STATE OF NEVADA
PERSONNEL COMMISSION

Held in Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in Las Vegas at the Grant Sawyer State Building, 555 East Washington Avenue, Room 2450

MEETING MINUTES
Friday, June 23, 2017

COMMISSIONERS PRESENT IN CARSON CITY:
Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT IN LAS VEGAS:
Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, 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. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Carrie Lee, Executive Assistant, DHRM

STAFF PRESENT IN LAS VEGAS:
Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM
Mr. Adrian Foster, Personnel Analyst, DHRM

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

Chairperson Fox: Opened the meeting at approximately 9:00 a.m. She welcomed everyone and took roll. She announced that at the conclusion of this morning's regular meeting, the Commission will adjourn and then reconvene for a meeting to approve the temporary regulations specific to the Nevada Revised Statutes and bills that were approved by the Governor. A quorum was established.

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

A. **Held March 10, 2017**

MOTION: Moved to approve the minutes of the March 10, 2017 meeting.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed. Commissioner Read abstained, having been absent from the March 10, 2017, meeting.

IV. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS – Action Item

A. The Department of Agriculture requests the additions 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:

   1.401 Weights and Measures Inspector IV, PCN: 4551-0011, 4551-0022
   1.404 Weights and Measures Inspector III, PCN: 4551-0013
   1.407 Weights and Measures Inspector II, PCN: 4551-0014, 4551-0015, 4551-0023, 4551-0024, 4551-0025, 4551-0028, 4551-0045, 4551-0047, 4551-0049, 4551-0102, 4551-0105
   1.413 Weights and Measures Assistant (Seasonal), PCN: 4551-8911, 4551-8912, 4551-8913

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

   a. Weights and Measures Inspector Series
   b. Weights and Measures Assistant (Seasonal)

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

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

   2.210 Administrative Assistant IV, PCN: 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870
   7.647 Program Officer II, PCN: 4701-0950

Carrie Hughes: Introduced herself as a Personnel Analyst for the Division of Human Resource Management. 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 a 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.

She further explained that the Department of Agriculture has requested to add the requirement of pre-employment drug screening to the Weights and Measures positions listed in Agenda Item IV-A-1; DHRM recommends approval of these positions. The Federal Motor Carrier Safety Administration requires pre-employment screening for controlled substances of these positions, as they operate commercial motor vehicles and are subject to the requirement of a commercial driver's license. She noted that a representative from the Department of Agriculture was present to answer questions.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve classes and positions requested for approval of pre-employment screening for controlled substances for the Department of Agriculture, specifically Weights and Measures Inspector IV with the appropriate PCNs, Weights and Measures Inspector III with the appropriate PCNs, Weights and Measures Inspector II with the appropriate PCNs and Weights and Measures Assistant, which is a seasonal position, with the appropriate PCNs.
BY: Chairperson Fox
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

Carrie Hughes: Explained that as pre-employment screening was approved for these Weights and Measures positions (Agenda Item IV-A-2), DHRM requests a change to the class specifications for Class Series Weights and Measures Inspector and Weights and Measures Assistant (Seasonal) to reflect the approval of the requirement for pre-employment screening for controlled substances.

Chairperson Fox: Asked if there were questions or public comment; there were none.

MOTION: Moved to approve class specification changes to include pre-employment screening for controlled substances for Weights and Measures Inspector Series and Weights and Measures Assistant (Seasonal).
BY: Chairperson Fox
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

Carrie Hughes: Explained that the Department of Public Safety (DPS) has requested to add the requirement of pre-employment drug screening to the positions listed in Agenda Item IV-B-1. DHRM recommends approval of these positions, as they involve working with, securing and destroying controlled substances and have access to criminal history information. Additionally, Department of Public Safety positions in these classes have previously been approved by the Commission. She noted that a representative from the Department of Public Safety was present to answer questions.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item IV-B-1, pre-employment screening for controlled substances for Administrative Assistant IV and Program Officer II.
BY: Commissioner Mauger

SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

V. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT – Action Item

A. Clerical & Related Services
   1. Subgroup: Accounts Maintenance
      a. 2.300 Accounting Assistant Series

B. Medical, Health & Related Services
   1. Subgroup: Psychology & Social Science
      a. 10.121 Clinical Program Manager Series

Heather Dapice: Introduced herself as Supervisory Personnel Analyst for the Division of Human Resource Management. She explained she was present to request approval of the recommendation for changes to class specifications for the Accounting Assistant Series. As part of the class specification maintenance process, it is recommended that minor revisions be made to refresh language and maintain consistency with formatting and structure. The changes are identified in red within the handouts provided.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item V-A-1-a, the Clerical & Related Services, Subgroup: Accounts Maintenance and Accounting Assistant Series.
BY: Commissioner Read
SECOND: Chairperson Fox
VOTE: Motion passed unanimously.

