis showed a link with the information  
report that generates from Central PASS for address location.







**EXHIBIT "29"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Wednesday, September 07, 2016 4:28 PM  
**To:** Terry Lewis  
**Cc:** Arturo Martinez; James Reynolds; Christopher Sewell  
**Subject:** FW: Dealing with late Wage Protests

Terry,  
I'll get with the field supervisors and see how they want to handle it. I agree that you should pass the investigator's name and phone number on to the claimant first and tell them to keep calling them until they can speak with them to see what will need to be provided.

Let me get back with you on this.  
Thank you,

*Melanie M Maguire*  
Supervising Auditor II

Dept of Employment, Training & Rehab  
Employment Security Division  
Ph 775-684-6386

[MMMaguire@NVdetr.org](mailto:MMMaguire@NVdetr.org)

---

**From:** Terry Lewis  
**Sent:** Wednesday, September 07, 2016 1:50 PM  
**To:** Melanie Maguire  
**Cc:** Benjamin Schober  
**Subject:** FW: Dealing with late Wage Protests

Good afternoon Melanie,

Just wondering if I could get your opinion on this topic. Please read the email chain below and let us know what you think.

---

**From:** Benjamin Schober  
**Sent:** Wednesday, September 7, 2016 1:42 PM  
**To:** Terry Lewis  
**Subject:** RE: Dealing with late Wage Protests

That would be a question for Melanie Maguire. The Field offices are under her and I don't want to overstep. Sorry.

Benjamin Schober  
Wage Request Unit Supervisor  
Bond Unit Supervisor  
DETR-Employment Security Division

500 E Third St, Carson City NV 89713-0030

 Please don't print this e-mail unless necessary.

---

**From:** Terry Lewis  
**Sent:** Wednesday, September 7, 2016 1:31 PM  
**To:** Benjamin Schober  
**Subject:** RE: Dealing with late Wage Protests

Another couple of questions:

Is there a point where we should escalate issue if it has not been resolved after an attempt has been made by the clmt to call the investigator? If so, then how long should we give the investigator after the first request and how should it be escalated? The only reason I'm asking is that there are times when a clmt will call in multiple times and it would be good to be able to tell the clmt something.

---

**From:** Benjamin Schober  
**Sent:** Wednesday, September 7, 2016 1:23 PM  
**To:** Terry Lewis  
**Subject:** RE: Dealing with late Wage Protests

That process is still correct. If it is assigned to an examiner in WRU, then, more than likely, we haven't reviewed it yet. Once we review a workitem, it goes either to the Field or back to Monetary. We don't hang onto workitems (except ABP workitems when we are trying to get the wage item from the employer).

Of the workitem is sent to an Investigator in the Field, Wage Request is no longer involved. The Field does their investigation and keeps it until it is resolved. Therefore, if it is assigned to the field, just provide the claimant with the investigator's phone number for them to be in contact with each other to resolve the wage protest.

Let me know if that doesn't provide clarity.

Thank you!

Benjamin Schober  
Wage Request Unit Supervisor  
Bond Unit Supervisor  
DETR-Employment Security Division  
500 E Third St, Carson City NV 89713-0030

 Please don't print this e-mail unless necessary.

---

**From:** Terry Lewis  
**Sent:** Wednesday, September 7, 2016 1:15 PM  
**To:** Benjamin Schober  
**Subject:** RE: Dealing with late Wage Protests

As in past due. I want to make sure that we are all on the same page in the process of finding out why a wage protest is late. From what Daniel tells me the current process is to relay to the clmt the investigators phone number. Is the process still the same?

---

**From:** Benjamin Schober  
**Sent:** Wednesday, September 7, 2016 1:06 PM  
**To:** Terry Lewis  
**Subject:** RE: Dealing with late Wage Protests

What do you mean by Late Wage Protests? Past Due ones, or ones on expired claims?

Benjamin Schober  
Wage Request Unit Supervisor  
Bond Unit Supervisor  
DETR-Employment Security Division  
500 E Third St, Carson City NV 89713-0030

 Please don't print this e-mail unless necessary.

---

**From:** Terry Lewis  
**Sent:** Wednesday, September 7, 2016 11:26 AM  
**To:** Benjamin Schober  
**Subject:** Dealing with late Wage Protests

I was wondering if the agency has a procedure for handling late wage protests or at least how contributions would like this handled. This topic will be coming up in a mentoring session for examiners and I would like to be clear on this topic.

Let me know your thoughts,

*Terry Lewis*  
*UI Rep V*  
775-684-7233



**EXHIBIT "30"**

## James Reynolds

---

**From:** Christopher Sewell  
**Sent:** Friday, September 23, 2016 3:09 PM  
**To:** James Reynolds  
**Cc:** Melanie Maguire; Arturo Martinez  
**Subject:** Lisa's cases

Jim,

Please don't assign Lisa any cases today or next week. She is not going to be able to work them. She has temporarily been assigned back to EASU to help them with phone calls. I will keep you posted on any changes.

Just another fun day in contributions.

Christopher Sewell  
Supervising Auditor I  
DETR, Employment Security Division  
775-684-6326





**EXHIBIT "31"**

## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Tuesday, September 27, 2016 4:44 PM  
**To:** James Reynolds  
**Subject:** New procedures

Jim ,

Melanie wants a meeting to discuss new procedures going in to effect this coming Monday.  
Also before meeting I would like to discuss the 10 day list it stands as of 9/28/2016(after transmittal is closed)

Thanks

Art



**EXHIBIT "32"**

## James Reynolds

---

**From:** Lisa Rosas  
**Sent:** Monday, October 03, 2016 9:01 AM  
**To:** Christopher Sewell  
**Cc:** James Reynolds  
**Subject:** 6835607 : Investigation Request- Supervisor

**Importance:** High

6835607 : Investigation Request- Supervisor

Good morning Jim,

I am cc'ing you on this because Chris is out this week. I am leaving at 11:30 today and should be back later in the week.

Thank you!

**Lisa Rosas**   
**Compliance Audit Investigator II**  
**Carson City Field Audit Office**  
**DETR – Employment Security Division**  
**Phone (775)684-6392**



**EXHIBIT “33”**



## James Reynolds

---

**From:** Jayne George  
**Sent:** Tuesday, October 04, 2016 3:46 PM  
**To:** James Reynolds  
**Cc:** Melanie Maguire; Arturo Martinez  
**Subject:** RE: UInv Procedure implementation - 3 day contact and affidavit

Ok. I will let you know. Thanks!

Sincerely,

*Jayne George*

Jayne George  
Compliance Audit Investigator II  
Carson City Field Audit Office  
DETR/Employment Security Division  
1320 So. Curry Street  
Carson City, NV 89701

Mailing address:  
500 E. Third Street  
Carson City, NV 89713-0030

(775) 684-6390 (office)  
(775) 684-6395 (fax)

E-mail: [ejgeorge@nvdetr.org](mailto:ejgeorge@nvdetr.org)

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---

**From:** James Reynolds  
**Sent:** Tuesday, October 4, 2016 3:45 PM  
**To:** Jayne George  
**Cc:** Melanie Maguire; Arturo Martinez  
**Subject:** RE: UInv Procedure implementation - 3 day contact and affidavit

I just received Melanie's E-mail & if you can't complete the additional please let me know.

---

**From:** Jayne George  
**Sent:** Tuesday, October 04, 2016 3:32 PM  
**To:** Arturo Martinez; James Reynolds  
**Subject:** FW: UInv Procedure implementation - 3 day contact and affidavit

Good afternoon Jim,

I had 4 Wage Protest assigned to me prior to this email this afternoon, and now I see that I have received 3 additional ones. I thought that I wasn't supposed to receive any more Wage Protest for the time being, but was only to complete the 4 original ones that you had assigned to me yesterday?

Sincerely,

*Jayne George*

Jayne George

Compliance Audit Investigator II

Carson City Field Audit Office

DETR/Employment Security Division

1320 So. Curry Street

Carson City, NV 89701

Mailing address:

500 E. Third Street

Carson City, NV 89713-0030

(775) 684-6390 (office)

(775) 684-6395 (fax)

E-mail: [eigeorge@nvdetr.org](mailto:eigeorge@nvdetr.org)

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---

**From:** Melanie Maguire

**Sent:** Tuesday, October 4, 2016 1:58 PM

**To:** Arturo Martinez; James Reynolds

**Cc:** Michon Rackley; Edgar Roberts; Jayne George; Christopher Sewell

**Subject:** UInv Procedure implementation - 3 day contact and affidavit

Art & Jim,

Please have the investigators use the 3 day contact letter when needed (for no contact), and the Uinv Claimant affidavit instead of the Word document they are currently using. Let us know how that works for you and if it needs any changes (to be done later). Let Jayne know if you need the instructions again or need help.

Also, Jim, please don't assign any more claims to Jayne for now. She will complete the ones you've sent, but we're going to keep her busy trying to get all the re-testing done and writing up the instructions for all of the new processes. She will still be submitting defects and change requests, so let her know if you are having problems with any of the processes. We'll do our best to come up with work-arounds until the defects are re-written, but it will be quite some time until we can completely settle in. The more people working on the system, the sooner we will be able to identify the shortcomings.

Thank you,

Melanie



**EXHIBIT "34"**

Employment Security Division  
Contributions Section  
500 East Third Street  
Carson City, NV 89713-0030  
(775) 684-6300



5066720  
<http://ui.nv.gov/ess>

November 7, 2016

NV

Dear Claimant:

Subject: Claimant ID Number: 3554004  
Appeal Date: 11/18/2016  
Wage Protest Determination

This letter is in response to a wage protest that was filed for wages from AUTO DEPOT.

The necessary quarterly report was received from the employer. Your wages are now reported correctly and will be included in the calculations for your claim for unemployment benefits.

If you disagree with this decision, you may file an appeal which must be faxed to or mailed to the Field Audit/Wage Request Unit, 2800 EAST ST. LOUIS AVENUE, LAS VEGAS, NV 89104 on or before 11/18/2016. See enclosed Appeal Rights for details.

Sincerely,

JAMES REYNOLDS  
JJREYNOLDS

Enclosure(s): Appeal Rights



Report suspected UI Fraud online at <https://uifraud.nvdetr.org>

LET6978\_23.0.0

## APPEAL RIGHTS

Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. Any ineligible decision will stop payment of this claim. Please read the following information carefully.

If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 11/18/2016. If you do not file your appeal in a timely manner, good cause must be shown for the delay in filing. You may appeal by writing a letter to the address shown on the first page. This appeal must include your reason for appealing, the employer name if applicable, your claimant identification number and your signature. If an interpreter is needed, please include this request in the appeal letter.

During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

Northern Nevada.....	1-775-684-0350
Southern Nevada.....	1-702-486-0350
Toll Free.....	1-888-890-8211

## DERECHOS DE APELACION

Aviso: Si usted recibe más de una decisión, lea cada una con atención y cuidado para proteger sus derechos de apelación. Cualquier decisión que no sea elegible es causa para detener los pagos de este reclamo. Por favor lea la siguiente información con cuidado.

Si usted esta en desacuerdo con la decisión, usted tiene el derecho de apelar. La apelación debe ser enviada por fax o tener el sello del correo a más tardar 11/18/2016. Si usted no apelo dentro del plazo establecido, debe proveer una buena razón por el retraso. Usted puede apelar escribiendo una carta dirigida a la dirección que aparece en la primera página. La apelación debe incluir la razón por la cual usted esta apelando, el nombre del empleador, si aplica, su número de identificación de reclamante y su firma. Si usted requiere un intérprete, por favor incluya esta petición en la carta.

Durante el proceso de apelación usted debe continuar con sus reclamos semanales mientras usted esta desempleado(a); para preservar sus derechos a los beneficios que puedan ser establecidos cuando la apelación sea resuelta. Si su empleador apela la decisión, usted debe participar en la audiencia para proteger sus derechos. Si usted necesita información adicional, por favor llame a la oficina de reclamos telefónicos.

