

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Gaming Control Board, Meeting Room, 1919 College Parkway and in Las Vegas
at the Grant Sawyer Building, Room 2450, 555 East Washington Avenue via videoconference

**MEETING MINUTES (Subject to Commission Approval)
Friday, March 8, 2013**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

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

**STAFF PRESENT IN
CARSON CITY:**

Ms. Lee-Ann Easton, Division Administrator, DHRM
Mr. Shane Chesney, Sr. Deputy Attorney General
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

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

**STAFF PRESENT
IN LAS VEGAS:**

Ms. Heather Dapice, Personnel Analyst, DHRM

I. OPEN MEETING

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

II. ADOPTION OF AGENDA

Action Item

MOTION: Move to approve the adoption of the Agenda
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion

III. ADOPTION OF THE MINUTES OF PREVIOUS MEETING

Action Item

MOTION: Move to approve the Minutes of the 12/07/12 meeting
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

IV. PUBLIC COMMENT

Read into record by **Chairperson Fox**: No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Noted there was no public comment in the north or south.

V. DISCUSSION AND APPROVAL OF OCCUPATIONAL GROUP STUDY REVISED CLASS SPECIFICATIONS **Action Item**

Chairperson Fox: Noted that there were two items under this section with the first being presented by Brenda Harvey.

Brenda Harvey, DHRM (Division of Human Resource Management): Stated that she would be presenting the Weights and Measures Inspector class specification.

- A. Agriculture & Conservation Occupational Group
 - 1. Subgroup: Agriculture & Related – Weights & Measures
 - a. *Weights & Measures Inspector Series*

She noted that Weights and Measures Inspectors inspect all commercial weighing and measuring devices, enforce regulations and sample gasoline and diesel fuel for quality in order to protect the economic interests of consumers and merchants in the state. She added that minor revisions were made to the series concept. She said that the class concepts had been revised to reflect the current organization and distinctions between the levels within the series. In addition she said that the knowledge, skills and abilities had been revised to facilitate the recruitment process as well as extending the deadline for obtaining a Commercial Driver's License (CDL). She noted that if approved the changes would become effective March 8, 2013. She stated that the Department of Agriculture was the only agency currently using the class specification and they were involved in the study. She indicated that there was a representative from the agency who would comment on the revisions.

David Jones, Administrator, Division of Measurement Standards, Department of Agriculture: Stated that he wanted to explain the intent behind the changes. He stated that there were four levels of the Inspector Series. He added that with respect to the Inspector IV level the purpose for the modification was to orient it more towards an individual with leadership management experience and to that end they had removed some of the qualifying constraints. He noted that with regard to the Inspector III position they had wanted to ensure that that position had authority. He explained that they had three supervisory positions and this one in particular pertained to the position in Elko. He stated that the two Inspector IV positions for supervisors were located in the north in Sparks and Las Vegas. He added that the third and basically the baseline of inspectors for weights and measures was the position of Inspector II. This was the qualified inspector who would perform all the required functions to test and inspect equipment and to perform price verification in all retail areas in the State of Nevada. He stated that they had added the Inspector I position and the primary intent was to give the individual the time to learn the specifics of the job, have time to qualify for the CDL and finally it would allow time for the division to assess the individual's work ethic.

Chairperson Fox: Noted there were no other questions and no public comment in the north or south. She thanked the representative for providing opportunities for individuals to be hired by the state and gain the necessary experience to be able to promote within the series.

MOTION: Moved to approve the Occupational Group Study Revised Class Specifications for the Agriculture & Conservation Occupational Group, Subgroup: Agriculture & Related Weights & Measures a. Weights & Measures Inspector Series
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: Noted that they would move on to the second item presented by Heather Dapice.

Heather Dapice, Personnel Analyst, Compensation, Classification & Recruitment Section, DHRM: Stated that she would be presenting class specifications for the Mechanical & Constructional Trades Occupational Group.