Heather Dapice: Explained that as part of the biennial class specification maintenance review process, it is recommended that minor revisions be made to refresh language and to maintain consistency with formatting and structure. The changes are identified in red within the handouts provided.

Chairperson Fox: Asked if there were questions or public comment. There were none.

MOTION: Moved to approve Item V-B, Medical, Health & Related Services, Subgroup: Psychology & Social Science, Clinical Program Manager Series.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: Motion passed unanimously.

VI. UPDATE REGARDING MARCH 10, 2017, PUBLIC COMMENT ADDRESSING ACCOUNTING TECHNICIAN CLASS SPECIFICATION MINIMUM QUALIFICATIONS REVIEW AND COLLEGE CREDITS

Heather Dapice: Stated that she was present to provide the informational update on the Accounting Technician I class, specifically the requirement for six college credits in basic accounting. During the March 10, 2017, Commission meeting, Accounting Assistant III, Denise Bonomo, a State employee since 2011, questioned the requirement for six college credits in basic accounting and requested that years of

experience be substituted in lieu of this requirement. For a historical perspective, since the establishment of the series a college credit requirement has always been included. At its inception, the requirement was 33 units of postsecondary courses for Accountant Technician III, 21 units for Accountant Technician II and 12 units for the Accountant Technician I. In 1998, the Legislative Counsel Bureau concluded its evaluation of the practices used by the State to recruit, hire and promote financial management positions, which included Chief Accountants, Accountants and Accountant Technicians. The resulting audit report indicated the State of Nevada receives and spends billions of dollars in taxes and federal grants. As such, the State needs a highly qualified financial management workforce to keep pace with growth, technological changes and ensure accountability of the public funds.

Ms. Dapice added that the legislative auditor recommended the State strengthen financial management qualifications to ensure candidates had both conceptual knowledge and the technical skills needed. As a result, department personnel conducted an in-depth analysis of the knowledge, skills and abilities required to perform the duties and responsibilities of the financial management positions. With considerable input and guidance from subject matter experts in the financial management field, changes were made to the minimum qualifications. While college coursework was lowered to 18, 12 and six college units, respectively, the experience required became more detailed. Written examinations were also developed and implemented during this time frame.

Ms. Dapice explained that the most recent review of the Accountant Technician series was completed by DHRM and was approved by the Personnel Commission on March 4, 2016. This review utilized 17 subject matter experts from multiple State agencies as well as the Nevada System of Higher Education. The subject matter experts again reiterated the need for applicants to possess college coursework. However, in order to increase the applicant pool at the higher levels in the series, the credits were lowered to nine and six at the Accountant Technician III and II levels, respectively. The subject matter experts agreed that college courses are imperative and while the college credit requirements are at the bare minimum, they should remain as a requirement. She noted that equivalency was included at the Accountant Technician I level to allow for two years as an Accounting Assistant III in Nevada State service to be eligible with the six college credits. Previously this level of work was not automatically a qualifier for the Accountant Technician I level. At this time, and in keeping with the recommendations of the subject matter experts and the Legislative Counsel Bureau audit, removal of the six college credits in basic accounting for the Accountant Technician I is not recommended. Obtaining the requisite credits is in no way impeded by a lack of availability. In the State of Nevada, all System of Higher Education colleges and universities offer these courses year-round, which can be taken online or in a classroom setting. The courses are also offered through online universities. As such, Ms. Bonomo can readily enroll in any accredited college or university to obtain these required courses.

Chairperson Fox: Asked if there were questions.

Commissioner Spurlock: Thanked Ms. Dapice for the significant work completed in the short period of time since the last Commission meeting. He noted there was confusion during the last meeting from the incumbent who had questioned the requirements. He thanked the Department for conducting the research and providing a timely response.