El Norte de Nevada.....	1-775-684-0350
El Sur de Nevada.....	1-702-486-0350
Número de llamada gratuita.....	1-888-890-8211

## James Reynolds

---

**From:** Christopher Sewell  
**Sent:** Tuesday, November 08, 2016 8:08 AM  
**To:** James Reynolds  
**Cc:** Jayne George; Arturo Martinez; Melanie Maguire  
**Subject:** RE: Message from "RNP002673BF7E9B"

Jim,

We looked at the LLUC and it has the supervisor as the name on the letter, as the supervisor is approving the worksheet and letter. Any change would be a CR. I have added Melanie to this email so she is aware of this.

-----Original Message-----

**From:** James Reynolds  
**Sent:** Tuesday, November 08, 2016 8:03 AM  
**To:** Christopher Sewell  
**Cc:** Jayne George; Arturo Martinez  
**Subject:** FW: Message from "RNP002673BF7E9B"

Good Morning,

just printed out the first letter that I sent yesterday.

2 items of note are can my name be removed from this letter & there is no fax # listed. Please advise.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

-----Original Message-----

**From:** ricohscanner@nvdtr.org [mailto:ricohscanner@nvdtr.org]  
**Sent:** Tuesday, November 08, 2016 8:00 AM  
**To:** James Reynolds  
**Subject:** Message from "RNP002673BF7E9B"

This E-mail was sent from "RNP002673BF7E9B" (MP 5054).

Scan Date: 11.08.2016 08:00:13 (-0800)  
Queries to: [ricohscanner@nvdtr.org](mailto:ricohscanner@nvdtr.org)



Good Afternoon JJREYNOLDS JJREYNOLD..

Monday, November 7, 2016

[View Open Work Items](#) | [Help](#) | [Contact](#) | [Resources](#) | [Logout](#)

### CORRESPONDENCE: SENT

JJREYNOLDS JJREYNOLDS



SSN: [Redacted] Claimant ID: 3554004 Name: [Redacted]

Date of Birth: [Redacted]



Address: 1 City/State/Zip: NV, Phone

- My Inbox
- Appeals
- Benefits
- Search
- Claimant / Employer
- Claims
- Issues
- Correspondence
  - Create
  - Sent
  - Weekly Claims
  - Payments
  - Wages
  - Monetary
  - Charging
  - Adjustments
  - Overpayments
  - BAM
  - BPC
  - BTQ
  - Manage Notes
  - Special Programs
  - FM Accounting
  - Cashiering
  - Interfaces
    - Multi Claimant Group
  - ES Online Forms
  - Code Maintenance
  - System Maintenance
  - Contributions
  - IWF
  - System Administration
- Recent Items

Claim ID	BYB	BYE	City/State/Zip	Liabile State	Program	Status
1968138	09/25/2016	09/23/2017	NV	UI	Open	<input type="button" value="v"/>

Monetary: High WBA: 426 MBA: 11076 RBA: 11076 Fund: UI

Language: Spanish

#### Correspondence List

Category	Type	Sent To	Created By	Date Created	Image
Field Audit/Wage Request Unit	Wage Protest Letter		TAX:JJREYNOLDS	11/07/2016	
Adjudication	Adjudication Scheduled Interview Letter		IWF: BATCH	11/04/2016	<a href="#">View Image</a>
Monetary	Notice of Monetary Determination		BENEFITS: BATCH	11/03/2016	<a href="#">View Image</a>
Rulings	Notice of Claim Filed - 75% Base Period Employer	AUTO DEPOT INC	BENEFITS: BATCH	11/03/2016	<a href="#">View Image</a>
Monetary	Notice of Monetary Determination		BENEFITS: BATCH	09/26/2016	<a href="#">View Image</a>
Adjudication	Notice of Claim Filed - Separation	AUTO DEPOT	BENEFITS: BATCH	09/26/2016	<a href="#">View Image</a>

NAVARRO, 680-01-0656

UIW Benefits 2016-11-02 09:12:52 PRD





**EXHIBIT "35"**

**James Reynolds**

---

**From:** James Reynolds  
**Sent:** Wednesday, November 30, 2016 12:28 PM  
**To:** Beth Mbuka  
**Cc:** Arturo Martinez  
**Subject:** RE: half hour lunch

OK

---

**From:** Beth Mbuka  
**Sent:** Wednesday, November 30, 2016 12:25 PM  
**To:** James Reynolds  
**Subject:** half hour lunch

Can I take a half hour lunch today so I can leave at 5:30 tomorrow being they are doing a deployment tomorrow?

**Beth**



**EXHIBIT "36"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Monday, January 30, 2017 9:54 AM  
**To:** James Reynolds  
**Subject:** FW: Nancy

Jim,  
Nancy Magallon will be helping with claims. She is the investigator III up here, who has been working on rates since she started. She will be working 2 hours a day in field audit. I have her sitting with Lisa today and tomorrow, then we can start her out on a few claims, plus give her some of the 2 or more levy list. I'll have Lisa show her how to work them also.  
Theresa has changed her tiles and delegated her to you, can you see her?  
Thanks, Melanie

---

**From:** Theresa Shaffer  
**Sent:** Monday, January 30, 2017 8:55 AM  
**To:** Jayne George  
**Cc:** Melanie Maguire  
**Subject:** RE: Nancy

I've assigned all the tiles below. They are "Inactive" now but as soon as we need to activate them just let me know.

Thanks,  
Theresa

---

**From:** Jayne George  
**Sent:** Monday, January 30, 2017 8:50 AM  
**To:** Theresa Shaffer  
**Cc:** Melanie Maguire  
**Subject:** RE: Nancy

Good morning Theresa,

Please see the below screen shot of my profile in Manage Workers. The ones within the red box are used by the FAO Investigators. The only one that has manually distributed work items is the Wage Protest (Wage Tax Examiner), as these are manually assigned by Jim Reynolds.



Good Morning EJGEORGE EJGEORGE

Monday, January 30, 2017

View On

## VIEW WORKER

**EJGEORGE EJGEORGE**

User ID: EJGEORGE

Last Name: GEORGE

MI:

Suffix:

Division: FIELD AUDIT

Location: CARSON CITY

Termination Date:

Team Lead: JJREYNOLDS

Language:  Spanish  English  Other

German  Tagalog  Chinese

### User Phone

Phone	Extension	Phone Type	
775-684-6395		Fax	11/28/20
775-684-6390		Office	08/31/20
7756846390		Office	01/27/20

### Work Assignments

Work Type	User Role	Current Load
Ad Hoc - Contributions	EASU Tax Examiner	0
Ad Hoc - Contributions	EASU Reimbursable Tax Examiner	0
Investigative Correspondence	Investigator II	0
Wage Protests	Wage Tax Examiner	22
Ad Hoc - Contributions	Investigator II (RFAO)	0
Monetary	Monetary Examiner	0
Audit	Investigator II	0
Audit Correspondence	Auditor II	0

### Schedule

Schedule ID	Description	Start Date
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### Party Exclusion

Party Type	SSN/FEIN
------------	----------

### Excluded Adjudication Issue

Issue Category	Issue Category
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UINV IWF 2017-01-23 13:59:52 PRD

- My Inbox
- ▶ Appeals
- ▶ Benefits
- ▶ Contributions
- ▶ IWF
- ▼ System Administration
  - Configure Work Items
  - Local Offices
  - ▶ Common Scheduling
  - Productivity Dashboard
  - Reports List
  - ▼ Security
    - Manage Case Security
    - Manage Workers
    - Manage Team
- ▼ Recent Items
  - CLARK, 530-89-9033

Sincerely,  
*Jayne George*  
 Jayne George  
 Compliance Audit Investigator II  
 Carson City Field Audit Office  
 DETR/Employment Security Division

1320 So. Curry Street  
Carson City, NV 89701

Mailing address:  
500 E. Third Street  
Carson City, NV 89713-0030

(775) 684-6390 (office)  
(775) 684-6395 (fax)

E-mail: [eigeorge@nvdestr.org](mailto:eigeorge@nvdestr.org)

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---

**From:** Melanie Maguire  
**Sent:** Monday, January 30, 2017 8:20 AM  
**To:** Jayne George  
**Subject:** RE: Nancy

Jayne,  
Please let Theresa know what tiles Nancy will need in order to process OC's.  
Thank you, Melanie

---

**From:** Theresa Shaffer  
**Sent:** Monday, January 30, 2017 8:18 AM  
**To:** Melanie Maguire  
**Subject:** Nancy

Good Morning,

If you could let me know what tiles Nancy needs to the wage protest, I'll set them up. I've also set Jim up as a delegate. Hopefully it's the right way. Also let me know when you want her to start training and with who. I don't think it matters either morning or afternoon.

Thanks,  
Theresa





**EXHIBIT "37"**

## James Reynolds

---

**From:** Jennifer L. Roebuck  
**Sent:** Friday, May 19, 2017 12:20 PM  
**To:** James Reynolds  
**Subject:** 7267613 : Investigation Request- Supervisor

**Importance:** High

[7267613 : Investigation Request- Supervisor](#)

Jennifer Roebuck, Audit Supervisor  
Carson City Field Audit Office  
Employment Security Division, DETR  
Phone: (775) 684-6326 Fax (775) 684-6395  
Email: [jlroebuck@nvdetr.org](mailto:jlroebuck@nvdetr.org)

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*Please consider the environment before printing this e-mail.*



**EXHIBIT "38"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Friday, June 30, 2017 2:48 PM  
**To:** James Reynolds; Arturo Martinez  
**Cc:** Jennifer L. Roebuck; Sharon Falline; Amy Sweeting  
**Subject:** changes for Jennifer

Jim (and friends),

Please don't assign any more claims to Jennifer. When she finishes up the last ones she has, with your help, she will begin to review the Northern investigators' claims (with a second review from Art or Jim for now). Once that goes smoothly, I'd like to have Jennifer begin assigning the Northern claims. Jennifer will also begin to review the auditors' work prior to passing the audits to Sharon and Amy. This will keep her very busy until she gets a routine down.

Please feel free to make any suggestions to help with this process. At this point, you all know it better than I do...

If I haven't said it enough, I'm really proud of all of you, I think we have a great leadership team, and I'm proud of the way you've taken charge of UINV.

Thank you,  
Melanie



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**EXHIBIT "39"**



## James Reynolds

---

**From:** Jennifer L. Roebuck  
**Sent:** Wednesday, August 30, 2017 4:29 PM  
**To:** James Reynolds  
**Cc:** Arturo Martinez  
**Subject:** RE: Message from "RNP002673BF7E9B"

Hi Jim,

Yes...I am finally getting to these evals in between putting out fires (trying anyway). As I started end of February, I would like your feedback on the quality and timeliness of Jayne's and Lisa's claims (wage protests, ICs, collections, legal) that would be pertinent to their job performance over that same period. Anything that stands out that would mean not giving them Meets Standard for those job elements. If you don't have anything in particular, that works just fine too.

Hope all is well down south!

Thanks a bunch,

Jen

-----Original Message-----

**From:** James Reynolds  
**Sent:** Monday, August 07, 2017 8:02 AM  
**To:** Jennifer L. Roebuck  
**Cc:** Arturo Martinez  
**Subject:** RE: Message from "RNP002673BF7E9B"

Hi Jen,

The numbers for Lisa & Jayne are as follows:

Lisa/ No activity for May, June or August 2016--Through April 22nd 2017 she was assigned 305 total claims of which 28 were IC issues. If you extend this through May 2017, please add 12 more wage protests for a grand total of 317.

Jayne/ No activity for July, August, September, November & December 2016---Through July 20th 2017 she was assigned 104 total items of which 10 were IC issues. Please remember that Jayne also put a lot of time into testing for UINV and therefore her numbers are somewhat lower.

Hope this helps.