- B. Mechanical & Constructional Trades Occupational Group
 - 1. Subgroup: Building & Grounds Maintenance
 - a. *Custodial Worker Series*

She noted that custodial workers perform general cleaning services at state facilities using various cleaning equipment and materials in order to provide a safe, hygienic and orderly work environment for all users. In consultation with subject matter experts it was determined that building custodial or janitorial experience must be clarified as being obtained at a commercial, industrial, hospital, governmental or similar environment. She stated that high school graduation or equivalent was added to the education requirement and experience was increased from zero years to six months of experience at the journey level Custodial Worker I. She stated that subject matter experts believed that the changes would result in a more knowledgeable and qualified work applicant. She added that additional changes were made to the job responsibilities and minimal qualifications at each level to reflect the changes. She stated that during the Personnel Commission meeting on December 7, 2012 Chairperson Fox and Commissioner Mauger had expressed concerns over the addition of the six months experience for the Custodial Worker I level or the journey level. She noted that to alleviate those concerns an entry level Custodial Worker Trainee was added to class specifications with the minimum qualifications to reflect a need for graduation from high school or the equivalent. She asked that the Personnel Commission approve the class specifications effective March 8, 2013.

Commissioner Mauger: Stated that he appreciated the effort of the DHRM in resolving this issue.
Commissioner Sanchez: Asked what the need was currently for that type of training position.
Heather Dapice: Responded that during the last Personnel Commission meeting it had been noted that the Custodial Worker I was always at the journey level but at that time it did not have any experience or education requirements. She stated that agencies had indicated their concerns in that they were hiring individuals that did not have the necessary qualifications to be able to do the job so they had added six months experience and graduation from high school or the equivalent. She continued that during the December meeting Commissioners had indicated concerns about losing the level that did not require experience. To correct that, we added an entry level to the series which does not require any previous experience. **Chairperson Fox:** Stated that she understood from what Ms. Dapice was saying was that departments would have the flexibility to hire someone without any directly-related experience or adding in a minimum of six months of related custodial experience.

Heather Dapice: Responded that that was correct in that there would be more flexibility to reach the advanced journey level which was the Custodial Worker II level, the journey level and/or entry level with no experience and one could train for the job. **Commissioner Sanchez:** Asked if it would be correct to assume that individuals coming into the trainee position and learning the state's way of doing business would have a better opportunity. **Heather Dapice:** Responded that it would be a new way to meet new qualifications.

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

MOTION: Moved to approve the Occupational Group Study Revised Class Specifications for the Mechanical & Constructional Trades Occupational Group, Subgroup: Building & Grounds Maintenance specifically the Custodial Worker Series
BY: Commissioner Mauger
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion

VI. INDIVIDUAL RECRUITMENT APPEAL

Action Item

Chairperson Fox: Stated that the next item was an individual recruitment appeal for Bethany Musselman, Tax Examiner II for the Department of Motor Vehicles (DMV).

Bethany Musselman, Tax Examiner, Department of Motor Vehicles: Stated that on October 22nd she had submitted an application for a Tax Program Supervisor position with the DMV, Motor Carrier Division and that same application was denied. She indicated that subsequent to further correspondence she determined that her application was denied based on lack of experience. She stated that she had been employed by the DMV for five years effective September 2012. She added that her experience at the DMV Tech I and Tech II positions were not counted on her application as qualifying experience as it was earned at a para-professional level. She stated that she had corresponded with the Personnel Department and they stated that they would accept her experience in the Tax Examiner I and II positions even though those positions were also classified as para-professional positions. She added that they had advised her that they were unwilling to accept her experience in the DMV Tech series.

She continued that in their recommendation to deny the appeal they had stated that she had failed to list job duties that provided the entry level knowledge, skills and abilities for the Tax Program Supervisor position. She said they went on to say that they had simply looked at the class specifications for a DMV Tech I and II position. She added that if one looked at her application the job duties that she had listed under those positions at the DMV of Tech I and II, the work experience that was accrued in those positions fully supported the work experience that was required for the Tax Program Supervisor position. She noted that the Tax Program Supervisor position itself had on its list of duties the supervision of the DMV Tech I and II positions. She stated that she felt that it was unfairly denied and the fact that her experience was not taken into account because it fell under an incorrect job title seemed to demonstrate to her a misunderstanding of what the supervisor's position itself entails.

Commissioner Brust: Asked Bethany Musselman what she was seeking from the Personnel Commission. He asked if she wanted to be able to qualify for the next time that they gave the exam.
Bethany Musselman: Responded yes, she would like that opportunity. She added that the position

had been filled and that she had considered herself as the best qualified and had missed out on a huge opportunity. She noted that as she continued to work she was accruing the necessary three years' requirement however in the event that a position did open up again she would like to be able to qualify and have the opportunity to interview for it. **Commission Brust:** Referred to the vacancy of the Tax Program Supervisor I and asked if she served as the team leader. **Bethany Musselman:** Responded that she had served as the Acting Supervisor. She acknowledged that she currently served as a team lead. **Commission Brust:** Asked how long she had served as the Acting Supervisor. **Bethany Musselman:** Responded that she had served as the Acting Supervisor from October 1st and that she had continued in that role until the position was formally filled on January 22, 2013. She added she was now involved in the training of that person in her new position.

