STATE OF NEVADA
PERSONNEL COMMISSION

Held at the Legislative Counsel Bureau, 401 S. Carson Street, Room 3138, Carson City, Nevada 89701; and via video conference in Las Vegas at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue

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MEETING MINUTES
June 8, 2018

COMMISSIONERS PRESENT IN CARSON CITY:
Ms. Katherine Fox, Chairperson
Ms. Patricia Knight, Commissioner
Ms. Mary Day, Commissioner

COMMISSIONERS PRESENT IN LAS VEGAS:
Mr. Gary Mauger, Commissioner
Mr. Andreas Spurlock, Commissioner

STAFF PRESENT IN CARSON CITY:
Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Carrie Hughes, 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

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, noting that Alternate Commissioner Mary Day was seated for Commissioner David Sanchez in his absence. She indicated that newly appointed Alternate Commissioners Susana McCurdy and Dana Carvin were present but not serving. Chairperson Fox also welcomed Beverly Ghan, the newly appointed Deputy Administrator of the Compensation, Classification and Recruitment Section.

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. Commissioner Spurlock stated that staff requested that he read some brief instructions about microphone etiquette for speakers. There were no public comments.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED MARCH 19, 2018 – Action Item

Chairperson Fox: Called for revisions or additions. **Commissioner Day:** Stated that on page 11 in the packet, page 7 of the minutes, there is an extra word and a missing word where Commissioner Spurlock asked, "…who the Audit Manager reports to who;" the second "who" shouldn't be there, and where Ms. Dapice responded, "I believe the Audit Manager reports to an ESD," there should be some title after "ESD." **Heather Dapice:** Answered it should read, "ESD Manager." **Chairperson Fox:** Inquired if there were any other edits for the minutes and there were none. Chairperson Fox wanted the record to indicate that Commissioner Day did serve as Commissioner at the March meeting so she was eligible to render a vote on this item.

Held March 19, 2018

MOTION: Moved to approve the minutes of the March 19, 2018, meeting with the changes noted.
BY: Commissioner Mauger
SECOND: Commissioner Spurlock
VOTE: The vote was unanimous in favor of the motion.

IV. DISCUSSION AND APPROVAL OF ADDITION OF POSITIONS AND TITLE CODES APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES – Action Item

A. The Department of Motor Vehicles requests the addition of a classified position and two unclassified title codes to the list approved for pre-employment screening for controlled substances:

11.358 Compliance Investigator II, PCN: RE4079
U9005 Deputy Administrator, Compliance Enforcement Division, PCN: RE2013 and WF2014
U9021 Division Administrator, Compliance Enforcement Division, PCN: CC1003

Carrie Hughes: Personnel Analyst with the Division of Human Resource Management, advised NRS 284.4066 provides for the pre-employment screening for controlled substances of candidates for positions affecting public safety prior to hire. This 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 the expectation of privacy.

The Department of Motor Vehicles has requested to add the requirement of pre-employment screening for controlled substances to the positions listed in Agenda Item IV. We are recommending approval of the Compliance Investigator position, as DMV has indicated that this position performs background checks on members of the public, and a candidate for this position would be subject to a background check and medical and psychological tests which may diminish an individual's expectation of privacy. Additionally, Department of Motor Vehicle positions in this class have previously been approved for pre-employment screening for controlled substances by the Commission. We are also recommending approval of the Compliance Enforcement Division's Division Administrator and Deputy Administrator, as these positions are required to obtain and maintain Peace Officer Standards and Training (POST) Category 2 certification, which requires a pre-employment drug screening test. My understanding is that there is a representative present from the Department of Motor Vehicles if there are any questions. Thank you.

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

MOTION: Moved to approve the addition of positions with the Department of Motor Vehicles for pre-employment screening for controlled substances to include Compliance Investigator II, PCN RE4079; Deputy Administrator, Compliance Enforcement Division, PCNs RE2013 and WF2014; and Division Administrator, Compliance Enforcement Division, PCN CC1003.
BY: Chairperson Fox
SECOND: Commissioner Knight
VOTE: The vote was unanimous in favor of the motion.

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

A. LCB File No. R098-17
Sec. 1. NEW 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.

Michelle Garton: Supervisory Personnel Analyst for the Division of Human Resource Management's Consultation and Accountability Unit, presented the regulation amendments contained in LCB File No. R098-17, Agenda Item V-A beginning with Section 1, Letter of instruction: Use and administration. This amendment places into regulation the use and administration of Letters of Instruction, which many agencies currently use as a coaching or performance management tool when areas of deficiency and the need for correction must be addressed and documented. 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 must be included in the Letter of Instruction and what it must not contain. The requirement of a meeting between the supervisor and the employee is included in the regulation, and the retention of the letter is also addressed.

In Section 2, NAC 284.458 the amendments in subsections 1 and 2 of this regulation do not make a change to the current process and are meant to make clarifications. Subsection 1 clarifies that an employee who is rejected from his or her initial probationary period and State service may not submit an appeal or a grievance as a result of the decision by the appointing authority. Subsection 2 clarifies that a permanent employee serving in a trial period in a new position and is rejected from that trial period may also not submit an appeal or file a grievance as a result of the decision by the appointing authority. The new subsection 3 in this regulation does make a change to the current process and will allow the Division of Human Resource Management to remove a grievance or an appeal from the process when either is filed as a result of a rejection from probation or trial period. Removing appeals and grievances from the process that have been inappropriately filed will improve efficiency in both processes. There are times when an employee who has filed a grievance is out of the office for an extended period of time and is unavailable to enter into an agreement for the extension of time to file the grievance or take required action. This amendment will allow for an exception to the agreement in certain documented situations which would be determined by the appointing authority or his or her designated representative. The amendment also allows an appointing authority or his or her designated representative to make an exception to the agreement for an extension of time to file a grievance or take required action when there is an investigation pending that is related to a reported allegation of unlawful discrimination.