Jim Reynolds  
Compliance/Audit Investigator III  
Detr-ESD  
2800 E. St. Louis Ave.  
Las Vegas, Nv. 89104  
Phone (702) 486-0258 Direct  
Fax (702) 486-0231

-----Original Message-----

From: Jennifer L. Roebuck  
Sent: Friday, August 04, 2017 3:01 PM  
To: James Reynolds  
Subject: RE: Message from "RNP002673BF7E9B"

Hi Jim,

Lisa Rosas: 5/23/2016 - 4/22/2016  
Jayne George: 7/21/2016 - 7/20/2017

Whatever you have, whenever you can, and thanks for your patience.

Jen

-----Original Message-----

From: Jennifer L. Roebuck  
Sent: Thursday, August 03, 2017 8:41 AM  
To: James Reynolds; Melanie Maguire  
Cc: Arturo Martinez  
Subject: RE: Message from "RNP002673BF7E9B"

That's right, I forgot you said that. I will get dates to you this afternoon.

-----Original Message-----

From: James Reynolds  
Sent: Thursday, August 03, 2017 8:40 AM  
To: Jennifer L. Roebuck; Melanie Maguire  
Cc: Arturo Martinez  
Subject: RE: Message from "RNP002673BF7E9B"

I did track for counting purposes claims assigned and those that were IC issues on my own spreadsheet. If you give me specific dates I can tell you what I assigned to each.

-----Original Message-----

From: Jennifer L. Roebuck  
Sent: Thursday, August 03, 2017 8:38 AM  
To: James Reynolds; Melanie Maguire  
Cc: Arturo Martinez  
Subject: FW: Message from "RNP002673BF7E9B"

Hi Jim and Melanie,

I ran out of time yesterday and am heading to an audit shortly, but a quick question for Melanie regarding the Las Vegas Master report sample Jim provided (1st page in the document). Does Carson have access to a similar report? Also, it looks like Jim didn't track the cases assigned to the Carson Investigators? I know Jayne and Lisa have been tracking some of their own work, so I will find out what they have. I will do some more research once I figure out what has already been done. I will call Jim later this afternoon to follow up.

Thanks,  
Jen

-----Original Message-----

From: James Reynolds

Sent: Wednesday, August 02, 2017 11:46 AM

To: Jennifer L. Roebuck

Cc: Arturo Martinez

Subject: FW: Message from "RNP002673BF7E9B"

Hi Jen,

Please call me when you receive this e-mail & I will explain what the reports mean & where I got them.

Jim Reynolds

Compliance/Audit Investigator III

Detr-ESD

2800 E. St. Louis Ave.

Las Vegas, Nv. 89104

Phone (702) 486-0258 Direct

Fax (702) 486-0231

-----Original Message-----

From: ricohscanner@nvdr.org [mailto:ricohscanner@nvdr.org]

Sent: Wednesday, August 02, 2017 11:49 AM

To: James Reynolds

Subject: Message from "RNP002673BF7E9B"

This E-mail was sent from "RNP002673BF7E9B" (MP 5054).

Scan Date: 08.02.2017 11:49:11 (-0700)

Queries to: [ricohscanner@nvdr.org](mailto:ricohscanner@nvdr.org)



**EXHIBIT "40"**

## James Reynolds

---

**From:** Melanie Maguire  
**Sent:** Wednesday, September 20, 2017 11:44 AM  
**To:** Jennifer L. Roebuck; Sharon Falline; Arturo Martinez; Amy Sweeting; James Reynolds  
**Subject:** Holiday coverage

For those of you who don't know, Edgar gets antsy when the supervisors take time off.  
So far, for Thanksgiving, it looks like:

I am off all week  
Jim is off all week  
Sharon is off all week

Art is requesting Monday off. Is anyone else putting in for time off that week? Who will be filling in for Jim?

Thanks, Melanie



100  
100  
100  
100



**EXHIBIT "41"**



## James Reynolds

---

**From:** Arturo Martinez  
**Sent:** Thursday, November 02, 2017 11:09 AM  
**To:** James Reynolds  
**Subject:** FW: Training for my role in Wage Protests

Jim,

Call Jen and let her know there really is no manual but that you will call on Monday or Tuesday to go over a some sample claims with her. I would like this out of our hands before you take annual leave . That would be less headache for Craig .

Thanks

Art

---

**From:** Jennifer L. Roebuck  
**Sent:** Thursday, November 02, 2017 10:24 AM  
**To:** James Reynolds  
**Cc:** Arturo Martinez; Melanie Maguire  
**Subject:** Training for my role in Wage Protests

Good morning Jim,

Do you have time in the near future to go over the process for assigning and reviewing wage protests with me? Is there a written procedure of some sort you can send me?

Hope all is well in LV!

Thanks,

Jennifer Roebuck, Audit Supervisor  
Carson City Field Audit Office  
Employment Security Division, DETR  
Phone: (775) 684-6326 Fax (775) 684-6395  
Email: [jroebuck@nvdetr.org](mailto:jroebuck@nvdetr.org)

*This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please delete the message and attachments from your computer and network. Thank you.*

 Please consider the environment before printing this e-mail.



**EXHIBIT "42"**

## James Reynolds

---

**From:** Jennifer L. Roebuck  
**Sent:** Monday, November 06, 2017 10:59 AM  
**To:** Jayne George; Lisa Rosas  
**Cc:** Melanie Maguire; James Reynolds; Arturo Martinez  
**Subject:** Investigations Review/Approval

Jayne and Lisa,

Please start assigning and emailing your claims to me for review/approval starting today.

Jim will continue to assign the claims until we determine how best to split this function. Benefits currently assign the claims to Jim, so they would need instruction on location and assignment.

Thanks,

Jennifer Roebuck, Audit Supervisor  
Carson City Field Audit Office  
Employment Security Division, DETR  
Phone: (775) 684-6326 Fax (775) 684-6395  
Email: [jlroebuck@nvdetr.org](mailto:jlroebuck@nvdetr.org)

*This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please delete the message and attachments from your computer and network. Thank you.*

 *Please consider the environment before printing this e-mail.*



**EXHIBIT "43"**



## State of Nevada – Department Of Personnel

### CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

#### SERIES CONCEPT

This class series encompasses investigative positions that perform investigative and auditing functions to monitor compliance and detect violations of state and/or federal laws, rules, or regulations pertaining to a specific program or regulatory area such as securities, medicaid, or worker's compensation. The investigative process is initiated following a formal complaint, suspected or confirmed violation utilizing standard investigative techniques. The audit process is a regulatory function utilized to ensure ongoing compliance with state and/or federal regulations and guidelines.

Receives and reviews formal complaints and makes determinations regarding possible program violations and jurisdiction within specified program area. Gathers and analyzes background information and facts pertaining to the complaint. Makes determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conducts interviews with complainant, witnesses, employers, state and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to case to prove a violation or criminal intent exists.

Prepares required forms and notices and delivers to appropriate party regarding complaint and/or alleged violations following department policy and procedure. Responses are reviewed and discussed with complainant and respondent.

Develops case file and maintains case logs and reports. Evidence is placed in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources. Evidence is preserved and utilized to develop final case reports and may be used for future litigation.

Gathers and reviews evidence such as business records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint. May serve subpoenas or other legal documents and participate in the execution of search warrants to obtain evidence and expedite case.

Conducts audits on a periodic basis by randomly selecting individual firms or business and reviewing business transactions for completeness, accuracy, and compliance with state and federal laws, rules and regulations. Evaluates internal procedures, operating methods, fiscal controls, and verifies validity of financial statements and records. Explains provisions and application of state and federal guidelines and discusses assessments, audit findings and recommendations.

Prepares required forms and notices and sends to appropriate parties regarding complaint and alleged violations. Responses are reviewed and discussed with supervisor and/or Attorney General.

COMPLIANCE/AUDIT INVESTIGATOR III  
COMPLIANCE/AUDIT INVESTIGATOR II  
COMPLIANCE/AUDIT INVESTIGATOR I  
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**SERIES CONCEPT (cont.)**

Conducts research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies. Plans and coordinates investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepares investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, exhibits of evidence, statements obtained from witnesses, conclusions and recommendations. Reports are reviewed and submitted for hearing or prosecution, and to impose fines and penalties. The investigator may appear before the governing body or in a court of law to provide testimony.

**DISTINGUISHING CHARACTERISTICS:**

Enforcement powers regarding program violations are limited to a specific program area that involve administrative sanctions or penalties imposed by a Hearings Board, state official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other Investigative classes by the additional audit function which is performed as a separate duty area encompassing at least 25% of the investigative responsibility. Audit work is performed in a specialized field which requires an extensive knowledge of federal and state laws, program rules and regulations, business operations, corporate structure, financial transactions, terminology and record keeping to detect falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Investigators allocated to this series do not require P.O.S.T. certification.

\*\*\*\*\*

**CLASS CONCEPTS**

**COMPLIANCE/AUDIT INVESTIGATOR III:**

Performs the full range of duties in the series concept, in addition, under limited direction of the Chief Investigator, Program Administrator or designee, acts as a lead worker on a regular reoccurring basis and performs specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Requires an extensive knowledge of state and federal laws, case law, program regulations, industry standards, concepts and practices to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This is the lead worker/advanced journey level in the class series and is distinguished from the lower level investigators by making determinations on the level and intent of investigations, and acting as a leadworker by providing training, supervision, or coordinating the work of Investigator II's and I's while conducting investigative and/or audit functions. May review final investigative or audit reports for accuracy, clarity, format, and to insure policy and procedure is followed. May provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

The Investigator III's utilize their extensive knowledge of industry standards and case history to recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.



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**CLASS CONCEPTS (cont.)**

**COMPLIANCE/AUDIT INVESTIGATOR II:**

This is the journey level in the class series. Positions in this class are required to perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices under general supervision of the Chief or level III Investigator.

**COMPLIANCE/AUDIT INVESTIGATOR I:**

Incumbents in this class receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, rules, policies and procedures associated with the program area. Incumbents perform all or part of the duties described in the series concept under direct supervision.

This is the entry level trainee class which provides for progression to the next higher level in the series upon meeting the minimum qualifications for the higher class and with the recommendation of the appointing authority.

\*\*\*\*\*

**MINIMUM QUALIFICATIONS**

**EDUCATION AND EXPERIENCE:**

**COMPLIANCE/AUDIT INVESTIGATOR III:**

I  
 Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field and two years experience in an investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure in making program compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions or penalties; changes in management practices, policy, and procedure or recommending criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

II  
 High school graduation and four years experience as outlined in option I; OR

III  
 Two years as a Compliance/Audit Investigator I in Nevada state service; OR

IV  
 An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

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**MINIMUM QUALIFICATIONS (cont.)**

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES:** (These may be acquired on the job and/or needed to perform the work assigned.)

Knowledge of supervisory principles and practices. Extensive knowledge of program laws, regulations and rules at the state, federal and/or national level. Knowledge of complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records. Knowledge of corporate structure and business operations. Knowledge of policy and procedure as it relates to conducting business as it relates to the program area.

Ability to plan and direct the activities of subordinates regarding investigative and auditing functions. Ability to summarize complicated factual data and present recommendations clearly. Ability to present meaningful solutions toward improvement and/or resolution of operational procedures. Ability to gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work. Ability to effectively present complicated and technical information to management, employees and public officials.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES:** (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Knowledge of civil law and related criminal law to enforce program regulations as well as to ensure state and federal compliance through knowledge of the methods and practices of effective investigations and what constitutes legal evidence. Knowledge of where to go within the organization for needed information. Knowledge of record keeping practices to obtain and store needed investigative reports and documents. Knowledge of computer usage and program related terminology to access and input required data.

Ability to prioritize numerous assignments and make needed adjustments. Ability to work independently with minimal supervision. Ability to maintain equanimity in the face of resistance, indifference and hostility. Ability to handle and resolve complaints from consumers, business representatives and other state and local agencies. Ability to delegate responsibility.

In addition, all the knowledge, skills and abilities required of the lower levels of this series.