Commission Brust: Referred to the period when she served in the role of Acting Supervisor and asked if she performed all the duties of the Supervisor I with the exception of any personnel issues. **Bethany Musselman:** Responded yes. **Commissioner Brust:** Asked if there was any additional technical knowledge or skills at the supervisory level that she had not performed as a technician. **Bethany Musselman:** Responded by giving an example. She stated that a technician would submit paperwork for a refund while the supervisor would review that for accuracy and would be responsible for approving the refund. She stated that the knowledge that was required for a supervisor to be able to verify that information would have been earned at the tech level.

Commissioner Read: Referred to her employment period and remarked that since this position was a professional or management position as opposed to a tech, asked if she had completed anything further in the way of formal education such as accounting courses or classes at a university or community college to improve her skills. **Bethany Musselman:** Responded she had not, not since she began working at the DMV. **Commissioner Sanchez:** Stated that the DHRM had made a recommendation which stated that as the applicant did not have a bachelor's degree and did not have three years of professional revenue collection experience that she had not qualified. He stated given her acting experience and her other experience did she need those three years.

Rosanna Woomeer, Personnel Analyst, Classification, Compensation and Recruitment Unit, DHRM: Stated that she was the recruiter for the Tax Program Supervisor I Grade 35, Announcement Number 17851 for the DMV. She stated that for the job specifications there are three ways to qualify for the position and stated the options: 1) graduation from high school or equivalent education and three years of professional revenue collection experience requiring the interpretation and application of statutory provisions and regulations and/or in the examination of tax returns or other financial reports for legal compliance; 2) a bachelor's degree from an accredited college or university in accounting, economics or a related field and one year of professional experience involving tax administration and/or collections in the application of tax statutory provisions and regulations; and 3) an equivalent combination of education and experience.

She continued that Ms. Musselman did not have a bachelor's degree and for that reason they utilized the first option which was graduation from high school or equivalent education and three years of professional revenue collection experience. She stated that the evaluation of Ms. Musselman's application determined that she did not meet the required three years of professional experience as per the minimum qualifications. She noted that she was given credit for her experience as a Tax Examiner II (nine months) and Tax Examiner I (one year) for a total of one year and nine months of relevant professional experience, leaving her short one year and three months of experience.

She stated that the appeal was based on the belief of the applicant that her experience as a DMV Services Technician I, Grade 23, and DMV Services Technician II, Grade 25, should be considered professional. She said the duties performed by DMV Services Technician I and II were not a professional level. DMV Services Technicians review documentation and approve initial and continuing requests for driver vehicle business privileges using applicable procedures and multiple programs in determining the validity of documents. She said the DMV Services Technician I, Grade 23 would be under direct supervision and receive training as it was the entry level in the series. DMV Services Technician II, Grade 25 performed duties related to registration or driver's licensing. She said that assigned duties were narrowly focused and were defined by specific procedures and requirements. She added that the series were not considered professional.

She continued and said that Ms. Musselman's experience as documented on her application as a DMV Services Technician I and II included assisting customers with ensuring registration for commercial trucks, ensuring compliance with paying sales tax, collecting sales tax and registration fees and reconciling cash at the end of the day. She stated that the responsibilities were not considered professional and therefore the experience as a DMV Services Technician I, Grade 23 and DMV Services Technician II, Grade 25 could not be credited towards the required three years of experience. She noted again that the minimum qualification for Tax Program Supervisor I, Grade 35 required professional revenue collection experience. She stated that for the stated reasons the DHRM respectively requested denial of the appeal.

Commissioner Brust: Asked what technical knowledge and duties were required of the supervisor that were not personnel-related. **Rosanna Woomeer:** Responded that at a professional level the supervisor would have to have experience in collections. She said collections did not just mean the acceptance of revenue for a service provided. She said the term collections ensues when describing the work that involved the collection of delinquent accounts which included filing, garnishment, liens, withholds, skip tracing and going after involuntary payments. She stated that this did not include receiving revenues resulting from a billing notice or voluntary compliance by a debtor.