Chairperson Fox: Asked if there were public comments; there were none. She stated that it was important to recognize the research efforts conducted in such a short amount of time. She thanked Ms. Dapice and DHRM for its responsiveness to the request.

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

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: #13-17
- 12.345 Social Work Supervisor II
- 12.352 Social Work Supervisor I
- 12.363 Social Worker III
- 12.361 Social Worker II
- 12.377 Social Worker I

Posting: #14-17
- 12.332 Health Care Coordinator IV – Nurse
- 12.351 Health Care Coordinator IV
- 12.333 Health Care Coordinator III – Nurse
- 12.330 Health Care Coordinator III
- 12.334 Health Care Coordinator II – Nurse
- 12.369 Health Care Coordinator II
- 12.335 Health Care Coordinator I – Nurse
- 12.373 Health Care Coordinator I

Posting: #15-17
- 11.405 Insurance Regulation Liaison

Posting: #16-17
- 7.103 Chief Accountant

Posting: #17-17
- 11.551 Commercial Vehicle Safety Inspector III
- 11.553 Commercial Vehicle Safety Inspector II
- 11.554 Commercial Vehicle Safety Inspector I

Posting: #18-17
- 12.402 Rehabilitation Chief II
- 12.404 Rehabilitation Chief I

Posting: #19-17
- 1.918 Lifeguard II (seasonal)
- 1.919 Lifeguard I (seasonal)

Posting: #20-17
- 7.706 Insurance Actuarial Analyst III
- 7.710 Insurance Actuarial Analyst II
- 7.712 Insurance Actuarial Analyst I

Posting: #21-17
- 10.373 Community Health Nursing Manager

Posting: #22-17
- 10.375 Community Health Nurse IV
- 10.376 Community Health Nurse III
- 10.377 Community Health Nurse II
- 10.378 Community Health Nurse I

Posting: #23-17
- 12.416 Rehabilitation Supervisor

12.421 Rehabilitation Counselor III
12.427 Rehabilitation Counselor II
12.431 Rehabilitation Counselor I

Chairperson Fox: Indicated as the list is included in the agenda, she would not read the list into the record. She asked if there were questions from the Commissioners. There were none.

VIII. REPORT OF 2017 LEGISLATION AFFECTING STATE EMPLOYEES AND DHRM BUDGET

Shelley Blotter: Introduced herself as Deputy Administrator, DHRM. She provided a summary of legislative actions affecting the budget. Funding for DHRM was granted as requested. She was not in possession of the final numbers, however she noted that DHRM had received the amount requested. DHRM was funded for 72 positions, which is three fewer than currently staffed. One of the positions that was eliminated was in Employee & Management Services. The position had previously provided support to Hearing Officers, which is now outsourced to the Hearings Division. The other two positions were related to the elimination of written testing. One individual has found placement in another position. The other was very close to retirement and DHRM is purchasing the remainder, so the employee will receive a full retirement. DHRM requested increased funding for travel for Agency HR Services to allow more outreach to the agencies served (consisting of more than 2,000 employees). DHRM requested to have a contractor teach State employees to become mediators for the Mediation Program. The first year of funding is for Carson City and the second year of funding is for Las Vegas. An additional request was for DHRM staff to attend job fairs in order to increase outreach. Part of the last budget included two additional servers for the creation of new systems for Payroll and employee records.

Commissioner Sanchez: Provided comments regarding the issue of the elimination of written employment testing, noting that the ancient Chinese first developed civil service tests, where individuals would take written tests for positions in the government. As personnel selection evolved globally, it was a well-known adage that in the hiring of individuals from the public sector, that the true score of a job applicant was equal to their observed scores plus error. There has never been any personnel selection method that is without error. The purpose of personnel selection has been to reduce errors in the hiring process as much as possible. He referenced a Society for Industrial and Organizational Psychology (of which he is a member) *White Paper* and quoted it as follows:

> *"A test can be defined in two different ways. From an assessment standpoint, a test is a standardized series of problems or questions that assess a persons knowledge, skills, abilities or other characteristics. From a legal standpoint in the United States, the Uniform Guidelines on Employee Selection Procedures defines a test as any method used to make an employment decision."*

Commissioner Sanchez listed the reasons for testing: testing leads to savings in the decision making process as the costs of making a wrong decision are high; testing ensures that individuals are treated consistently; and when there are many job applicants, written testing is appropriate. There are a number of tests employed to include biographical data, cognitive ability, integrity, interviews and job knowledge tests, which are typically required in civil service testing, physical agility tests and personality tests. He stated that in his point of view, the elimination of written employment tests compromises the efficacy of the personnel selection method in the State of Nevada. He requested that Adrian Foster, whom he cited as an expert in personnel selection, test validation and test instruction, provide the Commission with his comments regarding the elimination of written testing.