\*\*\*\*\*

**COMPLIANCE/AUDIT INVESTIGATOR II**

**EDUCATION AND EXPERIENCE:**

Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field and one year of investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure in making program compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions or penalties, changes in management practices, policy and procedure, or recommending criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

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**MINIMUM QUALIFICATIONS (cont.)**

**EDUCATION AND EXPERIENCE: (cont.)**

**II**

High school graduation and three years of experience as outlined in option I; OR

**III**

One year as a Compliance/Audit Investigator I in Nevada State service.

**IV**

An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

Condition of Employment:

Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in this class, in these positions, must first submit to a pre-employment screening test for controlled substances.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (These may be acquired on the job and/or needed to perform the work assigned.)**

Knowledge of the scope and purpose of program laws, rules and regulations on a state, federal or national level. Knowledge of accounting practices of various types of program related areas. General knowledge of corporate law governing ownership and conflict of interest.

Ability to conduct independent investigations and audits with minimal supervision. Ability to make independent judgments and recommendations. Ability to plan and organize workload. Ability to develop cooperative working relationship with state, federal and local agencies.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)**

Knowledge of general accounting procedures and rules. Knowledge of business practices and procedures. Knowledge of investigative principles and practices. Knowledge of rules of evidence and the rights of citizens. Knowledge of office procedures, methods and equipment.

Ability to analyze statutes, rules, regulations and apply to investigative or audit findings. Ability to make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area. Ability to read and interpret contracts and legal documents in relation to the program area. Ability to work as part of a team. Ability to review and analyze information received from business, complainant and governmental agencies. Ability to conduct interviews both in person and by phone to ascertain factual information. Ability to mediate and negotiate resolution between contending parties.

In addition, all other knowledge, skills and abilities required at the lower level of this series.

\*\*\*\*\*

COMPLIANCE/AUDIT INVESTIGATOR III  
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COMPLIANCE/AUDIT INVESTIGATOR I  
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**MINIMUM QUALIFICATIONS (cont.)**

**COMPLIANCE/AUDIT INVESTIGATOR I:**

**EDUCATION AND EXPERIENCE:**

I

Bachelor's degree from an accredited college or university with major coursework in criminal justice, police science, psychology, business administration or closely related field; OR

II

High school graduation and two years of investigative, auditing or professional program related experience which required the application of state and federal laws, policy and procedure, in making program compliance determinations, preparing detailed reports for the purpose of justifying administrative sanctions, penalties, changes in management practices, policy and procedure, or to recommend criminal prosecution. Determinations are based on evidence collected, applying applicable laws, rules or regulations and thorough analysis and verification of data. Work experience may be obtained in a law enforcement, investigative, regulatory, related program area or comparable setting; OR

III

An equivalent combination of education and experience in which the applicant demonstrated possession of the entry level knowledge, skills and abilities.

**Condition of Employment:**

Pursuant to NRS 284.4066, some positions in this class have been identified as affecting public safety. Persons offered employment in this class, in these positions, must first submit to a pre-employment screening test for controlled substances.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (These may be acquired on the job and/or needed to perform the work assigned.)**

General knowledge of program rules and regulations. General knowledge of state and federal laws pertaining to the program area. Knowledge of agency record keeping practices to obtain needed information for investigations, auditing, and special projects. Knowledge of the functions of other state agencies to refer complaints to the appropriate jurisdiction.

Ability to maintain cooperative working relationships with staff members. Ability to discuss and explain program rules and regulations to persons of various backgrounds. Ability to work independently. Ability to work as part of a team. Ability to complete required forms and documents. Ability to review and analyze complaints for possible program or statutory violations. Ability to conduct interviews to obtain needed information. Ability to detect falsified records.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)**

General knowledge of research techniques and application. Basic knowledge of the theories of criminal behavior and psychology. Knowledge of basic investigative and auditing techniques.

COMPLIANCE/AUDIT INVESTIGATOR III  
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**MINIMUM QUALIFICATIONS (cont.)**

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (cont.)**

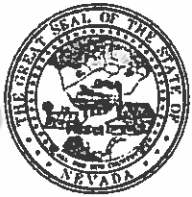
Ability to write concise, logical and grammatically correct reports. Ability to speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies. Ability to record information quickly and accurately. Ability to convey accurate and precise data in a timely manner within established time frames. Ability to read and interpret statutes related to program area to determine compliance. Ability to speak with individuals of various social, cultural, economic and educational backgrounds.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:		11/15/91PC	11/15/91PC



**EXHIBIT "44"**



2

STATE OF NEVADA  
Department of Administration  
Division of Human Resource Management

1/20/11

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

SERIES CONCEPT

Compliance/Audit Investigators perform investigative and auditing functions to monitor compliance and detect violations of State and/or federal laws or regulations pertaining to a specific program or regulatory area such as securities, Medicaid, mortgage lending, or workers' compensation. Investigators allocated to this series do not require P.O.S.T. certification.

Enforcement powers regarding program violations are limited to a specific program area that involves administrative sanctions or penalties imposed by a Hearings Board, State official or the federal government. Criminal violations are referred to the appropriate criminal justice agency for prosecution. This series is distinguished from other investigative classes by the additional audit function which is performed at least 25% of the time. Audit work is performed in a specialized field which requires an extensive knowledge of State and/or federal laws, program rules and regulations; business operations; corporate structure; financial transactions, terminology and recordkeeping; and detecting falsified records and/or program violations. Violations may be elaborately planned and sophisticated in nature requiring extensive research and analysis to detect.

Receive and review formal complaints; make determinations regarding possible program violations and jurisdiction within the specified program area; gather and analyze background information and facts pertaining to the complaint; make determinations regarding the extent of violations, and recommendations to initiate a formal investigation.

Conduct interviews with complainant, witnesses, employers, State and local government agencies and other sources to obtain information regarding violations or noncompliance and develop leads and facts pertaining to the case to prove a violation or criminal intent exists.

Prepare required forms and notices; deliver to appropriate party regarding complaint and/or alleged violations following department policy and procedure; respond, review and discuss with complainant and respondent.

Develop case files and maintain case logs and reports; place evidence in case file along with chronological documentation regarding investigative steps taken and all contact made with complainant, respondent, witnesses and other sources; preserve and utilize evidence to develop final case reports and/or for future litigation.

Gather and review evidence such as business and financial records, service contracts, professional reports, bank statements, billing documents, sales transactions, client account records, personnel files and historical data pertaining to the suspected violation to develop trends, patterns and to support complaint; serve subpoenas or other legal documents as required.

Conduct audits on a periodic basis by either randomly selecting individual firms or business or as required by State law and reviewing business transactions for completeness, accuracy, and compliance with State and/or federal laws and regulations; evaluate internal procedures, operating methods, fiscal controls, and verify validity



<b>CHIEF COMPLIANCE/AUDIT INVESTIGATOR</b>	<b>37</b>	<b>B</b>	<b>11.360</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

**SERIES CONCEPT (cont'd)**

of financial statements and records; explain provisions and application of State and/or federal guidelines and discuss assessments, audit findings and recommendations.

Prepare required forms and notices and send to appropriate parties regarding complaint and alleged violations; review and discuss responses with supervisor and/or Attorney General.

Conduct research regarding program rules, court decisions, industry practices and standards, procedures and techniques to ensure compliance, and to develop or revise program regulations or policies; plan and coordinate investigations and audits to determine whether administrative and/or criminal action should be taken.

Prepare investigative and audit reports encompassing results of examination of accounting records, known violations, statement of facts, case summary, and exhibits of evidence, statements obtained from witnesses, conclusions and recommendations; review and submit reports for hearing or prosecution, and to impose fines and penalties; appear before the governing body or in a court of law to provide testimony as required.

Perform related duties as assigned.

\*\*\*\*\*

**CLASS CONCEPTS**

**Chief Compliance/Audit Investigator:** Under general direction, incumbents are responsible for the administration of investigative activities on a statewide basis. They establish and direct investigative activities based on department goals and objectives; review and evaluate operational efficiency and compliance with program policy and procedures; and directly supervise a staff of subordinate Compliance/Audit Investigators performing Medicaid, securities, real estate, mortgage lending, insurance, prevailing wage or workers' compensation investigations and audits. Incumbents assist in the planning and development of the program budget, internal policy and procedure, and the implementation or introduction of State legislation. In addition, they work directly with the Program Administrator, agency heads, business representatives, violators, the complainant and judicial system regarding complaint resolution, regaining compliance, pursuing criminal prosecution, imposing administrative sanctions or penalties or addressing a hearings board or commission.

Oversee the training of staff based on projected or identified needs in the area of investigations, audit, inspection, community relations, program rules and regulations and related laws; review and approve training programs to ensure compliance with program goals and objectives.

Prepare and approve work schedules which involves assigning days off, duty hours or compensatory leave; ~~allocate investigators to shifts based on assessed needs~~; maintain reporting procedures and review status reports to determine achievement of objectives and compliance with applicable laws and regulations.

Oversee the use and repair of property and equipment by inspecting and ascertaining repairs or replacement; analyze equipment requests, determine needs and prepare requests or recommendations.

Identify program needs, research and develop policy and procedures, and develop written proposals for presentation to management; submit requests for procedural changes in order to improve compliance, audit and enforcement activities to the agency head.

<b>CHIEF COMPLIANCE/AUDIT INVESTIGATOR</b>	<b>37</b>	<b>B</b>	<b>11.360</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR III</b>	<b>35</b>	<b>B</b>	<b>11.363</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR II</b>	<b>33</b>	<b>B</b>	<b>11.365</b>
<b>COMPLIANCE/AUDIT INVESTIGATOR I</b>	<b>30</b>	<b>B</b>	<b>11.366</b>

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**CLASS CONCEPTS (cont'd)**

**Compliance/Audit Investigator III:** Under limited supervision, incumbents act as a leadworker on a regular reoccurring basis and perform specialized investigative/audit functions dealing with complex and/or multiple program violations and/or criminal activity. Extensive knowledge of State and/or federal laws, case law, program regulations, industry standards, concepts and practices is required to conduct detailed investigations and audits. Final reports and recommendations are reviewed and approved by the Chief Investigator or Program Administrator.

This level in the class series is distinguished from the lower level by responsibility for making determinations on the level and intent of investigations, and acting as a leadworker by providing training or coordinating the work of Compliance/Audit Investigator II's and I's while conducting investigative and/or audit functions. Incumbents review final investigative or audit reports for accuracy, clarity, format, and to ensure policy and procedure was followed, and provide assistance to lower level investigators regarding case preparation and presentation in a court of law.

Compliance/Audit Investigator III's recommend or develop new and/or revised policy, procedure and proposed legislation to aid in the compliance and control of program areas.

**Compliance/Audit Investigator II:** Under general supervision, incumbents perform the duties outlined in the series concept and work independently utilizing generally accepted investigative and auditing principles and practices. This is the journey level in the series.

**Compliance/Audit Investigator I:** Under close supervision, incumbents receive on-the-job and/or formal training in the areas of compliance investigation and auditing. Incumbents also receive training in the laws, regulations, policies and procedures associated with the assigned program area. Incumbents perform all or part of the duties described in the series concept.

This is the entry level class which provides for progression to the next level upon meeting the minimum qualifications, satisfactory performance and with the recommendation of the appointing authority.

\*\*\*\*\*

**MINIMUM QUALIFICATIONS**

**SPECIAL REQUIREMENTS:**

- \* Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must first submit to a pre-employment screening test for controlled substances.
- \* Some positions may be required to submit to a background investigation.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.