In Section 4, the amendments to Section 19 of LCB File No. R033-17 make conforming changes consistent with the amendments to NAC 284.458. As noted in the explanation of change for this regulation and highlighted in the regulation, during the drafting process the Legislative Counsel Bureau incorrectly referenced NAC 284.384 in subsection 1. The reference should have been to NAC 284.458, as it is in subsection 2, and the Division requests that this LCB file be adopted with that change.

Chairperson Fox: Thanked Ms. Garton and asked if the Commissioners had any questions.

Commissioner Spurlock: Asked if on page 45, Section 1, he was missing something. On number 5 it says, "The supervisor of the employee shall retain a copy of the Letter of Instruction in the supervisor's working file for the employee." Working file, Commissioner Spurlock assumed, is not the formal employee file. "The supervisor must attach any written response by the employee to the Letter of Instruction." So, if the employee has some response regarding the instruction, it could be included. "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 non-disciplinary action that was taken before a specified disciplinary action was taken against the employee." So, they've done this. There's a Letter of Instruction; it's in this temporary file. Now something more serious happens and it's somehow loosely related to something that was mentioned in the initial Letter of Instruction. So, the supervisor now has the right to take that Letter of Instruction and attach it as maybe more evidence of this behavior or something that's part of the formal action. How formal of a document is a Letter of Instruction, and is it something that's discoverable if there's ever litigation?

Michelle Garton: Stated the intent of the regulation here is to say it wouldn't be necessarily on a formal form prescribed by the Division of Human Resource Management; it could be a memorandum. It's to document that the employee was made aware of the deficiency or the need for coaching when it's happening to prove that they were told that. **Chairperson Fox:** Questioned if this would also provide documentation that the supervisor, prior to taking a formal disciplinary action, attempted to remediate or correct the performance issue. **Michelle Garton:** Answered in the affirmative. **Chairperson Fox:** Asked if the Commissioners had any other questions, and there were none. She asked if there were public comments related to this item.

Eddie Bowers: Stated I am a supervisor and have been for the State of Nevada in one area for about eight years. I have used Letters of Instruction in the past. I love this new regulation obsessively; it's brilliant and has been needed for a long time. The only thing I don't see that would help is a strong assertion as to its retention, how long we should

keep it, because this has always been an issue if I gave somebody a Letter of Instruction, I maintain that in my employee file, not their official one. If that employee demonstrates a propensity to continue to transgress in the future -- and they always do at maybe a year-and-a-half, two years out. There's no real clear guidance as to how long I can retain such a document. The *State Records and Retention Schedule*, which is not, from my lay understanding, in the Administrative Code or NRS, has a bit of a conflict. I always look to it, though, for some sort of guidance. When you go into Section 1998157 of the *Retention Schedule* where it talks about supervisor review records, it mentions Letters of Instruction in the narration; it also says that these records should not be retained for more than one review period, so that's like a year, for an annual evaluation, whereas Section 2004233 of the same *Schedule* also references Letters of Instruction and indicates these records should be retained for a period of three calendar years from the final action in this case. But then it doesn't make any strong statement about you have to get rid of them. I don't think HR is getting rid of anything relevant to a termination, like a specificity of charges or anything like that, but I would just comment that a supervisor should have the ability to retain that Letter of Instruction in their supervisor's file as long as the supervisor determined it to be relevant.

Shelley Blotter: Noted DHRM is currently working with the Archives Librarian and the State Records Committee to review all of our records retention schedules, and that was one of the issues that came up during one of the workshops. The plan is to remove the period of time that is specified as one year from the *Schedule* so the Letter of Instruction can remain in the supervisor's file.

Mavis Affo: Human Resource Manager for the Department of Public Safety (DPS) commented that this is a wonderful tool for the Department. It has been much needed and provides some guidance that they have not had in a long time. In her capacity, she has seen different versions of Letters of Instruction; some have included a warning or a statement of what will be done if you don't behave a certain way. This really provides some clarity and guidance to all the agencies, and I think it's a wonderful step in the right direction. Thank you.

Kevin Ranft: AFSCME Local 4041 representative, stated representative Jeanine Lake could not be present, so my comments are on her behalf as well. AFSCME Local 4041 represents State employees in numerous aspects for various agencies. We always like to work with both Peter Long and Shelley Blotter and DHRM employees. Sometimes we agree to disagree, but when it comes down to it they have done a really good job reaching out and providing direction to some of the concerns that we've had. Letters of Instruction, for example, has been a contention for years for State employees. Appeal hearing officers for years would not even allow them as part of evidence because it was a corrective act. Another concern we had is the fact that a Letter of Instruction could be in any type of format. Some agencies have a prescribed format for them, others use just a memorandum or an email, but there is no area where an employee would sign. If we're going to utilize it for a future process like a potential discipline, that's a huge concern when an employee may have never seen the memorandum. We're asking that this Letter of Instruction document has an opportunity for an employee to sign it. I appreciate Shelley Blotter for including in the regulation the opportunity for employees to write a letter in response to Letter of Instruction and have that attached, but if the employee doesn't see it, that's going to be a problem if they're utilizing the Letter of Instruction in a disciplinary process. We are against the process of the Letters of Instruction being used during the phase of any type of disciplinary actions.

With that being said, Letters of Instruction are often done with a purpose of trying to correct something, notify an employee of policy, re-encouraging them to take some training to improve. For those reasons, we're really excited to have something on the record through regulation, but we want to make sure we get it right, and we're hoping that some potential changes come. Things are always advancing, but Letters of Instruction are our concern; is that the first document that we should be using when it comes to assisting in the disciplinary process? Employers, supervisors, and managers have a great opportunity to utilize the progressive discipline process, and an oral written warning, we feel, could be the first one to utilize if it was disciplinary. My last statement would be regarding retention. I think agencies have demonstrated that it's up to a director to make a decision regarding their employees if they would like to move it into six months, a year, three years upon the employee's request. I think we could work offline on that. Shelley mentioned that she potentially wanted to change the procedure to one year, but I do think that directors need clarification that they also have the ability, through discretion, to remove Letters of Instruction from their employee files.