Adrian Foster: Introduced himself as a Personnel Analyst III, DHRM. He shared that his feelings on the lack of testing are consistent with those of Commissioner Sanchez, in that he feels that the elimination of testing will create an additional time burden in reviewing applications. There are several classes of recruitment where testing has been efficient in identifying applicants who may not possess the basic abilities necessary to fill certain positions. The Division of Welfare goes even further, offering an academy approach to testing. He noted that many analysts feel that testing is a vital part of the screening and selection process of applicants. Without such testing, the review process will consist of application evaluation. He noted that testing will continue at the university level as well as DPS, as these departments see the validity in using written testing. He opined that testing provides applicants with a feeling that they have earned their jobs in the public sector. Testing continues in many other jurisdictions as a vital process, which eliminates potential problems associated with assessing the ability of applicants to perform their jobs successfully.

Commissioner Sanchez: Commented that Mr. Foster indicated that written testing has not been eliminated and that it continues to be used by DPS and other agencies; he requested that Mr. Long respond to the concern. **Peter Long:** Stated he was unaware of written testing continuing at the University System, citing one exception where an analyst scheduled a University Police applicant for a written exam and was able to accommodate the applicant as the testing room had not been shut down. DPS will continue to use its own exam for DPS officers and they have a separate and distinct testing system which allows them to collect demographic data which they are required to do based on federal law. To the best of his knowledge, this is the only agency using written exams. DHRM will no longer administer written exams; the testing room has been closed down and funding to administer written exams is gone as of July 1st. Mr. Long does not disagree with Mr. Foster as to the validity of written exams, however he does not believe that simply because other jurisdictions are using them that DHRM also has to. He also does not disagree with Commissioner Sanchez that they are a valid predictor of success in the workplace. There are applicants who do very well at written exams that don't do well in the workplace, and there are people who cannot pass written exams but who could do well in the workplace. In addition, in our current environment, the new generations are not willing to wait for the six, eight or ten weeks it takes to take a written exam and have a list certified by an analyst. Some positions garner between 1,000 and 1,200 applicants. At the maximum, 60 tests can be administered per day, which makes it difficult in a class with high turnover to provide a good list to an agency that is running at 20 to 30 percent vacancy rate in positions. In the interest of trying to provide an agency with good applicants that have met the minimum qualifications and allowing the appointing authority and supervisors of those positions to conduct in-depth interviews to determine the best candidates for the job, this was the decision that was made. He added that he has received virtually no negative feedback from agencies on the change.

Chairperson Fox: Commented that one of the reasons no negative feedback has been received is due to the conundrum the Division is in. This has to do with the fact that there is immense pressure for the Division to perform and to get lists expediently to departments so that they can make selection decisions. She agreed with Commissioner Sanchez that the importance of employment testing and written exam testing for the selection of the best candidates for the position may now be lost. She understands the concerns regarding the limitation of 60 applicants per day able to test. From her perspective, the Division needs the ability to test a large number applicants in a large testing room. At Las Vegas Metro, that department used to be able to test 2,000 police officer applicants in one setting. She shares Commissioner Sanchez' concerns that written testing is an important component to the entire selection process. Minimum qualifications provide the basis that the applicant meets the minimum qualifications, and there are further selection instruments in place that narrow that larger applicant group to the group most qualified. She stated she understands the dilemma upon the State in terms of the demand that they be very expedient in getting lists to departments. She would like the Commission to have an update within the

next year as to how the elimination of written exams has improved or not improved the quality of applicants for State service.