**CHIEF COMPLIANCE/AUDIT INVESTIGATOR:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and four years of professional experience in an investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanction penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and six years of experience, four of which were in a professional investigative,

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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**MINIMUM QUALIFICATIONS (cont'd)**

**CHIEF COMPLIANCE/AUDIT INVESTIGATOR: (cont'd)**

**EDUCATION AND EXPERIENCE (cont'd)**

auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions, penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** two years of experience as a Compliance/Audit Investigator III in Nevada State service. *(See Special Requirements)*

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):**

**Detailed knowledge of:** the purpose, activities and functions of the program area as applied to administering audit/compliance activities. **Working knowledge of:** rules of evidence, rights of citizens and court procedures. **Ability to:** oversee audit/investigative activities on a statewide basis; supervise and evaluate the performance of a large staff; plan, organize and assign work to subordinate staff; gain the respect of others; negotiate and formulate complaint resolution; explain methods and requirements for compliance with agency policy; provide presentations to senior managers, commission and formal business meetings/groups, simplifying complex ideas and information; assist in the development of agency goals, objectives, operating policy and procedure; and testify in a court of law.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):**

**Detailed knowledge of:** Nevada Revised Statutes, agency policy and procedure and federal laws that pertain to the supervision of audit/investigative activities. **Working knowledge of:** supervisory principles and practices as well as State personnel policy necessary to supervise subordinate personnel. **Ability to:** motivate others to take appropriate action; provide in-service training to subordinates on program rules and regulations, audit/investigative techniques and courtroom procedures; analyze information, problems, situations, practices or procedures to define problems or objectives; communicate program goals, policy and procedures to subordinate staff, agencies, the judicial system and the general public; supervise a staff of investigators performing program audit/compliance investigations; *and all knowledge, skills and abilities required at the lower levels.*

**COMPLIANCE/AUDIT INVESTIGATOR III:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field and three years of professional experience in an investigative, auditing or program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and five years of experience, three of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** one year of experience as a Compliance/Audit Investigator II in Nevada State service. *(See Special Requirements)*

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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**MINIMUM QUALIFICATIONS (cont'd)**

**COMPLIANCE/AUDIT INVESTIGATOR III** (cont'd)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES** (required at time of application):

**Working knowledge of:** civil law and related criminal law to enforce program regulations as well as to ensure State and federal compliance; methods and practices of effective investigations and what constitutes legal evidence; recordkeeping practices to obtain and store needed investigative reports and documents; computer usage and program-related terminology to access and input required data. **Ability to:** prioritize numerous assignments and make needed adjustments; work independently with minimal supervision; maintain equanimity in the face of resistance, indifference and hostility; resolve complaints from consumers, business representatives and other State and local agencies; delegate responsibility.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES** (typically acquired on the job):

**Detailed knowledge of:** complex auditing procedures and investigative techniques involving falsified, altered or misleading documents, transactions, accounting or business records; corporate structure and business operations; policy and procedure related to conducting business as it relates to the program area. **Working knowledge of:** program laws and regulations at the State, federal and/or national level. **Ability to:** plan and direct the activities of subordinates regarding investigative and auditing functions; present meaningful solutions toward improvement and/or resolution of operational procedures; gain and maintain the confidence and cooperation of a variety of business and management officials contacted in the course of work; effectively present complicated and technical information to management, employees and public officials; *and all knowledge, skills and abilities required at the lower levels.*

**COMPLIANCE/AUDIT INVESTIGATOR II:**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university business or public administration, business management, accounting, or related field and two years of professional experience in an investigative, auditing or professional program-related position which required the application of state and federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** graduation from high school or equivalent education and four years of experience, two of which were in a professional investigative, auditing or professional program-related position which required the application of state and/or federal laws, policy and procedure in making program compliance determinations; preparing detailed reports for the purpose of justifying administrative sanctions or penalties or changes in management practices, policy and procedure; or recommending criminal prosecution; **OR** an equivalent combination of education and experience; **OR** two years of experience as a Compliance/Audit Investigator I in Nevada State service. *(See Special Requirements)*

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES** (required at time of application):

**Working knowledge of:** general accounting procedures and rules; business practices and procedures; investigative principles and practices; office procedures, methods and equipment. **Ability to:** analyze statutes, rules, and regulations and apply to investigative or audit findings; make oral group presentations to provide information and explain procedures, policies, and laws pertaining to the program area; read and interpret contracts and legal documents in relation to the program area; review and analyze information received from business, complainant and governmental agencies; conduct interviews both in person and by phone to ascertain factual information; mediate and negotiate resolution between contending parties.

CHIEF COMPLIANCE/AUDIT INVESTIGATOR	37	B	11.360
COMPLIANCE/AUDIT INVESTIGATOR III	35	B	11.363
COMPLIANCE/AUDIT INVESTIGATOR II	33	B	11.365
COMPLIANCE/AUDIT INVESTIGATOR I	30	B	11.366

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### MINIMUM QUALIFICATIONS (cont'd)

#### COMPLIANCE/AUDIT INVESTIGATOR II: (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Working knowledge of:** the scope and purpose of program laws, rules and regulations on a State, federal or national level; accounting practices of various types of program related areas; corporate law governing ownership and conflict of interest. **Ability to:** conduct independent investigations and audits with minimal supervision; make independent judgments and recommendations; plan and organize workload; develop cooperative working relationships with State, federal and local agencies; *and all knowledge, skills and abilities required at the lower level.*

#### COMPLIANCE/AUDIT INVESTIGATOR I

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in business or public administration, business management, accounting, or related field; **OR** graduation from high school or equivalent education and two years of experience in an auditing or program-related position equivalent to an Administrative Assistant III or Accounting Assistant III in Nevada State service which required the application of state and/or federal laws, policy and procedures; reviewing documents prepared by others for program compliance determinations; preparing reports which summarize financial and statistical information; or maintaining financial records related to revenues and expenses, grants, budgets, purchases, and/or accounts; **OR** an equivalent combination of education and experience.

#### ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**General knowledge of:** research techniques and application; basic investigative and auditing techniques. **Ability to:** write concise, logical and grammatically correct reports; speak on a one-to-one basis using appropriate vocabulary and grammar to obtain information and to explain policies; record information quickly and accurately; convey accurate and precise data in a timely manner within established time frames; read and interpret statutes related to the program area to determine compliance; speak with individuals of various social, cultural, economic and educational backgrounds; maintain cooperative working relationships with staff members; work independently and as part of a team; complete required forms and documents.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
**Working knowledge of:** agency recordkeeping practices to obtain needed information for investigations, auditing, and special projects; the functions of other State agencies to refer complaints to the appropriate jurisdiction; program rules and regulations; State and federal laws pertaining to the program area. **Ability to:** review and analyze complaints for possible program or statutory violations; conduct interviews to obtain needed information; detect falsified records.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.360</u>	<u>11.363</u>	<u>11.365</u>	<u>11.366</u>
ESTABLISHED:	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC	7/1/91P 10/19/90PC
REVISED:			11/15/91PC	11/15/91PC
REVISED:		12/10/10PC	12/10/10PC	12/10/10PC
REVISED:	5/06/11PC	5/06/11PC	5/06/11PC	5/06/11PC

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

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**Item VIII-A-1-a**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
1.907	Parks Regional Manager (Non-Commissioned)	39	A	<b>1.907</b>	<b>Parks Regional Manager (Non-Commissioned)</b>	<b>39</b>	<b>A</b>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Parks Regional Manager class specification.

In consultation with Subject Matter Experts from the Nevada Division of State Lands, and recruitment experts from Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations.

Minor revisions, however, were made to the minimum qualifications in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated in the review and they support this recommendation.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>PARKS REGIONAL MANAGER (NON-COMMISSIONED)</b>	<b>39</b>	<b>A</b>	<b>1.907</b>

Parks Regional Managers (Non-Commissioned) plan, organize and manage the overall operation of the State parks within an assigned geographical region to provide for park operation, maintenance, interpretation, and visitor services and protection; ensure proper recreation management principles are utilized in the delivery of parks and recreation services and the operation of park resources and facilities in accordance with established guidelines.

Formulate, develop and implement policies and procedures for the region; develop long and short range goals and plans to meet objectives established by the division, department and the State; coordinate program activities with officials and representatives of federal, State and local agencies; conduct public hearings and represent the State at local and regional meetings.

Develop and administer the regional program budget; project fiscal needs and control expenditures; monitor and evaluate programs and conduct cost/benefit analyses; implement processes to ensure accurate accounting of user fees and equipment inventory; prepare justifications and financial and statistical reports; research and prepare biennial budget requests; oversee the region's data processing and risk management functions; review and approve expenditures.

Manage a variety of regional programs and projects to maintain and enhance park facilities, equipment and resources; manage equipment and property inventories; negotiate and administer contracts, concessions, leases and agreements; review plans and recommendations for renovations and construction of facilities; inspect and evaluate construction work; direct the development of the regional and park management plan.

Oversee the regional resource management program; coordinate with park supervisors to develop and maintain current resource management plans and ensure the professional management of all park natural and cultural resources.

Expand and oversee activities and special events and manage an on-going interpretive program; direct the region's public relations program to promote park activities and provide information to the public; investigate and resolve conflicts and issues related to park use and management.

Oversee the region's law enforcement program to ensure consistent and appropriate law enforcement at all parks within a region; plan operational strategies and assignments; provide for training opportunities as required by State law; supply equipment and resources; ensure that park resources, facilities, equipment, personnel and visitors are protected from misuse, misconduct and criminal activities.

Manage and coordinate the region's comprehensive maintenance program for park facilities; develop goals and plans to maintain the facilities and resources of assigned parks; implement projects and inspect work in progress; review and approve equipment, supply, and project requests; coordinate efforts with other regions and the Planning and Development Section to ensure that projects are completed in accordance with individual Park Master Plans and division policy.

Supervise and evaluate the performance of assigned staff; delegate, assign and review work of professional, technical and administrative support personnel; develop and revise work performance standards; implement disciplinary and corrective action as appropriate; provide training opportunities to ensure that annual accreditation standards are met.

Perform related duties as assigned.

## MINIMUM QUALIFICATIONS

### SPECIAL REQUIREMENTS:

- \* Pursuant to NRS 284.4066, all positions in this class have been identified as affecting public safety. Persons offered employment in this class must submit to a pre-employment screening for controlled substances.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.
- \* Candidates may be required to submit to a background check and physical agility examination prior to appointment.

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with a major or minor in park management, park interpretation, outdoor recreation management, natural science, business administration or related field and three years of experience in managing the personnel, budget and resources of a ~~[complex]~~ park, public entity, or business with multiple, diversified facilities, activities, and services offered. Management experience must have included developing and monitoring budgets, supervising facility maintenance, maintaining security of establishments and facilities, and providing various services to the public; **OR** two years of experience as a Park Supervisor III in Nevada State service; **OR** an equivalent combination of education and experience *as described above*. (See Special Requirements)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** accounting and budgeting principles and practices; management principles, practices and programs; building, grounds and equipment maintenance; principles of training and supervision; purchasing and inventory control procedures. **Ability to:** plan, implement and coordinate projects and programs in a geographical region; develop and manage training programs including identifying needs and coordinating and evaluating instruction; analyze financial and statistical data to identify trends and determine appropriate courses of action; communicate effectively both orally and in writing; oversee the collection and auditing of revenue; comprehend and administer contracts such as leases or managerial agreements; develop safety programs as appropriate to protect lives and property and minimize liability; manage special events and programs within a region; develop plans in accordance with goals and objectives; promote the park system to groups and individuals including the media; establish and maintain cooperative working relationships with others.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** State personnel administrative processes; budget preparation and control; grants and contract management; legislative processes; business and public administration; basic principles of park planning and construction; division philosophy, goals and objectives; development of policies and procedures. **General knowledge of:** natural and cultural history, flora, and fauna. **Ability to:** plan and develop volunteer and low cost labor resources to perform park services and maintenance; read and evaluate complex equipment specifications and building construction drawings; understand and evaluate complex environmental impact documents and issues.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

1.907

ESTABLISHED: 7/1/05LG  
**REVISED:** 3/2/18PC



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

**Item VIII-A-1-b**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
1.967	Park Supervisor III (Non-Commissioned)	36	B	<b>1.967</b>	<b>Park Supervisor III (Non-Commissioned)</b>	<b>36</b>	<b>B</b>
1.968	Park Supervisor II (Non-Commissioned)	35	B	<b>1.968</b>	<b>Park Supervisor II (Non-Commissioned)</b>	<b>35</b>	<b>B</b>
1.969	Park Supervisor I (Non-Commissioned)	34	B	<b>1.969</b>	<b>Park Supervisor I (Non-Commissioned)</b>	<b>34</b>	<b>B</b>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Parks Supervisor (Non-Commissioned) series.