Shelley Blotter: Thanked Mr. Ranft and stated this was the first time we had heard from you regarding a form to be signed. I'm not prepared at this moment to say yes, we're going to be using a form, because we haven't workshopped that idea or talked to our agency personnel liaisons. Because this has been an informal document, that signature hasn't been a requirement. A Letter of Instruction doesn't do any good unless the employee receives it. The idea that an employee doesn't see it is a little bit surprising to me, because they can't change their behavior unless they see it.

I know we disagree on whether or not this could be used for future documentation for an appeal hearing if there was suspension or demotion or termination. We feel that it is appropriate because of progressive discipline, as you said, that some initial measures were taken informally of coaching and training prior to moving on to discipline. I'm a little worried about that the first documentation would be an oral warning, a documented oral warning, because that's actually discipline. So, you would hope to take lesser measures first, which would be the Letter of Instruction, and hopefully, before that, informal conversations would happen. I would anticipate that being first and then the Letter of Instruction, if necessary, documenting a discussion, and then going into actual discipline; that was our thought process.

Peter Long: Responded so that I understand, Kevin, you appreciate that we're putting something forward, and I don't want to put words in your mouth, but it would be okay for the Commission to approve this as written today with our promise to work with you to get it revised in the future to try to address your issues, or are you wanting to try to revise it today, which I don't think we could do without workshops and getting input?

Kevin Ranft: Answered our intent today is to bring some clarification, and Shelley, just to answer your quick question regarding the oral written document, absolutely, I would like to have Letters of Instruction, any type of training, any type of other action prior to any discipline. I'm just talking for purposes of going through a disciplinary or an appeal process, the first document that should be used is an oral written warning, not a Letter of Instruction, to be consistent with past practice. If an employee is going to continuously to have problems, that oral written warning or multiple oral written warnings or letter of written reprimand and so forth should be enough evidence to show a hearing officer that there's a problem with an employee. So, the Letter of Instruction, again, is a corrective act, and we are concerned that that is not a grievable document by an employee. Say an employee has a conflict with a supervisor. An employee sees a Letter of Instruction, but may not have an ability to challenge that. That's kind of why we knew this would pass, so we just ask for it to be put in for the Letter of Instruction, the employee's response letter to be attached to it. We're okay with that, there's always room for improvement, and we're happy to see that there's a start. This is the Letter of Instruction process for supervisors to have. Maybe even if a new policy needs to be written, the Letters of Instruction are intended for the purposes of use. That's the biggest thing, that supervisors may use it as more of an, "I got you," type of situation, not as a corrective act. We're neutral on this today, but we're always happy to work with DHRM and this body to ensure success for State employees.

Mr. Ranft continued, addressing Item V-A, Section 2, rejection from probation. I get the content of what's being done here today. It's actually adding not only can an employee not file an appeal, that's already cited in the NAC, when it comes to being rejected from a probationary status or a trial period status, they cannot now file a grievance. Of course, they've never been able to file a grievance. The Grievance Committee has slowly taken away, we feel, employees' rights to be heard at that phase of the Employee-Management Committee; we are concerned with that. We're going the opposite direction we feel we need to go, because there's a broken process when it comes to employees being rejected from probation or trial status without being given the opportunity to have that additional training, to have documented mandatory 3-, 7- and 11-month evaluations. Some management, some supervisors, not all, are waiting until the last minute and then letting these employees go with no recourse, but also with no training or guidance. There's no accountability for these supervisors or management. It says "law" for a reason, not because of a personality conflict, but there's no way for that employee to really bring their information to the table other than to say, "I disagree with this," and maybe write a letter to the director asking for reconsideration; there's no process for the employee. So, yes, we're taking away the grievance process that really was never utilized. We're really not fixing the process, and the process needs to cite accountability and needs to be held and reviewed by DHRM if a 3-, 7-, and 11-month evaluation was not completed on that employee. We're asking for different things out of employees to hold them accountable, but we need to hold supervisors and management equally accountable, and it's not all supervisors. There's a lot of great ones out there, but there are some that misuse this process because of personality conflicts. I feel that this process cites appeals. This NAC, where it says appeals, does not preclude whistleblower appeals. I believe that's a whole other avenue of recourse and due process, but I just want to make it known. I appreciate your time on that item. I do have one last item under V-A, Section 3; and that's for extension of time. We are concerned with NAC 284.692, Section 3, of the proposed language where the appointing authority may unilaterally extend the time. We absolutely 100% support a lot of these reasons behind the reason and need for the extension and why the appointing authority would need to do that. However, when it comes to an investigation or an EEOC complaint, we just want to make sure that, especially under 4, where the Committee has the right to review and extend the time provided pursuant to Section 3, we do not want a generic cutoff to say a grievance has been filed and an investigation or EEOC has been filed, but if they're not similar, a grievance shouldn't just automatically be put on hold for an extended period of time. It has to be a similar subject matter, and we're asking for that to be clarified or changed, but ultimately, clarification would be okay. And with that being said, we would have no problem with this proposal today. I appreciate your time; thank you.

Shelley Blotter: Clarified that if employees are in a probationary or trial status, they have not been able to grieve or appeal their rejection from probation. In Section 2, subsections 1 and 2, there is wordsmithing going on; it looks like a lot of new language and strikeouts but no changes are being made to the rights of employees. The actual changes occur in subsection 3.

Kevin Ranft: Asked for clarification on the whistleblower, that is a separate process; is that's not intended?

Shelley Blotter: Confirmed that to be correct.

Michelle Garton: Also confirmed that to be correct.