Commissioner Spurlock: Was curious as to why DPS or fire jobs would still be testing and surmised that the reason is because for certain jobs, the desire is to have a low entry or no barrier to entry. In such cases, a solid written test is desirable to determine general aptitude to learn. This would apply to firefighters and law enforcement, where no experience is required. He pointed out that in his experience this was frustrating at times. For example, high school graduates with no experience would be welcomed to apply as a firefighter. There might also be an individual who had spent six years fighting fires on an aircraft carrier, yet this individual would be given no advantage over other applicants. General aptitude testing was not necessarily the best testing for such positions. There are other times when a general aptitude test would be good, if done well and efficiently. He agreed with Commissioner Sanchez' comments. He recently taught an internal training class with the City on how to write test questions and answers. After the training, he did not receive the feedback expected from recruiting personnel. Recruiting personnel appreciated the information, however they were not enthusiastic about reviewing a test in a file from ten years ago, examining it and revising it to make it better. He noted that sometimes there is too much focus on efficiency, which leads to losing sight of the important goal of finding the best candidates. Finding candidates will not always be achieved through aptitude testing, however, there are areas where it is still helpful. He acknowledged that likely not much can be done to reverse the decision, especially if it was a budget-based decision. He did not think it bodes well long term.

Commissioner Sanchez: Commented that the ancient Chinese would have 10,000 individuals to be tested in the Great Hall of Beijing. In response to Mr. Long's comment regarding some individuals who do not test well, he pointed out that there are some individuals who do not take interviews well, either. This does not mean that oral exams should end. In terms of large numbers of candidates and the limitation of 60 per day, there are a number of public agencies that have restricted the number of applications. Instead of having 10,000 applications coming in, they might say that the first 100 applications will be considered at this time.

Shelley Blotter: Stated that at one time she was the supervisor of the unit that developed exams. State classes are very generic and the exams are extremely generic and not job specific to a particular position; job specific exams tailored to the actual duties are a more accurate prediction of who may be successful. Some exam questions have nothing to do with the jobs that were being filled. This was also part of the consideration, in that the exams were not necessarily an adequate predictor of success. The other thing to note is that rating of training and experience continue. A software program called TapDance is used to evaluate an applicant's skills and can be incorporated with a job interview. Supervisors receive instructions through online training in developing interviews that are job specific and a good predictor of performance. Along with skills testing, there are some safety nets in place.

Peter Long: Agreed with everything that all of the Commissioners have said on the topic and does not want to be seen as being disrespectful to these comments. He assured Commissioners that this will be tracked closely to determine whether there is improvement in turnaround and filling positions. There will also be attention to the evaluation levels of employees who fill positions. He is not ruling out the possibility of a request for reinstitution of written testing in the future, while acknowledging that it would not be easy in light of the budget process.

IX. ACKNOWLEDGEMENT OF COMMISSIONER READ'S SERVICE TO THE PERSONNEL COMMISSION

Chairperson Fox: Commented that she was sad to have this item before the Commission. She and Commissioner Read joined the Commission at about the same time. One of Commissioner Read's contributions was improvement to the hearing officer process. Commissioner Read was committed to a number of strategies to reduce the time so that employees could be informed more timely about their appeal of an employment decision. His work also included an accountability component of holding hearing officers external to the State to timeliness. She thanked Commissioner Read for this and for an overall perspective that he brought to classification appeals, specifically providing a business sense of the nature of what an employee does, the value of that work and how it interacts with management and the department or agency. She presented Commissioner Read with a plaque from the Governor and read the inscription into the record:

> *"Certificate of recognition presented to David Read in recognition of more than 16 years of dedicated service to the Personnel Commission of the State of Nevada. As Governor of the Great State of Nevada, I thank you for your commitment to service and wish you all the best for a happy and fulfilling retirement."*

She noted that the plaque includes Commissioner Read's Commission status from December 13, 2001, to July 2, 2017.

Commissioner Sanchez: Told Commissioner Read that he has always enjoyed Commissioner Read's remarks, hates to see him go, and that he has always been a very stable, reliable influence on the Commission. He will be missed.

Commissioner Spurlock: Noted that while the two had never met in person, he respects Commissioner Read greatly. Commissioner Read always has great insights, and he wishes they had gotten a chance to know each other better.

Commissioner Mauger: Stated that although he and Commissioner Read had not known each other long, he admired Commissioner Read's experience and appreciated his stable presence on the Commission.