In consultation with Subject Matter Experts from the Nevada Division of State Lands, and recruitment experts from Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations.

Minor revisions, however, were made to the minimum qualifications in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated in the review and they support this recommendation.

*Note: Changes, additions and/or deletions on the class specification are noted in red.*

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>PARK SUPERVISOR III (NON-COMMISSIONED)</b>	<b>36</b>	<b>B</b>	<b>1.967</b>
<b>PARK SUPERVISOR II (NON-COMMISSIONED)</b>	<b>35</b>	<b>B</b>	<b>1.968</b>
<b>PARK SUPERVISOR I (NON-COMMISSIONED)</b>	<b>34</b>	<b>B</b>	<b>1.969</b>

**SERIES CONCEPT**

Park Supervisors (Non-Commissioned) plan, organize, oversee and participate in the administration, maintenance, interpretive programs and resource management of an assigned State park.

Develop and administer the park budget; prepare and submit budget proposals and project needs; plan and approve purchases; and establish and monitor spending plans.

Train, supervise and evaluate the performance of assigned personnel; develop work programs and performance standards; delegate and review assignments; counsel staff and take disciplinary action as appropriate; and coordinate special work programs with community organizations, volunteers and federal, State and local agencies.

Prepare and submit reports on all aspects of park operation and maintenance; attend public, agency and interagency meetings; manage equipment and property inventories; may administer leases, concessions and management agreements; monitor construction projects; develop and maintain the park's operational plan; oversee employee and visitor safety programs; and manage employee residences.

Oversee the collection of park user fees; review permit transactions and deposits; develop and implement collection policies and procedures; and ensure proper collection and accounting for park revenues.

Provide park services to enhance the park experience for visitors; plan and implement special programs and events; delegate interpretive assignments and provide technical assistance; review and evaluate program quantity and quality; administer sales outlets; and make public information available.

Oversee the park's law enforcement program; assess needs and identify training and proficiency levels; implement emergency management plans as needed; and ensure compliance with State law and division policy to preserve the peace and protect the public and park resources.

Manage the park's natural and cultural resources; identify resource problems and formulate solutions; and effectively utilize resource management practices to preserve and maintain the park resources.

Plan, organize and manage the park maintenance program; develop goals and objectives; establish priorities and coordinate maintenance and repair projects; formulate equipment and vehicle servicing plans; oversee and participate in the custodial care of park buildings and facilities.

Perform related duties as assigned.

\*\*\*\*\*

## CLASS CONCEPTS

**Park Supervisor III (Non-Commissioned):** Positions allocated to this class supervise a State park which requires advanced level park management skills due to a combination of factors including the extent of park facilities, visitor attendance, user fees, physical acreage, permanent and seasonal staff supervised, and complexity of operation. Additional complexity results from the Park Supervisor's responsibility for concessions, special patrol and protection requirements, diversified programs, services offered and varied recreational activities. The Park Supervisor III is distinguished from the Park Supervisor II by responsibility for managing special park features which may include complex maintenance and resource protection programs, sophisticated water and sewer systems, visitor centers, historical sites, special use facilities, and multiple fee collection points.

**Park Supervisor II (Non-Commissioned):** Positions allocated to this class supervise a State park which requires park management skills due to a combination of factors including the extent of facilities, visitor attendance, user fees, physical acreage, permanent and seasonal staff supervised, and complexity of operation. The Park Supervisor II is distinguished from the Park Supervisor I by responsibility for concessions, special patrol and protection requirements, diversified programs and services offered, and varied recreational activities.

**Park Supervisor I (Non-Commissioned):** Positions allocated to this class perform the full range of duties outlined in the series concept. The complexity of park operation is somewhat limited and is determined by a combination of factors including the extent of facilities, visitor attendance, user fees, physical acreage, and staff supervised.

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## MINIMUM QUALIFICATIONS

### **SPECIAL REQUIREMENTS:**

- \* Pursuant to NRS 284.4066, all positions in this series have been identified as affecting public safety. Persons offered employment in this series must submit to a pre-employment screening for controlled substances.
- \* Candidates may be required to submit to a background check and physical agility examination prior to appointment.
- \* A valid driver's license is required at the time of appointment and as a condition of continuing employment.

### **PARK SUPERVISOR III (NON-COMMISSIONED)**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university with a major or minor in park management, outdoor recreation management, ecology, forestry, biology or closely related field and four years of progressively responsible park operations experience, two of which were in managing a park including budget administration, supervision of staff and resource management; **OR** one year of experience as a Park Supervisor II in Nevada State service; **OR** two years of experience as a Park Supervisor I or Park Ranger III in Nevada State service; **OR** an equivalent combination of education and experience *as described above*. (See Special Requirements)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES** (required at time of application):

**Working knowledge of:** administration of multi-year contracts, concessions and leases with complex terms; personnel administration; budget development and fiscal analysis; *park management principles and practices; contract, budget and personnel administration*. **Ability to:** plan, organize and coordinate complex maintenance and resource protection programs; manage the interpretation, preservation and operation of visitor centers, historical sites, special use facilities and other park features; *and all knowledge, skills and abilities required at the lower levels*.

## MINIMUM QUALIFICATIONS (cont'd)

### PARK SUPERVISOR III (NON-COMMISSIONED) (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Detailed knowledge of:** park management principles and practices; contract, budget and personnel administration.

### PARK SUPERVISOR II (NON-COMMISSIONED)

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with a major or minor in park management, outdoor recreation management, ecology, forestry, biology or closely related field and three years of park ranger experience, one year of which included experience in supervising the operation, maintenance and interpretative programs at a park or major section of a park; **OR** one year of experience as a Park Supervisor I or Park Ranger III in Nevada State service; **OR** an equivalent combination of education and experience *as described above*. (See *Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** park management principles and practices; development and implementation of interpretive programs and visitor services. **Ability to:** develop goals and objectives for park operation and maintenance; prepare and administer complex budgets with multiple funding sources; administer contracts and concessions; coordinate and manage repair and maintenance projects; train and supervise permanent and seasonal staff; develop solutions to special law enforcement problems; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Park Supervisor III (Non-Commissioned).)*

~~[Working knowledge of: operation, maintenance and management of a State park; principles of supervision and training.]~~

### PARK SUPERVISOR I (NON-COMMISSIONED)

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with a major or minor in park management, outdoor recreation management, ecology, forestry, biology or closely related field and two years of journey level park ranger experience including park operation, maintenance and interpretation of park facilities; **OR** two years of experience as a Park Ranger II in Nevada State service; **OR** an equivalent combination of education and experience *as described above*. (See *Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at the time of application):

**Working knowledge of:** *operation and maintenance of park facilities; development of interpretive materials and programs; division policies and procedures.* **General knowledge of:** history, natural history, flora, fauna, geography and geology; natural and cultural resource management techniques; basic fire suppression principles and techniques; emergency medical procedures and equipment; current personnel practices and principles; bookkeeping and accounting procedures; workplace health and safety regulations; operation and use of tools and equipment used in custodial and general maintenance work. **Ability to:** develop goals and objectives for the operation and maintenance of an assigned park; research information and write interpretive materials; control and account for income and expenditures of a park operation; prepare and administer budgets; write clear, concise sentences using correct English; make oral presentations before various size groups; perform custodial services to park buildings and grounds; observe, recognize and plan appropriate actions designed to alleviate visitor impact/abuse on the park's natural resources.

MINIMUM QUALIFICATIONS (cont'd)

**PARK SUPERVISOR I (NON-COMMISSIONED)** (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):  
*(These are identical to the Entry Level Knowledge, Skills and Abilities required for Park Supervisor II (Non-Commissioned).)*  
~~[Working knowledge of: operation and maintenance of park facilities; development of interpretive materials and programs; division policies and procedures.]~~

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>1.967</u>	<u>1.968</u>	<u>1.969</u>
ESTABLISHED:	7/1/05LG	7/1/05LG	7/1/05LG
REVISED:	9/23/05PC		
<b>REVISED:</b>	<b>3/2/18PC</b>	<b>3/2/18PC</b>	<b>3/2/18PC</b>

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

**Item VIII-B-1-a**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.644	Fatality File Analyst	31	B	<b>7.644</b>	<i>Fatality File Analyst</i>	<b>31</b>	<b>B</b>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Fatality File Analyst class specification.

In consultation with Subject Matter Experts from the Department of Public Safety, as well as, recruitment experts from the Division of Human Resource Management, it is recommended that revisions be made to expand the duty statements to reflect additional duties, as well as, clarify existing duties and responsibilities.

It is also recommended that an Informational Note be added detailing the requirement to obtain and maintain NCJIS certification as a condition of employment.

Furthermore, minor revisions were made to the Education and Experience and Entry Level Knowledge, Skills and Abilities sections of the minimum qualifications to maintain consistency in formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
FATALITY FILE ANALYST	31	B	7.644

Under general supervision, the Fatality File Analyst *manages the Fatality Analysis Reporting System (FARS), a database that tracks all fatal traffic crashes occurring in the State and* analyzes and codes fatal traffic ~~[accident]~~ *crash* data in conformance with Federal Fatal Reporting System guidelines. *This position also represents the agency and the FARS program at meetings and conferences, negotiating data sharing agreements with other State agencies and organizations, and promoting the value and uses of FARS data.*

*Ensure timely and accurate collection of statewide fatal collision data;* receive and analyze ~~[preliminary]~~ fatal ~~[accident]~~ *crash* reports *and* ~~[to determine if they warrant]~~ record ~~[ing]~~ *information* in the ~~[Federal Fatal Accident Reporting System]~~ FARS; *meet specific benchmarks and strict timelines in accordance with National Highway Traffic Safety Administration (NHTSA) rules and regulations.* ~~[; create a file and record FARS entries in a spreadsheet in order to systematically categorize information; maintain files and cases according to program regulations.]~~

Gather information pertinent to the ~~[accident]~~ *crash* in order to properly code the cause; ~~[interview the investigation officer and witnesses; obtain and review accident reports, medical examiner's reports and driver's licensing files.]~~ *interpret various source documents related to fatal crash investigations to include police traffic collision reports, police reconstruction reports and/or technical reports, driver and vehicle records, Emergency Medical Services (EMS) reports, coroner reports, toxicology reports, roadway data, maps and interchange drawings, and death certificates which require interpretation of medical terminology and knowledge of the international Statistical Classification of Diseases and Related Health Problems (ICD-10) codes.*

~~[Verify the accuracy of data received; code data into the automated system according to established guidelines.]~~

Compile statistical information and prepare required reports, charts, graphs and tables for presentation to the media, the National Highway Traffic Safety Administration and other government agencies; interpret information contained in the reports as requested.

*Coordinate with public and private agencies to explain difficult transportation problems; advise various groups on analysis of traffic fatalities; serve as a specialist on interdisciplinary teams formed to solve complex transportation issues.*

Perform related duties as assigned

\*\*\*\*\*

### MINIMUM QUALIFICATIONS

#### SPECIAL REQUIREMENTS:

- \* A valid driver's license or evidence of equivalent mobility is required at the time of appointment and as a condition of continuing employment.
- \* This position has access to the ~~[National Criminal Justice Information System (NCIS) and]~~ Nevada Criminal Justice Information System (NCJIS) and, therefore, requires a pre-employment background investigation as a condition of employment.