Chairperson Fox: Stated I believe I'm hearing that the concern for these changes to LCB File No. R098-17 that you have identified it would be a good idea for the Division to work on a standard form that could be used for a Letter of Instruction and that most certainly we would want the employee to sign that they've been informed about this Letter of Instruction to improve performance or change a certain behavior. I also heard you say that AFSCME has a problem with the rejection from probation of a probationary employee if no performance evaluations have been done on that employee, and I can't agree with you more on that. I think that's what I consider to be not a good supervisory practice, for someone to be employed in any organization to believe that they're a standard performer or better, and then at the 11th month, they get rejected from probation. I hesitate, but I do believe that the Division would provide guidance counsel to any department and say, it's not appropriate for you two weeks before these employees get off probation to then reject them from probation. I do believe we as professionals all believe that to be an unacceptable practice to reject someone like that, and I do believe that it was just clarifying language within Section 2 that does not change management's right to reject someone from probation or a trial period. I think that summarizes how I see things based upon the comments provided. She asked if the Commissioners had any questions regarding LCB File R098-17. Chairperson Fox asked if a workshop was held involving these changes.

Shelley Blotter: Confirmed there was.

Commissioner Mauger: Asked if a representative from AFSCME attended.

Shelley Blotter: Responded Mr. Ranft had provided comment. He wasn't present, but I read the comments into the record, and some of these issues are new today.

Commissioner Mauger: Continued, they did not come up at your workshop, because a lot of this could have probably been done if the changes were discussed in depth as they are today. I'm just curious, one, did it come up, and two, was there a representative there?

Shelley Blotter: Answered Mr. Ranft was occupied elsewhere that day, and he had given me comments to read into the record, which I did, and they were considered. I believe that we made a change based on a part of that. Some of these comments are new to me today.

Tom Donaldson: Came forward for public comment and introduced himself as one of the law partners with the Dyer-Lawrence law firm in Carson City, and legal counsel for both the Nevada Highway Patrol Association (NHPA) and the Nevada Corrections Association (NCA). Regarding the Letter of Instruction addition to NAC 284, I have seen these many times over the years; some agencies use them, some don't. Some have written policies on them, some don't as well. I commend the Commissioners and staff for preparing a section of NAC to formalize this and to clarify that it's not part of the formal disciplinary process; however, I believe that consistent with the *Records Retention Schedule*, there should be a 1-year limitation at most, or the annual review period, as indicated by Lieutenant Bowers with DPS. DPS does have the practice of removing the Letters of Instruction within a year, or with a review period, on a regular basis. I think if any change is going to be made to the *Retention Schedule*, it should be that the three calendar years be taken out, because it is clarified that the LOI, or Letter of Instruction, is not discipline. The section related to the discipline and a Letter of Instruction in the *Retention Schedule* is the part that should be revised, frankly, and I guess that's for a later date. But at this point, given the current retention schedule, I would request on behalf of NHPA and NCA that a 1-year limit on a Letter of Instruction in the working file be added to the language, or for the Letter of Instruction to be removed upon the anniversary date of the evaluation date of the employee.

Chairperson Fox: Thanked Mr. Donaldson and asked if there was any additional public comment related to this item.

Eddie Bowers: Responded to something that Mr. Donaldson said about Letters of Instruction being used in furtherance of discipline. There have been many occasions where I've used my role as a supervisor, as a coach, and as a mentor to document and try to go out of my way to help an employee succeed. There doesn't have to be a certain nefariousness attached to somebody's behavior; I just didn't want it to escape your glance as you vote that there are many times when performance simply becomes misconduct because nothing gets traction. No help you try to give, no mentoring you try to give hits the point or hits somebody to where a division needs them to be. So I absolutely support the way the language is written now with respect to any type of these mentorings in the form of a Letter of Instruction being attached to discipline, because it provides a reasonable historical picture of what has been done to help those employees.

Chairperson Fox: Thanked Mr. Bowers for his comments and asked the Commissioners if there were any additional questions related to this item.

MOTION: Moved to approve changes to Nevada Administrative Code Chapter 284, specifically: LCB File No. R098-17, Section 1, NEW Letter of instruction; Section 2, language changes for rejection of probationary employees; Section 3, Agreement for extension of time to file grievance or complaint, or take required action; and Section 4, to clearly identify that the citation should be NAC 284.458.
BY: Chairperson Fox
SECOND: Commissioner Knight

DISCUSSION: **Commissioner Mauger:** Said he had a question on the motion and needed some clarification. He asked if a recommendation that these changes that were brought to our attention today that were not presented in the workshop could be and would be discussed between the parties at a mutually agreed to time would happen or is that just a suggestion? **Peter Long:** Answered that will happen at the discretion of the parties that came forward this morning. DHRM will commit to work with them if they make themselves available. **Chairperson Fox:** Thanked Commissioner Mauger.

VOTE: Motion passed unanimously.

V-B. 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.

Carrie Hughes: Presented the regulation amendments proposed for permanent adoption in LCB File No. R119-17. This amendment removes language from subsection 3 to make the regulation consistent with NRS 284.4065, clarifying that when an appointing authority requests an employee to submit to an alcohol and/or controlled substance test due to one of the reasons outlined in subsection 2 of NRS 284.4065, the form referenced in subsection 2 of this regulation is not required. Additionally, the amendment changes the word "accident" to "crash" based on statutory amendments made during the 2015 State Legislative Session.

Chairperson Fox: Thanked Ms. Hughes and asked if there were any questions from the Commissioners.

Commissioner Spurlock: Stated on page 51, Section 1, subsection 4(a), 1 and 2, it says, " "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," that can be done multiple ways. I think I understand that, "or; 2. The operation of a motor vehicle in such a manner as to cause two crashes which cause damage to property within a 1-year period." Do we mean it has to be two vehicles? I'm not sure what that means. You could spin out a State vehicle in the desert and cause damage to the underside just from gravel. I'm not really sure what the intent is of "crash" versus "accident" language and the "two."