Commissioner Sanchez: Referred to the period when Ms. Musselman was in the position of Acting Supervisor from October 1, 2012 to January 22, 2013 and asked how qualified was she to do that. He asked how much weight that would have carried in the decision of the DHRM. **Rosanna Woomeer:** Responded that for the period when a person is in an acting position they are not required to meet the minimum qualifications of that position. She referred the members of the Personnel Commission to Exhibit 7, Letter from the supervisor to Ms. Musselman which stated in the last paragraph: "In addition, although you are acting as the Tax Program Supervisor I this does not warranty that you will qualify or be given preference for the position during the recruitment process."

Commissioner Mauger: Referred to the recruitment process and asked who the recruitment officer was who had made the decision that denied her the eligibility to apply. **Rosanna Woomeer:** Responded that she was the recruiter for the announcement. **Commissioner Mauger:** Stated that he understood then that based on the knowledge that she had just reviewed that she had made the decision to deny her the opportunity. **Rosanna Woomeer:** Responded that she reviewed the qualifications as provided on the application which was the process and how they made their determinations.

Commissioner Mauger: Referred to the time that Ms. Musselman spent in the position of Acting Tax Program Supervisor and asked if she would have gained at least some professional experience as

a credit towards any future positions. **Rosanna Woomer:** Responded that it would be counted but it could not be doubled up for two positions.

Chairperson Fox: Asked for clarification. She asked Ms. Woomer if she was saying that as Ms. Musselman continued in her capacity as a Tax Examiner II she would be gaining the qualifying experience to apply for the position the next time that it would be posted. **Rosanna Woomer:** Responded yes. **Chairperson Fox:** Asked if there was a representative from the Motor Carrier Division of the DMV to answer any questions. **Commissioner Brust:** Responded that he had wanted to get the administrator's opinion on the matter. He said the DHRM had indicated that they would only accept professional experience to qualify but the DHRM had accepted experience as a Tax Examiner I and II (both categorized as para-professional). He stated that the DMV Services Technician 1 and II were also so categorized. He asked why they were accepting one but not the other. **Rosanna Woomer:** Responded that the DHRM typically would take Grade 30 and above if the experience is relevant to the minimum qualifications and appeared to be at that professional level. She noted that some positions were categorized under the para-professional level but they considered the duties as well.

Commissioner Brust: Asked if there had been a request for reclassification of the technicians to the Tax Examiner level and if so, what was the current status? **Rosanna Woomer:** Responded that the administrator would have to address that question. **Peter Long:** Stated that it was his understanding that the DMV Motor Carrier Section requested that some, if not all, of their techs be reclassified upward to Tax Examiners subject to approval of funding. He acknowledged that they would still have to review the duties to see if they were at that level.

Commissioner Brust: Referred to the time that Ms. Musselman served in the supervisory position and asked if she agreed, if the supervisory position did in fact have duties and knowledge requirements that were not required of technicians. **Bethany Musselman:** Responded that she agreed that the supervisor has to be able to have some knowledge above what would be required of a technician but in addition that supervisor would have to have the knowledge that is required in both Technician I and II positions to be able to effectively lead the team. **Commissioner Brust:** Asked what knowledge specifically above the Technician I and II levels would be required. **Bethany Musselman:** Responded that they would need to be able to interpret NRSs (Nevada Revised Statutes) for clarification and to be able to verify that work was being done accurately. She added that the duties of the technicians as related by Rosanna Woomer were perhaps more simplified than they were in practice. She said the technicians were responsible for ensuring compliance with Nevada Statutes, the International Registration Plan and the International Field Tax Agreement and federal regulations. She added that the technician positions in the Motor Carrier Division required far more knowledge and judgement skills than technicians working in the Field Services Division and she provided examples. She added that these were some of the reasons that they had requested reclassifications. She said that Mr. Long had stated if the positions were reclassified that they would then need to take on Tax Examiner responsibilities and the department's view was that was already the position.

Commissioner Sanchez: Noted he wanted to clarify for himself and the other Commissioners and he asked if it was her remedy that she be allowed to compete for the next examination that occurred. **Bethany Musselman:** Responded that was correct. **Commissioner Sanchez:** Directed this question to the DMV and asked when would the next recruitment occur for this position? **Bethany Musselman:** Responded that that was difficult to know as it would depend on different individuals' decisions with regard to leaving positions or retirement. **Commissioner Brust:** Asked if she would

be eligible within a year and three months. **Bethany Musselman:** Responded if it opened after a year and three months she would qualify. **Peter Long:** Confirmed he would not know when a position would open up. He stated that they had 16 applying for the position, 8 qualified so one was hired and now they had a list of 7 remaining. He noted the agency could use that list or do a new recruitment.