Peter Long: Noted that he started with the Department of Personnel after coming from another agency in 1997 and did not have the opportunity to come to Personnel Commission meetings until about 2001. The two of them "grew up together" on the Commission. Commissioner Read's input has been invaluable, particularly his outside perspective versus the Division's technical viewpoint. This input has kept the Division in line over the years in how it classifies positions and writes regulations. He feels very fortunate in that the current Commission is one of the best since he began with the Division. He is sorry to see Commissioner Read go, but wishes him the best in the future.

Commissioner Read: Thanked everyone for their comments; leaving the Commission is bittersweet. His health is good, however he is 76 years old. This has been a wonderful experience for him. He has learned that a happy employee with a good attitude is a great asset. An employee that is in the wrong position or doing something they don't like can be a cancer in any organization. He encouraged everyone in State service to get to know new employees and understand where they are coming from. Money is not the major motivating factor for things. Happiness is a motivating factor. To be happy, you have to have someone to love, good work to do and something to hope for. Being the outsider on the Commission and

not always understanding the internal operations, sometimes common sense can go a long way in trying to understand the employee. An employee in a wrong position is hurt by being kept in that position and not being let go. They have skills and talents suited to a different position. Attitude is what determines every employee's service. What is their attitude to their job? How do they feel about what they do? How important is it to them? Every employee in the State of Nevada has an important job. At times it is not understood how important this is. Serving on the Commission has been a tremendous experience. He thanked Commissioner Sanchez and Chairperson Fox. He acknowledged that he did not get to know Commissioner Spurlock or Commissioner Mauger very well, however he commented that Commissioner Spurlock is a fantastic addition to the Commission. He also thanked Governor Brian Sandoval.

Chairperson Fox: Thanked Commissioner Read for his lovely words. She acknowledged the Commission discussed the budget piece in Item VIII, but did not address the bills that affect State employees. She would like to revisit the item, recognizing no action will be taken.

Shelley Blotter: Stated that Commissioners were provided with a copy of the bills affecting State employees and reviewed the highlights. AB113 is in regard to break times and location for nursing mothers. Under the Affordable Care Act, the State had already been providing places and times for nursing mothers. It has now become State law and is being incorporated into State statutes; DHRM is also recommending regulations. What is different under the State law is that it establishes a complaint process which ultimately ends up before the Employee-Management Committee. Ms. Blotter explained AB192 is regarding the temporary appointment of certified persons with disabilities. Existing law had the opportunity for individuals receiving services through Vocational Rehabilitation to get on lists for State jobs if they weren't already a State employee or if they were a State employee under certain circumstances where they would be at risk of losing their job. Agencies are required to consider these candidates for a position, opening opportunities for individuals with disabilities. The key component is that they must be able perform the essential functions of the job. It will be incumbent upon agencies to ensure that their essential functions are up to date. AB276 is the prohibition against discrimination if employees talk about wages in the work environment. That is not an issue for the Division, because wages are a matter of public record for State employees.

Commissioner Sanchez: Asked for a briefing on AB309. **Shelley Blotter:** Explained that AB309 is regarding veterans. Previously, certain individuals would receive either five or ten preference points if they also met the minimum qualifications; they could only use the points one time. In the new language, the actual points are higher and a larger pool of applicants is eligible to receive them. She asked Peter Long to assist by elaborating. **Peter Long:** Added that the bill was sponsored by Assemblywoman Cohen after the ICVA (Interagency Council on Veterans Affairs) had been working to come up with ways that the State could assist veterans. It was Governor Sandoval's intent that Nevada be the most veteran-friendly state in the nation. The bill allows a veteran or a veteran's widow to use points on an exam. An employee who is a veteran is allowed to continue to be awarded these points. It also allows any veteran with a service-related disability to be guaranteed an interview if they qualify for a position. The bill states that an agency must interview 22 percent of veterans in relation to the number of other applicants on an interview list. The significance of the number 22 is that it is the number of veterans nationwide that commit suicide every day. The bill also requires certain reporting on veterans.

Commissioner Sanchez: Noted that after World War II, veteran's credits were provided in an effort to bring returning veterans back into the workforce, especially in the public sector. He was the recipient of ten points, which is how he started his career in the County of Los Angeles. However, it has been traditional that most public agencies have set up time periods for which veteran's credit would be given. For example, during the time a veteran served during the Vietnam War, they would receive ten points.