Shelley Blotter: Responded it could be a single vehicle crash. It could be you're in a snow plow and you crash it against a guardrail or it could be any interaction with two vehicles. The two is referring to two incidences.

Chairperson Fox: Thanked Ms. Blotter for her comments and asked the Commissioners if there were any additional questions related to this item. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-B, LCB File No. R119-17, Section 1, NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form.
BY: Commissioner Mauger
SECOND: Commissioner Day
VOTE: Motion passed unanimously.

V-C. LCB File No. R121-17
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.

Beverly Ghan: Introduced herself as Deputy Administrator with the Division of Human Resource Management Compensation, Classification, and Recruitment Section. She presented the regulation amendments proposed for permanent adoption in LCB File No. R121-17. In Section 1, the proposed amendment to NAC 284.358 requires the appointing authority to recognize the reassignment list as a priority list which should be used after the reemployment list when available. It also requires the appointing authority to follow the order listed in the regulation when using the priority list. Additionally, the amendment requires agencies to contact the Division of Human Resource Management to determine if such a priority list exists before proceeding to other available eligible lists and/or recruitment. In Section 2, the proposed amendment to NAC 284.360 revises procedures to clarify the order that the Division of Human Resource Management must follow when certifying and providing eligible lists to the appointing authority as established in NAC 284.358. There are also some conforming changes made to subsection numbers. In Section 3, the proposed amendments to NAC 284.361 requires the integration of names of eligible persons for reassignment onto the reassignment list. There are also some conforming changes made to subsection numbers here. In Section 4, the amendment made to NAC 284.618 changes the reference made from subsection 3 to subsection 4 to accommodate the change made in NAC 284.361.

Chairperson Fox: Thanked Ms. Ghan and asked for questions or comments.

Molly Koch: Introduced herself as being with the Department of Employment, Training and Rehabilitation. She commented in regard to subsection 3, mandating or requiring that the appointing authority contact DHRM by phone or by email to determine if the priority list process has been used. My concern with that is it seems redundant because as the person certifying the list they must follow that priority list process in order to certify a list. It seems redundant because once we certify that list, we certify that we checked all those lists before we made that certification. I just had some concern in regard to that language. As a delegated agency with a large number of delegated classifications, we run into this quite a bit, and our recruitment techs are trained to go through that process in order to process and certify that list.

Beverly Ghan: Responded it's a little bit different with delegation agreements, because you have the authority as a delegated agency to do those steps yourself. Other agencies who have to come to us directly to check all those things, this is where that emphasis is important for us, that it happens before they do anything else. **Molly Koch:** Responded, the DHRM staff member who is certifying those lists would have to follow those same processes before they certify a list anyway. For someone who is going through and certifying all those lists, for them to go back and say, yes, I checked these lists before I certified this list, it seems like an extra step and redundant, which is my concern. **Beverly Ghan:** Replied she appreciated that, but again, it's really important for us to make sure this happens to agencies who would jump to try to fill a vacancy and we're trying to make sure that everybody knows and is in the same place before they do anything. We have to be aware, so we can be checking all the steps.

Chairperson Fox: Asked for additional public comment. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-C, LCB File No. R121-17, Section 1, NAC 284.358, Types of lists and priority for use; Section 2, NAC 284.360, Reemployment lists; certification or waiver of lists; Section 3, NAC 284.361, Use of lists and consideration of eligible persons; and Section 4, NAC 284.618, Layoffs: voluntary demotions.
BY: Commissioner Mauger
SECOND: Commissioner Knight
VOTE: Motion passed unanimously.

V-D LCB File No. R150-17

Sec. 1. NEW Procedure to request hearing to determine reasonableness of dismissal, demotion or suspension.
Sec. 2. NAC 284.589 Administrative leave with pay.
Sec. 3. NAC 284.642 Suspensions and demotions.
Sec. 4. NAC 284.656 Notice.
Sec. 5. NAC 284.6561 Pre-disciplinary review.
Sec. 6. NAC 284.778 Request for hearing and other communications.

Michelle Garton: Stated Section 1, Procedure to request hearing to determine reasonableness of dismissal, demotion, or suspension, is a newly proposed regulation that moves the procedures for an employee who is dismissed, demoted, or suspended to request a hearing by a hearing officer into a separate regulation. This will serve to distinguish the hearing that may be requested after disciplinary action has been taken from the hearing that occurs prior to disciplinary action, now referred to as a pre-disciplinary review which will be presented in a moment. Also included in this new regulation is the effective date of a dismissal, demotion, or suspension is the first day that the disciplinary action takes effect. In the case of a 5-day suspension, for example, the effective date of the discipline is the first day and not any other day after that up to the fifth day. Finally, if the appointing authority's final determination of discipline is provided to the employee, he or she must include that documentation along with his or her appeal. The amendments to Section 2, NAC 284.589, specify that the provisions requiring an appointing authority to grant administrative leave with pay pertain to an employee to prepare for, and appear at, his or her pre-disciplinary review. As noted in the explanation of change for this regulation on page 60 of your binders and highlighted on page 61, the Division is recommending the adoption of this regulation with the word "and" rather than "or." The highlighted language provided on page 2 of the handout in the front of your binders, and available in the back of the room for the public today, is the language the Division is recommending. This will ensure that up to eight hours of administrative leave will be granted to an employee for each type of meeting rather than a combination of up to eight hours for both types of meetings. Section 3, NAC 284.642 simply makes a conforming change to incorporate the new regulation presented in Section 1 of this LCB file into regulation. Section 4, NAC 284.656 of this regulation makes a conforming change to replace "hearing" with "pre-disciplinary review," because the requirement for the pre-disciplinary review pursuant to NAC 284.6561 is being described here. Section 5, NAC 284.6561. The amendments to this regulation replace the term "hearing" with the term "pre-disciplinary review" to describe the meeting that is required prior to disciplinary action being taken. The amendment to subsection 5 will include that an employee will have the opportunity to rebut allegations made against them and provide mitigating information. This will assist an employee in preparation for the pre-disciplinary review. Also included in the amendments to this regulation is that the effective date of the dismissal, demotion, or suspension is the first day that the disciplinary action takes effect. Finally, subsection 9 has been removed from this regulation because it provides the basis for the new regulation presented in Section 1 of this LCB file. Section 6, NAC 284.778, provides the manner in which a request for a hearing after disciplinary action has been taken must be made. The amendment specifies that such a request be made for a hearing on the appeal rather than a request for an appeal.