## MINIMUM QUALIFICATIONS (cont'd)

### INFORMATIONAL NOTE:

- \* Annual attendance and successful completion of a National Highway Traffic Safety Administration course on the coding of fatal accidents is required **as a condition of continuing employment.**
- \* ***This position requires NCJIS certification within six months of appointment and as a condition of continuing employment.***

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and three years of experience within a program area involving investigation and analysis of data and ability to configure data into established format(s); **OR** an equivalent combination of education and experience **as described above.** (See *Special Requirements and Informational Note*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** principles and practices of data collection, analysis and evaluation; arithmetic, algebra, statistics, and their applications; electronic equipment and computer hardware and software, including applications and troubleshooting. **Ability to:** add, subtract, multiply, or divide quickly and correctly; combine pieces of information to form general conclusions. **Skill in:** communicating effectively ***both verbally and in writing;*** ~~[in writing and speaking;]~~ operating a computer terminal sufficient to input and retrieve information; written English in order to compose routine business correspondence and reports; mathematical computation sufficient to calculate ratios, rates and percentages.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** federal and State laws, regulations and policies applicable to determining and interpreting a FARS case. **Ability to:** observe, receive, and otherwise obtain information from relevant sources.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

7.644

ESTABLISHED: 5/18/78  
REVISED: 7/1/93P  
9/24/92PC  
REVISED: 2/10/06PC  
**REVISED: 3/2/18PC**



**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

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**Item VIII-B-2-a**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.704	Tort Claims Manager	38	B	<b>7.704</b>	<b>Tort Claims Manager</b>	<b>38</b>	<b>B</b>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Tort Claims Manager Class Specification.

In consultation with Subject Matter Experts from the offices of the Nevada Attorney General, and recruitment experts from Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations.

Minor revisions, however, were made to the minimum qualifications in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated in the review and they support this recommendation.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>TORT CLAIMS MANAGER</b>	<b>38</b>	<b>B</b>	<b>7.704</b>

Under general direction, the Tort Claims Manager manages and coordinates the review, investigation, settlement and/or denial of tort claims brought against the State; tracks and analyzes tort claims and exposures to identify trends, develops liability rates, and determines methods to manage risk and reduce future liabilities.

Coordinate investigation of tort claims brought against the State by reviewing and assigning claims to the responsible agency or to independent adjusters to determine the extent of liability and damages; review investigative reports for completeness and validity of claim; and request further investigation if needed.

Make determinations on settlement or denial of claims; negotiate settlement and authorize payment of claims within established limits by working directly with the agency; contact claims adjusters, claimants, and/or claimants' attorneys; prepare detailed reports and recommendations for the Board of Examiners regarding tort claims investigations and results of negotiations for claims above authorized limits.

Develop liability claims procedures for the State by tracking various categories of tort claims to ensure claims are handled consistently and the rights of claimants are not violated.

Maintain tort claims, State automobile, and general liability databases to analyze the State's overall liability exposure and claims experience; track tort claims and liability exposures of State agencies and determine individual rates and implement loss prevention strategies.

Attend settlement conferences with claimants, attorneys and judges to negotiate tort claims.

Review and approve payments for witness transportation and accommodations as appropriate.

Maintain the tort and liability claims budget by authorizing and tracking expenditures, projecting future settlements, and ensuring the fund is sufficient to meet the State's obligations.

Train, supervise and evaluate the performance of staff by assigning and reviewing work, providing training, and evaluating performance.

Review proposed legislation and evaluate impact on tort claims and testify at legislative sessions as required.

Perform related duties as assigned.

\*\*\*\*\*

### **MINIMUM QUALIFICATIONS**

**EDUCATION AND EXPERIENCE:** Bachelor's degree from an accredited college or university in risk management, business administration, accounting, public administration or related field and five years of professional experience in insurance claims examination and adjustment; **OR** an equivalent combination of education and experience *as described above*.

## MINIMUM QUALIFICATIONS (cont'd)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Detailed knowledge of:** risk management principles and practices related to the private and/or public sector.

**Working knowledge of:** laws and regulations regarding insurance and self-insurance; insurance contracts and laws; accounting and auditing principles; safety and loss control; tort law and claims adjustment. **Ability to:** negotiate tort claims with contending parties and arrive jointly at decisions, conclusions or solutions; operate a personal computer and associated business software; maintain a variety of complex databases; prepare detailed narrative reports including recommendations to the Board of Examiners regarding facts of an investigation and results of negotiations; make group presentations to provide information or explain regulations, procedures and policies; establish and maintain cooperative working relationships; interpret actuarial reports and accounting audits.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** Board of Examiners Procedures; Office of the Attorney General's policies and procedures as applied to tort claims adjustment and investigations; State laws and regulations related to tort claims. **Ability to:** design and develop a variety of complex databases; supervise lower level staff.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

7.704

ESTABLISHED: 7/1/95P  
REVISED: 9/16/94PC  
REVISED: 7/15/05PC  
**REVISED: 3/2/18PC**

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

**Item VIII-B-3-a**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.843	Technical Production Editor	29	C		<b><i>ABOLISHED</i></b>		

**EXPLANATION OF CHANGE**

The Nevada Department of Administration, Human Resource Management conducted a class specification maintenance review for the Technical Production Editor, 7.843, grade 29. During the review and in partnership with various State departments and universities/colleges it was determined that the Technical Production Editor classification should be abolished.

Working with various State departments and universities/colleges, the Division of Human Resource Management determined that no position control number for Technical Production Editor, 7.843, grade 29 exists within the State, the classification will not be used by any department or university/college in the future and should be abolished.

It is therefore recommended that the Technical Production Editor, 7.843, grade 29, class be abolished.

Management within various State departments and universities/colleges support abolishing the Technical Production Editor class specification.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<del>TECHNICAL PRODUCTION EDITOR</del>	<del>29</del>	<del>C</del>	<del>7.843</del>

~~Under general supervision, the incumbent coordinates and organizes publication production; plans and tracks schedules; works with printing and prepress vendors; prepares material to print; collects photos and prepares for digital use; and delivers final layouts to printing vendors.~~

~~Prepare, coordinate, and organize the production of publications by recording deadline information, communicating with printing vendors and following progress of staff assignments; design and implement computer graphics for desktop publishing and production; review and amend printing specifications and proofread proof and final products for adherence to specifications and to create camera ready copy; correct errors; provide information to the printing vendor and meet established deadlines; work with printing vendor to develop cost estimates for special projects; oversee vendor billing by comparing charges against services rendered.~~

~~Review page design format; implement computer or manually completed graphics; identify photographs or subjects and coordinate pictures, titles and captions with stories; establish and maintain organized and secure electronic and hard copy filing systems for materials such as manuscripts, art work, or photographs to be included in publications.~~

~~Perform related duties as assigned.~~

~~\*\*\*\*\*~~

**MINIMUM QUALIFICATIONS**

~~EDUCATION AND EXPERIENCE: Associate of Arts degree from an accredited college in journalism, English, graphic arts, or related field and one year of experience in the publishing field which included the use of desktop publishing software, and planning and coordinating the production of a publication; **OR** graduation from high school or equivalent education and three years of experience as described above; **OR** an equivalent combination of education and experience.~~

~~ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):~~

~~**Working knowledge of:** desktop publishing; printing procedures; graphic elements; the photographic reproduction process; art production; publication production in order to communicate concepts and cost estimates; print specifications for preparation of bids for estimates from printers and other vendors. **Ability to:** review completed projects to determine readiness for print and coordinate production schedules; establish and maintain both electronic and hard copy filing systems for a variety of materials such as manuscripts, art work and photographs; prioritize assignments to complete work in a timely manner and meet scheduled deadlines; write in a clear, concise and grammatically correct manner; communicate effectively with others; analyze information, problems, situations, practices or procedures; establish and maintain cooperative working relationships with others; communicate with professional staff and vendors regarding project deadlines; compute percentages to enlarge or reduce art work to fit a specified area; add, subtract, multiply and divide whole numbers, decimals and fractions. **Skilled in:** operating a personal computer and desktop publishing software.~~

**MINIMUM QUALIFICATIONS (cont'd)**

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):~~

~~**Working knowledge of:** agency's mission and goals as applied to working with vendors and promoting the image of the agency and its publications; proofread marks and copy reading symbols. **Ability to:** keep accurate accounts of time and materials for billing purposes.~~

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.~~

7.843

~~ESTABLISHED: 7/1/89P  
8/19/88PC  
REVISED: 7/1/95P  
9/16/94PC  
REVISED: 9/23/05PC  
ABOLISHED: 03/02/18PC~~

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

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**Item VIII-C-1-a**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.407	Precision Machinist	33	G	<b>9.407</b>	<b><i>Precision Machinist</i></b>	<b>33</b>	<b>G</b>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Precision Machinist class specification.

In consultation with Subject Matter Experts from the Department of Transportation, as well as, recruitment experts from the Division of Human Resource Management, it is recommended that a minor revision be made to the duty statements to reflect the performance of welding fabrication tasks utilizing various types of equipment.

It is also recommended that skill in AutoCad software be added to the Entry Level Knowledge, Skills and Abilities to account for the use of this software in the development, design, fabrication and repair of components, tools, assemblies, parts and equipment.

Furthermore, a minor revision was made to the Education and Experience section of the minimum qualifications to maintain consistency in formatting and structure.

Throughout the course of the study, management and agency staff participated by offering recommendations and reviewing changes as the process progressed, and they support this recommendation.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>PRECISION MACHINIST</b>	<b>33</b>	<b>G</b>	<b>9.407</b>

Under general supervision, Precision Machinists design and/or fabricate new components, special tools and equipment; modify existing assemblies and parts; manufacture and repair existing special mechanic tools, specialized equipment and components.

Work from blueprints, sketches, verbal descriptions or defective parts; develop drawing of specific pieces to be machined; determine dimensions and tolerances; select appropriate metal, alloy, or other material based on knowledge of the properties of the material and the purpose for which the piece will be used; and provide cost estimates by calculating labor and material requirements as requested.

Lay out material in preparation for machining by referring to drawings, measurements, markings, and scribing dimensions and reference points on the material.

Select appropriate machines, tooling and method of finish and determine the appropriate feed rates, cutting speed, and depth of cut.

Operate machine tools such as lathes, milling machines, grinders, and drill presses to manufacture piece to specifications which often involves working to a tolerance of .001 inch.

Refer to charts and formulas for drilling, tapping, turning, boring, and threading and may fabricate parts from sheet metal by shearing and bending the piece with correct radius.

Use various precision measuring tools such as calipers, indicators, micrometers, and height gauges to ensure pieces conform to specifications.

***Perform various welding fabrication tasks using Metal Inert Gas (MIG) and ARC welders, Oxy-Acetylene welding and torch equipment, and plasma cutting equipment.***

May participate in selecting and ordering equipment, tools and material required for shop operations; review products; perform cost analysis; prepare specifications; locate vendors; and make recommendations to supervisor.

May provide training to individuals in the Mechanic-In-Training program.

Perform related duties as assigned.

\*\*\*\*\*

### **MINIMUM QUALIFICATIONS**

#### **SPECIAL REQUIREMENT:**

- \* Some positions require employees to furnish their own tools.



## MINIMUM QUALIFICATIONS (cont'd)

EDUCATION AND EXPERIENCE: Completion of an approved apprenticeship training program and three years of experience as a precision machinist, precision instrument and tool maker or closely related trade which included experience in design and layout work and operating a variety of machine tools to manufacture precision components, instruments and tools; **OR** an equivalent combination of education and experience **as described above**. (See *Special Requirement*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

**Working knowledge of:** properties and characteristics of metals, alloys, and other materials used in fabrication such as plastic, nylon, and rubber; methods, tools, and equipment used in precision machine work; mathematics sufficient to design and manufacture components. **Ability to:** set up and operate machine tools; prepare recommendations for equipment and materials; read and interpret specifications, machinist manuals, blueprints, and rough sketches; work independently and follow through on assignments with minimal supervision; determine machines and tools suitable to manufacture components efficiently; modify and/or adapt designs, procedures, or methods to minimize shop time or improve efficiency; determine tolerances on machined components and matching parts; and perform prototype machine work. **Skill in:** all aspects of machining including grinding special tools from carbide and high carbon steel; safely operating, maintaining, and repairing equipment used in precision machine work; using precision measuring instruments; **and AutoCad design software**.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

**Working knowledge of:** agency and division rules, policies, and procedures. **Ability to:** perform heat-treating and heliarc welding; gather, compile and analyze information required to justify equipment and material needs.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

9.407

ESTABLISHED: 7/1/91P  
11/29/90PC  
REVISED: 6/27/03PC  
**REVISED: 3/2/18PC**

**FOR DISCUSSION AND POSSIBLE ACTION**

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective:

**March 2, 2018.**

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**Item VIII-C-1-b**

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.438	Computer Facility Technician	31	G	<i>9.438</i>	<i>Computer Facility Technician</i>	<i>31</i>	<i>G</i>

**EXPLANATION OF CHANGE**

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management has conducted a review of the Computer Facility Technician Class Specification.