Other examples include the Korean War and Desert Storm. There were periods of time that many public agencies would make these designations. He asked whether there were such designated periods of time in which veterans would qualify, or whether this is open to anyone with an honorable discharge. **Peter Long:** Explained there are no service limitations as to when someone would have had to have served. He added that he believes that as long as the veteran receives a discharge other than dishonorable, they are eligible for the points.

Shelley Blotter: Addressed AB467. This bill requires that five members become the quorum for the Commission. All five members would have to be present in order to conduct business or take any action. It also establishes alternates for the Commissioners, who must be in the same category as the Commissioners who were originally appointed. Previously, it would take a majority of the five Commissioners to adopt a regulation and a majority of the quorum for any other action. This now requires a majority of the full Commission of five members in order to take any action. This bill goes into effect on July 1st.

Chairperson Fox: Asked for clarification and noted that a quorum could change based upon the number of Commissioners present at a meeting. For example, to establish a quorum, three Commissioners must be present. If there are only three, then two would have to vote in the affirmative for the motion to pass. Under the new law, the majority, meaning at least three Commissioners, would have to vote in the affirmative. She questioned whether this meant that all five Commissioners had to be present at the meeting or that if there are only three Commissioners present, there must be a unanimous vote with all three in the affirmative. **Shelley Blotter:** Explained that all five Commissioners would have to be present. This is a situation in which the alternate would come in. From planning purposes, she and Peter Long have discussed what would be the most reasonable number of alternates to attend in the event a Commissioner is unable to attend at the last moment. There may be alternates attending on a regular basis for a couple of reasons. One is so they become familiar with the business of the Commission. Second, this ensures that a meeting can be conducted in the case of an absence.

Commissioner Sanchez: Stated that he assumes that there will have to be a development of procedures for implementing the alternative requirement, including the selection of alternates, payment, training and other issues. He asked whether this process has begun. **Peter Long:** Confirmed that he and Ms. Blotter are working together on this with an intent to put the elements in writing. It is the intent that alternates are paid for any meetings they attend and training will be provided. Items to be determined include how many should attend and has been narrowed down to at least three, and maybe all five. **Shelley Blotter:** Noted that these positions are appointed by the Governor, and DHRM assists in encouraging people to apply.

Commissioner Sanchez: Asked Ms. Blotter about the best method for contact, noting that she previously indicated that any recommendations from Commissioners on potential appointees should be forwarded to her. **Shelley Blotter:** Welcomed Commissioners to call her on her office phone or contact her by email. She will in turn disburse the information to all Commissioners. **Peter Long:** Added that Ms. Blotter will be sending out an announcement to SHRM [Society for Human Resource Management] that Commissioners are being sought. The information is also posted on the Division's website as well as the Governor's website under Boards and Commissions.

Commissioner Spurlock: Addressed Ms. Blotter, noting that Commissioners make every effort to make the meetings and be reliable. He stated that going forward there will be significance to whether a Commission cancels one day before a meeting versus one month before a meeting. He invited her to provide the Commission with feedback going forward. He also noted that with the addition of alternates, it seems that meetings will be well covered. He asked that she let the Commissioners know whether

requests for cancellations will need to be a given number of days before a scheduled meeting. **Shelley Blotter:** Commented that the Commissioners' presence at meetings is always valued. She asked that any cancellations be noticed as soon as possible. It was conveyed to legislators that problems with attendance have not been experienced with the Commission. However, for the sake of prudence, the alternates will be briefed as well. This is also a training tool and serves to ensure that a replacement is prepared in the event that a Commissioner is unable to attend a meeting. She noted that it is a super mandate that the Commission meets every three months.

Commissioner Sanchez: Asked for Ms. Blotter's email address, which she provided as sblotter@admin.nv.gov.

Shelley Blotter: Discussed AB517 and SB368. Between the two bills, State employees will receive a three percent cost of living increase on both July 1, 2017, and July 1, 2018. Ms. Blotter addressed SB478, which involves employee rights during an investigation. The law now requires that once an agency becomes aware of or should have become aware of an action by an employee that could result in their suspension, demotion or termination and they determine an investigation is warranted, that they would notify that employee within 30 days that an investigation will be commenced. The investigation must be completed within 90 days unless an extension is granted as allowed by another statute and regulation; two extensions may be approved, one from the Division Administrator and one by the Governor. There is a limited time in which the result must be provided. The law now requires that if an employee appeals to a hearing officer regarding their suspension, demotion or termination that upon request, they may receive a copy of all investigative reports, documents, recordings or other investigatory material needed to prepare their case. The agency must provide the material within five days.