Chairperson Fox: Stated because I can be a process person sometimes, an investigation is conducted, and a decision is made, let's say, to suspend an employee for 10 days. Prior to meting out that discipline, there's a pre-disciplinary review process where the employee has the opportunity to rebut, clarify the results of the investigation and the proposed disciplinary action. That's a whole separate process from, "I'm suspended for 10 days and now I want to go to a hearing." That 10 days would commence at the first day of the suspension, is that correct? **Michelle Garton:** Confirmed this was correct.

Chairperson Fox: Asked if there were questions or comments.

Kevin Ranft: Stated he was appreciative of the opportunity to speak on behalf of State employees' concerns. He said AFSCME is actually very grateful for clarifying language throughout these sections. A lot of concerns over the years with State employees not understanding the clarification when the hearing comes forward or they file an appeal; this really just provides a lot of great detail for clarification. I do have a concern on Section 5, and I ask DHRM and this body to consider another clarification change or maybe what the intent of the purpose is. Often, representatives like myself or an individual of the employee's choosing will attend these pre-disciplinary hearings; there's just no consistency. Agencies often will allow us to speak on behalf of the employee that's really nervous or who doesn't understand the process. This is their opportunity to really be given a chance to fix any concerns prior to the formal disciplinary action taking place, but there's also a lot of agencies that don't allow the person of their choosing or the representative to speak. The employee goes in there, or they don't have the words to express, and the decision is

upheld by the appointing authority. We're sitting there with our hands tied. I'm not going to call out the agencies, but some even go as far as putting in their letter that they read to the employee, specifically saying, "Your representative cannot speak today. I want to hear from you only." We don't feel that that's what the intent is of this. So, we feel this is a great opportunity to simply add under NAC 284.6561, Section 5, where the new language says, "The employee will be given an opportunity to rebut the allegations against the employee and provide mitigating information," to also say an employee "and/or an employee's representative." I think with those simple terms, it could allow an opportunity or even prevent an appeal hearing from going forward, saving the State a lot of money. There's a couple different sections that can be processed. If it's not done through change today, I think it can be done through DHRM notifying agencies, saying allow the employee's representative or the person of their choosing to be a part of the process during the pre-disciplinary hearings.

Shelley Blotter: Responded we haven't had an opportunity to discuss this ahead of the meeting today; I don't have any objections to that language. I believe that's the intent, that it would be an informal process. **Peter Long:** Responded I think that that may be the intent. I'm not sure, but currently, the regulation is specific to the appointing authority and/or his or her designated representative and the employee. So, I think that since the first section talks about a designated representative and it's specific to employee only, that I'm unsure that we would have the authority to tell an agency that they have to allow a representative there. I'm certainly willing to discuss that as we move forward, but I don't want to put something in place or suggest something be put in place without agencies having the opportunity to weigh in on this.

Kevin Ranft: Replied there's already a regulation that allows us as representatives to be present at the hearing, so we already attend these. We just want to make sure that we have a voice to ensure that the employee is successful. We're missing an opportunity here, and I think that if an employee could show through their representatives that the agency missed something, rather than providing a 10-day, a 5-day suspension, or maybe even a termination, if it could be discussed through means of testimony or providing necessary documents or explaining those necessary documents. Often these employees will provide a document, but they don't get the message across of what it is intended for and how it's to be used for the recommendation when they go back to the agency. I get that, and going back to the regulation which is already there, agencies use it or interpret it differently. If we don't correct it today offline, we could look at the intent of the original NAC and maybe advise these agencies to allow the prevention of potentially unnecessary suspensions, demotions, or terminations. I thought maybe this would be a good avenue to put that in there to ensure success for the employee. **Peter Long:** Responded I don't disagree with you that that might be beneficial. All I'm saying is that the way the reg is written now, I can't commit to that without us going back and seeing what the intent was when the reg passed and then I would be more comfortable providing that direction if that was the intent, or to suggest a change by the Commission to the verbiage absent input from agencies on that. So, I'm not disagreeing with you. That wasn't what I wanted to represent.

Chairperson Fox: Asked once these changes to the Nevada Administrative Code occur, is there training sessions or information provided to division HR representatives about the use of these items, and could there be some narrative that says departments are encouraged to have the employee bring a representative of their choosing to this informal meeting so that somehow we can get employees feeling comfortable if they need to have a representative with them at the informal piece? They can do so and that representative can speak for that employee.

Peter Long: Added I won't say that there's training provided to agencies for every new regulation that passes, but we do send out all new regulations and amended regulations once approved, usually with an explanation, and we are there to answer any questions. If the determination is that that was the intent of this, we could certainly include that in the handouts that we provide the agencies.

Commissioner Mauger: Stated a lot of my questions in these hearings is when they hold workshops, that was there a labor representative present, and to my knowledge, I don't remember ever hearing "yes." It's frustrating to me to sit here and listen to all these questions come up that could have been done in the workshop. There's a lot of questions here that, to me, should have come up in the workshop, and I think the representative should make more of an effort to participate in those workshops to help alleviate what we're now going through.

MOTION: Moved to approve LCB File No. R150-17 for changes to the Nevada Administrative Code, Section 1, NEW Procedure to request hearing to determine reasonableness of dismissal, demotion, or suspension; Section 2, NAC 284.589, Administrative leave with pay; Section 3, NAC 284.642, Suspensions and demotions; Section 4, NAC 284.656; Section 5, NAC 284.6561; and Section 6, NAC 284.778, with the language that was provided to the

Commissioners in their packet that says under NAC 284.589, Administrative leave with pay, up to 8 hours for preparation for any pre-disciplinary review and up to 8 hours for preparation for any hearing described in paragraph 6(e).