In consultation with Subject Matter Experts from the offices of Enterprise IT Services, recruitment experts from Human Resource Management, it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations.

A minor revision, however, was made to the Education & Experience section of the minimum qualifications in order to maintain consistency with formatting and structure.

Throughout the course of the study, management and agency staff participated in the review and they support this recommendation.

***Note: Changes, additions and/or deletions on the class specification are noted in red.***

TITLE

GRADE EEO-4 CODE

**COMPUTER FACILITY TECHNICIAN**

**31**

**G**

**9.438**

Under general supervision, control power supplies and the building environment at a computer facility; provide technical analysis and consultation relative to power supplies and the computing environment to other State agencies; and plan, install, operate and maintain computer support systems and equipment.

Ensure contracts are in place at the State computer facility including the uninterrupted power supply (UPS), power monitoring systems, back-up generators, heating, air conditioning and humidification equipment and the building security system in order to sustain State data processing services and avoid costly computer downtime and power supply repairs; ensure compliance with terms and requirements of Board of Examiners contracts.

Prepare criteria for service contracts and oversee the work of contractors engaged in overhauling and performing major repairs on the facility heating and air conditioning equipment, back up generators, and UPS.

Test equipment for proper operation; troubleshoot and make emergency repairs to equipment using volt/amp meters, soldering equipment and a variety of hand and power tools.

Research equipment, supplies and costs; prepare specifications and cost estimates relative to new equipment purchase and installation; and act as agency liaison with State Public Works Board during major capital improvements associated with computer support systems and computer facility.

Compile special and monthly power event statistics using readings from power disturbance analyzing equipment; chart the data for trend analysis, justification for future power conditioning equipment, and to provide evidence when filing damage claims against the utility company.

Monitor the building environment at a data processing facility and remote sites using specialized software and a personal computer.

Provide technical support to the agencies served by conceptualizing the placement of data processing equipment, power distribution fixtures, heating, air conditioning and humidification equipment, power conditioning equipment such as uninterruptible power supplies and voltage regulators needed for remote computer installations.

Evaluate causes of data loss, line errors and equipment failures by monitoring power supplies using power disturbance equipment to analyze power surges, sags and line noise; and recommend appropriate power conditioning equipment.

Compile, translate, and distribute power event summaries collected from power analyzing equipment to State agencies and the utility company upon request, apprising them of power distribution conditions and/or problems.

Perform related duties as assigned.

\*\*\*\*\*

## MINIMUM QUALIFICATIONS

**EDUCATION AND EXPERIENCE:** Graduation from high school or equivalent education and three years of technical experience in the operation, testing, and maintenance of computer support systems including commercial heating, air conditioning and humidifying equipment and uninterruptible power supplies and diesel generators; **OR** an equivalent combination of education and experience *as described above*. Two years of college or trade school in an electronics-related field may be substituted for one year of the experience.

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES** (required at time of application):

**Working knowledge of:** methods, materials and tools used to operate, test and maintain heating and large scale air conditioning equipment; electricity including AC/DC circuitry and the transferring of power loads; diesel generators. **General knowledge of:** the application of high voltage computer support systems including commercial heating, air conditioning and power conditioning equipment and diesel generators to control the computer environment, power supply, and distribution to computer equipment; principles of power conditioning equipment such as uninterruptible power supplies and voltage regulators; malfunctions caused by power anomalies on data processing equipment; non-linear loads and their effect on building power distribution; computer grounding and signal reference grids. **Ability to:** use power disturbance analyzers, voltage and amp meters, soldering equipment and hand and power tools; read and comprehend mechanical schematics, building blueprints and equipment service manuals.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES** (typically acquired on the job):

**Detailed knowledge of:** the assigned computer facility's computer support systems. **Working knowledge of:** State purchasing procedures; State procedures involved in preparing and awarding contracts; vendors and contractors that serve the data processing community. **Ability to:** prepare purchasing and contractual specifications; conceptualize the physical environment of computer equipment and personnel; program and operate specialized software on a personal computer for monitoring local and remote building environments; prepare data charts and summaries; communicate effectively, both verbally and in writing, with vendors, contractors, agency representatives and the power company.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

9.438

ESTABLISHED: 4/19/90R  
10/19/90PC  
REVISED: 7/1/91P  
11/29/90PC  
REVISED: 6/27/03PC  
**REVISED: 3/2/18PC**

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#: 9-18**

**Effective: 11/08/17**

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
10.368	Lead Certified Nursing Assistant	24	E	<i>10.368</i>	<i>Certified Nursing Assistant III</i>	<i>24</i>	<i>E</i>
10.369	Certified Nursing Assistant	22	E	<i>10.369</i>	<i>Certified Nursing Assistant II</i>	<i>22</i>	<i>E</i>
	<i>New</i>			<i>10.371</i>	<i>Certified Nursing Assistant I</i>	<i>21</i>	<i>E</i>
10.370	Nursing Assistant Trainee	20	E	<i>10.370</i>	<i>Nursing Assistant Trainee</i>	<i>20</i>	<i>E</i>

### BASIS FOR RECOMMENDATION

At the request of the Department of Veterans Services, the Division of Human Resource Management has conducted a review of the Certified Nursing Assistant series. Analysts within the Division of Human Resource Management worked with subject matter experts from the Department of Veterans Services and the Department of Corrections and it is recommend that a new level in the series be created.

Currently, if an incumbent has their certification as a nursing assistant, they cannot be employed with the State until they have six months of experience. Also, if they are currently employed as a Nursing Assistant Trainee and received their certification while employed, they must stay as a Nursing Assistant Trainee until they achieve six months of experience. This is a contradiction as they are technically a Certified Nursing Assistant, per Statute, even though they have not obtained the experience as required in the class concept to be employed as Certified Nursing Assistant with the State.

To correct this inconsistency, it is recommended that a Certified Nursing Assistant I be created to allow for employment with the certification, absent the six months experience, and would be considered a continuing trainee level.

In addition, it is recommended that the class title for Lead Certified Nursing Assistant and Certified Nursing Assistant be change to Certified Nursing Assistant III and Certified Nursing Assistant II respectively, to account for the addition of a new level. Furthermore, revisions were made to the minimum qualifications to account for the recommended modifications, as well as, to maintain consistency with formatting and structure.

These changes will allow for greater flexibility in the recruitment process and a more robust pool of applicants.

Throughout the process, management staff and Analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed, and they support the recommended changes.

**POSTING#: 10-18**

**Effective: 12/19/17**

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.201	Equipment Operation Instructor	31	G	<i>9.201</i>	<i>Equipment Operation Instructor</i>	<i>31</i>	<i>G</i>

**BASIS FOR RECOMMENDATION**

At the request of the Department of Transportation (DOT), the Division of Human Resource Management has conducted a review of the Equipment Operation Instructor class specification. Analysts within the Division of Human Resource Management (DHRM) worked with subject matter experts from DOT, and as a result of this review, it is recommended that the Special Requirements be amended to allow for the obtainment of a Commercial Driver’s License (CDL) within six months of appointment rather than at the time of appointment.

This change will allow for greater flexibility in the recruitment process and a greatly expanded applicant pool; which will include those in Military service who have experience and federal certifications but have not yet obtained Nevada licensure requirements or those from other States who also have the required experience by have not yet obtained the Nevada licensure requirements.

It is also recommended that a minor change be made to the representative duties to account for a change in the training process.

Throughout the review, management staff within DOT and analysts within the DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.



**POSTING#: 11-18**  
**Effective: 12/19/17**

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
13.246	AG Deputy Chief Investigator	42	D	<i>13.246</i>	<i>AG Deputy Chief Investigator</i>	<i>42</i>	<i>D</i>
13.247	AG Criminal Investigator, Supervisor	40	D	<i>13.247</i>	<i>AG Criminal Investigator, Supervisor</i>	<i>40</i>	<i>D</i>
13.248	AG Criminal Investigator II	38	D	<i>13.248</i>	<i>AG Criminal Investigator II</i>	<i>38</i>	<i>D</i>
13.249	AG Criminal Investigator I	36	D	<i>13.249</i>	<i>AG Criminal Investigator I</i>	<i>36</i>	<i>D</i>

**BASIS FOR RECOMMENDATION**

At the request of the Nevada Office of the Attorney General, the Division of Human Resource Management recommends that minor revisions be made to the Class Specification for the AG Criminal Investigator series. These minor revisions are a result of the creation of a new Class Specification for the AG Cybercrime Investigator series.

The Series Concept currently includes “computer forensics” as a regulatory area in which positions in this series perform criminal investigations. Additionally, “High Tech Crimes” is referenced as an area for which AG Criminal Investigator, Supervisors are responsible. With the addition of the newly created AG Cybercrime Investigator series and its primary focus on criminal investigations related specifically to these areas, the removal of the terms “computer forensics” and “High Tech Crimes” from this Class Specification is warranted.

Secondly, one year of experience as a Criminal Investigator I, 13.245, grade 36 has been added to the Education and Experience section for the AG Criminal Investigator II level to broaden the applicant base for future recruitment efforts.

Lastly, minor changes were made to correct formatting in the Education and Experience sections for each level in the series.

The Attorney General’s office supports the recommended changes.

**POSTING#: 12-18**

**Effective: 12/19/17**

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			13.237	<i>AG Cybercrime Investigator II</i>	40	D
	<i>New</i>			13.238	<i>AG Cybercrime Investigator I</i>	38	D

### **BASIS FOR RECOMMENDATION**

As a result of an Individual Study (NPD-19), and in partnership with Subject Matter Experts from the Attorney General’s Office and Division of Human Resource Management, it has been determined that a new series should be developed to account for the specialized nature of the computer forensics responsibilities assigned to the series.

Cybercrime Investigators in the Attorney General’s Investigations Division perform criminal investigations and analysis involving a variety of highly specialized forensic examinations performed on electronic devices or networks that can be programmed or can store or convey information in any form that is used in suspected criminal violations of federal and/or state laws pertaining to a specific program or regulatory area which includes, but is not limited to, Medicaid fraud, workers’ compensation fraud, consumer protection, public integrity, human trafficking, missing children, financial fraud, alleged criminal offenses committed by State officers or employees, Internet Crimes Against Children, terrorism, drug crimes, identity theft, crimes against persons or property, and all types of conflict of interest cases submitted by outside agencies.

It is recommended that the AG Cybercrime Investigator series be placed in the Sworn Law Enforcement Occupational Group. This new classification will allow the agency to further define specific information technology and computer forensics related education, experience and certifications that are required in addition to the investigative experience and POST requirements within the AG Criminal Investigator series. Furthermore, this new series will provide a better mechanism with which to recruit, establish work performance standards, and recognize growth from entry level to full performance. It is also foreseeable that this new class specification will coordinate well with the AG Criminal Investigator series allowing, for example, an AG Criminal Investigator II performing duties at the full performance level to apply for a lateral transfer to an AG Cybercrime Investigator I position, based on his/her proficiency with computers and commitment to obtain the required training and certification.

It is proposed that the AG Cybercrime Investigator II, 13.237, be allocated at grade 40 to acknowledge the scope of responsibility as well as the degree of complexity and independence in performing job assignments. The AG Cybercrime Investigator I, 13.238, is recommended to be allocated at grade 38 as the position is expected to perform the full range of duties as described

in the series concept, but at the journey level. The AG Criminal Investigator series, 13.246, was used as comparison in assisting with determining the appropriate grade levels.

Throughout the process, management and staff within the Attorney General's Office and Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed, and they support the development and implementation of this class specification.