Chairperson Fox: Commented that there is an important distinction between an administrative internal investigation versus a criminal investigation. **Shelley Blotter:** Agreed and clarified that this refers to internal administrative investigations.

Peter Long: Stated that AB384, also referred to as "Ban the Box" goes into effect on October 1st. The Division will no longer be collecting criminal conviction information from applicants. Such information may not be considered initially and can only be considered after the employer is prepared to make a job offer or after a conditional job offer.

Chairperson Fox: Asked for clarification by posing a hypothetical scenario. In a case where an applicant is applying for DPS Officer I having been previously convicted of a felony, she asked whether the applicant can continue the application process until a conditional job offer has been made. **Peter Long:** Explained that the response to this scenario is no. Certain positions are exempt from the carve-out, including public safety positions. The Division will not be collecting the information, however the agency can collect it immediately upon determination that they may be interested in an applicant.

Commissioner Spurlock: Noted that law enforcement typically has exemptions for such situations. He posed another hypothetical scenario in which a bookkeeper candidate previously embezzled a significant amount of money. He asked whether this bookkeeper's candidacy would be tagged in advance as being sensitive, citing that a candidate with a financial crime conviction would not be eligible. Other such scenarios would include safety sensitivity as well as working with children. **Peter Long:** Stated that these are all good questions which came up during the hearings. The bottom line carve-out is for police and firefighters. Other exceptions include cases where applicants are barred from certain duties under federal law. This could apply to DMV and Welfare issues as well as positions that have voter registration responsibilities. The Division will not be collecting the information, but this does not mean that agencies

could not ask prior to the interview. Specific to the embezzlement example, his understanding of the intent of the bill is that there are many details the agency is required to consider such as age of the offender at the time of the offense and the time since the offense has occurred, as well as a list of other considerations. At the point where an agency is prepared to offer the job, it is anticipated that the agency would work with its deputy attorney general to determine whether rescinding the conditional job offer based on the embezzlement would be justifiable.

Commissioner Spurlock: Addressed Shelley Blotter, directing her attention to the very last entry on the last page of the bill summary regarding SCR6; he is uncertain what SCR stands for. He also indicated as he works in the area of compensation, he offered assistance to the Department of Administration for any secondary or advisory help in reviewing employee data. **Peter Long:** Appreciated Commissioner Spurlock's offer, and explained that SCR stands for Senate Concurrent Resolution. SCR6 directs the Legislative Commission to appoint a committee of which the Administrator of DHRM is a non-voting member. They will probably look to the Division to provide information on how to collect salaries and how to determine whether the salaries are appropriate. He is more than willing to receive the advice of experts such as Commissioner Spurlock.

X. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Announced the next meeting date is scheduled for September 29th; she will be in Las Vegas to chair the meeting. The dilemma is that this potentially leaves a new Commissioner alone. The subsequent meeting date is scheduled for December 8th and she asked for Commissioner input; this presented a conflict for at least one Commissioner. Chairperson Fox suggested alternative dates, including December 1st or December 15th. **Peter Long:** Stated we may have an alternate by then, and are concerned that by pushing the meeting date farther into December staff may be unavailable due to using leave before the end of the year. **Shelley Blotter:** Noted that there is no requirement that the meeting be held only on a Friday and that the Commission was free to consider other days of the week. There was consensus that the December meeting will be held on December 7th, with the understanding that the Division will require time to locate a meeting room.

XI. COMMISSION COMMENTS

Chairperson Fox: Invited comments from Commissioners. There were no comments given.

XII. 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: Thanked Commissioner Read for his service. In addition, he thanked Ann Avitia, one of the employees that due to elimination of written testing will be retiring with 27½ years of State service. **Chairperson Fox:** Asked whether Ms. Avitia was present. **Peter Long:** Replied that she is in the Las Vegas office. **Chairperson Fox:** Requested that Heather Dapice ensure that Ms. Avitia is informed of Peter Long and the Commissioner's comments, thanking her for her service to the State.

XIII. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.