BY: Chairperson Fox
SECOND: Commissioner Knight
VOTE: Motion passed unanimously.

Chairperson Fox: Requested if we could have an update in December or 2019 about how the pre-disciplinary review process is going; is it found to be an effective mechanism, and additionally, if employees are bringing a representative with them and does that representative have an opportunity to speak.

V-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.

Carrie Hughes: Presented the regulation amendments proposed for permanent adoption in LCB File No. R151-17. The amendments to Sections 1, 2, and 3 bring into agreement the provisions relating to sick and annual leave when used in combination with the temporary total disability benefit under the Workers' Compensation Program. The amendments standardize the language "leave of absence without pay" across the three regulations. Finally, the Legislative Counsel Bureau has replaced references to statutes with references directing to NAC 284.5775, removed provisions in NAC 284.5385 and 284.544 that are addressed in NAC 284.5775, and consolidated similar provisions in NAC 284.5385 and 284.544 to a single provision in NAC 284.5775. The amendment in Section 4 addresses the breath alcohol testing equipment standard. As of January 1, 2018, alcohol breath testing regulated by the U.S. Department of Transportation may be performed on equipment approved by the National Highway Traffic Safety Administration, but not yet published on their conforming products list. This amendment is intended to conform NAC 284.882 to the new U.S. Department of Transportation standard. Matching equipment standard for testing that is and is not federally regulated will prevent the need to identify or track which collection sites can be utilized for testing that are and are not subject to US Department of Transportation regulation.

Chairperson Fox: Thanked Ms. Hughes and asked if there were questions or comments. Hearing none, she entertained a motion.

MOTION: Moved to approve Item V-E, LCB File No. R151-17, Section 1, NAC 284.5385, Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; Section 2, NAC 284.544, Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; Section 3, NAC 284.5775, Temporary total disability: Use of sick leave, compensatory time, annual leave and catastrophic leave; leave of absence without pay; and Section 4, NAC 284.882, Administration of screening tests.
BY: Commissioner Knight
SECOND: Commissioner Day
VOTE: Motion passed unanimously.

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

A. Fiscal Management & Staff Services
1. Subgroup: Actuarial/Research/Grants Analysis
a. 7.711 Insurance and Loss Prevention Specialist
2. Subgroup: Public Information
a. 7.814 Geologic Information Specialist
b. 7.849 Publications Editor Series

Heather Dapice: Supervisory Personnel Analyst for the State of Nevada's Division of Human Resource Management, Classification Unit, presented the recommendation for changes to the Fiscal Management & Staff Services, Subgroups: Actuarial/Research/Grants Analysis, and Public Information, as part of the biennial class specification review process. These are Items VI-A-1-a, VI-A-2-a, and VI-A-2-b on the agenda. Beginning with Item VI-A-1-a, Insurance and Loss Prevention Specialist, in consultation with subject matter experts from the Department of Administration and the Department of Transportation, it is recommended that minor revisions be made to the series concept to clarify duties and responsibilities and to update verbiage. Also, minor changes were made to the minimum qualifications in order to maintain consistency with formatting and structure. Moving on to Item VI-A-2-a, Geologic Information Specialist, in consultation with subject matter experts from the Nevada System of Higher Education, University of Nevada, Reno, it was determined that the class concepts, minimum qualifications, and knowledge, skills and abilities were currently consistent with expectations and required no changes at this time; however, minor changes were made to the minimum qualifications, again, to maintain consistency with formatting and structure.

Lastly, Item VI-A-2-b, Publications Editor. In consultation with subject matter experts from the State Controller's Office, it is recommended that minor changes be made to the series concepts and minimum qualifications to refresh language and to better reflect current methods and practices utilized in the field. Minor changes were also made to the minimum qualifications to maintain consistency with formatting and structure. Through the course of these studies, management, agency staff, and analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed, and they support these recommendations.

Chairperson Fox: Thanked Ms. Dapice and asked if there were any questions or comments; there were none. She entertained a motion.

MOTION: Moved to approve changes to the class specifications for the Fiscal Management & Staff Services group, Subgroup: Actuarial/Research/Grants analysts, Class Code 7.711, Insurance and Loss Prevention Specialist; Subgroup 2, Public Information, Class Codes 7.814 and 7.849, Geologic Information Specialist and Publications Editor Series.
BY: Commissioner Day
SECOND: Chairperson Fox
VOTE: Motion passed unanimously.

B. Mechanical & Construction Trades
1. Subgroup: Graphics, Printing & Reproduction
a. 9.715 Offset Press Operator
b. 9.731 Offset Machine Operator Series
c. 9.739 Silk Screen Printer

Heather Dapice: Presented the recommendation for changes to the Mechanical & Construction Trades, Subgroup: Graphics, Printing & Reproduction as part of the biennial class specification review process, Items VI-B-1-a, VI-B-1-b, and VI-B-1-c on the agenda. Beginning with Item VI-B-1-a, Offset Press Operator, in consultation with subject matter experts from the College of Southern Nevada, it is recommended that the revisions be made to the series concept and minimum qualifications to update occupational language, reflect current methods and practices being used and to maintain consistency with formatting and structure. Item VI-B-1-b, Offset Machine Operator, in consultation with subject matter experts it is determined that the class concepts, minimum qualifications, and knowledge, skills and abilities are consistent with current expectations and require no changes at this time; however, minor revisions were made to maintain consistency with formatting and structure to the minimum qualifications. Lastly, Item VI-B-1-c, Silk Screen Printer, in consultation with subject matter experts from the Department of Transportation, it is recommended that revisions be made to the series concepts and minimum qualifications to update occupational language, reflect current methods and practices being used, and to maintain consistency with formatting and structure. Through the course of these studies, management, agency staff, and analysts within the Division of Human Resource Management participated by offering recommendations and reviewing changes as the process progressed, and they support these recommendations. We respectfully request that the Personnel Commission approve the recommended changes to the Offset Press Operator, Offset Machine Operator, and Silk Screen Printer series effective this date.