Chairperson Fox: Noted that if the reclassification took place that could affect other employees as well. **Peter Long:** Noted the decision made at the meeting could have an effect on their decisions. He said also that there were Tax Supervisors at the Department of Taxation who might not agree that the experience gained as a DMV Technician II would qualify for a Tax Program Supervisor position. **Commissioner Read:** Noted that there was both a general and specific type of knowledge and a bachelor's degree was more of a general knowledge. He asked if there was a way that applicants could add to their knowledgebase in the form of classes. **Peter Long:** Responded that if any applicant had taken courses/programs in higher education the DHRM would credit that education towards the experience requirement. **Commissioner Sanchez:** Asked Chairperson Fox that if the Commission accepted the appeal exactly what action would they be engaging in. **Chairperson Fox:** Responded that if they accepted the request of the appellant and the Commission approved the appeal in which she was asking for her experience as DMV Technician II to be considered then the next time there was an opening for a Tax Program Supervisor I she could apply. She said that she heard both the appellant and the DHRM state that her experience as a Tax Examiner I and II was considered and utilized towards the three years of professional revenue collection. She continued, but what was not deemed to be qualifying experience was the DMV Technician II position. She said that as an HR professional she was more concerned that if the Personnel Commission accepted her appeal the implications to others similarly situated, who would believe they could also qualify, would be an important consideration.

Chairperson Fox: Noted that there were no further questions.

MOTION: Moved to deny the appeal by Bethany Musselman to have her experience be considered for the next recruitment for Tax Program Supervisor I

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: The vote was passed in favor of the motion with three ayes and two nays. Two nay votes by Commissioners Mauger and Brust.

Chairperson Fox: Noted that in terms of evaluating education experience to ensure you have qualified applicants she considered it evident that it was a balancing act in that you review both qualifying education and experience. She added that the Commission was also concerned about career service and progression of employees and they wanted to see employees given the greatest opportunity to be promoted from within or beyond a series. She stated that it was her opinion that the DHRM had done their role in reviewing all related education experience that both qualified and did not qualify the appellant for the Tax Program Supervisor I position.

Commissioner Brust: Stated that he was concerned that they had a supervisor having eight technicians working for him/her and those technicians irregardless of the number of years of experience would never qualify to test for the supervisory position.

VII. DISCUSSION AND APPROVAL OF REQUEST FOR REVISION TO CLASS SPECIFICATIONS TO INCLUDE PRE-EMPLOYMENT SCREENING FOR

CONTROLLED SUBSTANCES

Action Item

A. Staff I, Associate Engineer

Stephanie Neill, Supervisory Personnel Analyst, Classification, Recruitment and Compensation, DHRM: Stated that during the December 7, 2012 Personnel Commission meeting the Staff I, Associate Engineer position specific to the Nevada Department of Transportation (NDOT) was approved for pre-employment screening for controlled substances. She added that the request to revise the class specification to accommodate the change was inadvertently omitted from the agenda. She stated that the DHRM was respectfully requesting the approval of the revision of the class specification to reflect the pre-employment screening requirement effective December 7, 2012.

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

MOTION: Moved to approve the revision to class specifications for Staff I, Associate Engineer specifically to include pre-employment screening for controlled substances.
BY: Commissioner Read
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Postings #02-13, #03-13, #04-13, #05-13

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

IX. SPECIAL REPORT – BOE APPROVAL OF DIVISION OF HEARINGS AND APPEALS INTERLOCAL AGREEMENT

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

Lee-Ann Easton, Administrator: Confirmed that on December 7, 2012 the Personnel Commission approved the addition of the Hearings and Appeals Division Appeals Officers to be added to the list of Hearing Officers. She confirmed that they had taken the contract to the BOE (Board of Examiners) on February 12, 2013 and it was approved.

X. PUBLIC COMMENT

Read into record by **Chairperson Katherine Fox:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Noted that there was no public comment in the north or south.

XI. ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Noted that in the meeting of December 7, 2012 they had agreed on May 10, 2013 as being the date of the next meeting. Additionally there would be meetings on June 24, 2013 to deal with legislative changes that might occur before July 1, 2013. She stated that it had been proposed that the subsequent meeting be for Friday, September 20, 2013.

XII. ADJOURNMENT

The meeting was adjourned 10:00 a.m.