Chairperson Fox: Thanked Ms. Dapice and asked if there were any questions or comments; there were none. She entertained a motion.

MOTION: Moved to approve VI-B-1-a, Class Specification Maintenance Review, Mechanical and Construction Trades, Subgroup: Graphics, Printing, & Reproduction, 9.715, Offset Press Operator; VI-B-1-b, 9.731, Offset Machine Operator Series; and VI-B-1-c, 9.739, Silk Screen Printer.
BY: Commissioner Mauger
SECOND: Commissioner Day
VOTE: Motion passed unanimously.

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

Posting #13-18
- 6.208 Professional Land Surveyor II
- 6.210 Professional Land Surveyor I

Posting #14-18
- 7.634 Executive Branch Budget Officer II
- 7.632 Executive Branch Budget Officer I

Posting #15-18
- 3.530 Transportation & Safety Attendant III
- 3.535 Transportation & Safety Attendant II
- 3.540 Transportation & Safety Attendant I

Posting #16-18
- 12.392 Casework Management Specialist Supervisor
- 12.393 Casework Management Specialist IV
- 12.394 Casework Management Specialist III
- 12.395 Casework Management Specialist II
- 12.396 Casework Management Specialist I

Posting #17-18
- 10.306 Psychiatric Nurse IV
- 10.305 Psychiatric Nurse III
- 10.307 Psychiatric Nurse II
- 10.309 Psychiatric Nurse I

Posting #18-18
- 10.540 Marijuana Program Supervisor
- 10.541 Marijuana Program Inspector II
- 10.542 Marijuana Program Inspector I

Posting #19-18
- 10.352 Registered Nurse V
- 10.354 Registered Nurse IV
- 10.355 Registered Nurse III
- 10.359 Registered Nurse II
- 10.358 Nurse I

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

VIII. SPECIAL REPORT – PRESENTATION OF HEARING OFFICER CASE HANDLING STATISTICS

Shelley Blotter: Stated at the last Personnel Commission Meeting, Commissioner Mauger had some questions regarding our Hearing Officers and their case handling statistics, and I wanted to make certain that we brought that information to this meeting. The information that we capture is related to the cost, the average length of cases and outcomes. The Division relies upon the Hearings Division to conduct the Customer Satisfaction Survey. The Hearings Division conducted a survey last year, but unfortunately, it went to a small group of individuals that were involved in cases, and they only received one response. They created a more robust survey group this year and they indicated that they will have survey results for us that could be available at the next meeting. I'd like to go ahead and discuss what we have before us. As a reminder, the Hearings Division is our primary contractor for providing the service, and Mr. Charles Cockerill is the independent contractor that also provides services. So you see two lines of statistics for the

average number of days from appeal to outcome. Both entities are well within the average number of days that are expected, under 6 months.

On the second page, the average cost per appeal; again it's within a reasonable tolerance, what we would expect to see and not significantly higher or lower than when we had all independent contractors. I would say for the record for FY15 it looks like Mr. Cockerill had a significantly higher charge rate, but that was really due to him taking on two cases that required him to travel, and so those per diem rates were included, and the Hearings Division asked him to take those on. So, it was an extraordinary circumstance and not something that should be held against him for future consideration. As far as the outcomes, they're well within reason of what we saw historically for both the Hearings Division as well as Mr. Cockerill. We're not at a place where the Commission needs to consider renewing their contracts; this is an update of information, and we're generally satisfied with both entities at this time.

Commissioner Mauger: Stated I have a question on the amount of hearings in the first year, 15, versus the amount of hearings that we are now hearing, which is considerably less. Is there some indicator as to why? **Shelley Blotter:** Replied I didn't bring the statistics along with me, but I believe there are a lower number of appeals, generally; there are fewer appeals being filed at this point. **Commissioner Mauger:** Responded I did receive the outcomes of hearings from the last meeting to this meeting, and I appreciate it and thank you very much. I personally would prefer to see it once a year rather than once every three years; it gives me a better perspective. **Shelley Blotter:** Stated we'll make a note of that, to provide it on an annual basis, and in my wishful thinking, I'm hoping that managers and employees are doing a better job of resolving these types of things at an earlier stage.

Chairperson Fox: Asked if there were any additional questions or comments.

Kevin Ranft: Appreciated the opportunity to really look at this data; State employees often go to hearing as a last resort. There's a handful of hearing officers out there that are very fair on both sides, but there's a lot of them out there that we feel are not as objective as we would like. So we really look forward to participating in this survey that's just been released. I also want to let you know that there's a lot of settlements that our organization and State employees in general agree to, and I think sometimes it's even before it gets filed through the appeal process. Maybe we don't always see those stats and sometimes the Deputy Attorney Generals will reach out to us before an appeal is even filed. The process, I think, has some room for improvement, and we're looking forward to not only doing the survey, but hopefully a survey on how to improve the process in the future.

Chairperson Fox: Noted it will be interesting to see those results when they come in, but I do echo what you had to say. I think in particularly in the last five years, the Division has really strived to have processes in place that, in some ways, demand a better dialogue between managers and employees hoping to remediate the situation at the lowest level, improve performance prior to a formal disciplinary process. I think it's a vision, a commitment that the Division has to employees of State service; thank you.

IX. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS. NEXT MEETING SCHEDULED FOR SEPTEMBER 7, 2018.

Chairperson Fox: After deliberation advised the Commission that the next meeting is scheduled for Friday, December 7, 2018.

X. COMMISSION COMMENTS

No comments were put forth.

XI. 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.

XII. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.