

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Legislative Building, Room 4100, 401 South Carson Street, and in Las Vegas at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue via videoconferencing

**MEETING MINUTES (Subject to Commission Approval)
September 17, 2010**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

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

**STAFF PRESENT IN
CARSON CITY:**

Ms. Cameron Vandenberg, Deputy Attorney General
Ms. Shelley Blotter, Division Administrator, Department of Personnel
Mr. Peter Long, Division Administrator, Department of Personnel

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Ms. Daryl Ann Moore, Commissioner
Mr. David Sánchez, Commissioner

**STAFF PRESENT
IN LAS VEGAS:**

Ms. Teresa J. Thienhaus, Director, Department of Personnel
Mr. Mark Anastas, Division Administrator, Department of Personnel

I. OPEN MEETING

Chairperson Katherine Fox opened the meeting at 9:02 A.M. There was a roll call and introductions by staff.

II. *ADOPTION OF THE AGENDA

MOTION: Move to adopt the agenda
BY: Commissioner Brust
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

**III. *ADOPTION OF MINUTES OF PREVIOUS MEETING
May 21, 2010**

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MOTION: Move to adopt the minutes of previous meeting dated
May 21, 2010.
BY: Commissioner Moore
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

**IV *APPROVAL OF PRE-EMPLOYMENT SCREENING FOR CONTROLLED
SUBSTANCES**

A. Academic Teacher, Class Code 5.106, 5.112 Vocational Education Instructor

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

The Department of Health & Human Services, Division of Child & Family Services has requested, and the Department of Personnel recommends, approval of pre-employment testing for the following classes:

B. Vocational Education Instructors, Class Code 5.112

It was her understanding that a representative from the agency was available to answer any questions they may have.

MOTION: Move to Approve Pre-Employment Screening for Controlled
Substances; Academic Teacher, Vocational Education Instructors
BY: Commissioner Read
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

**V. *APPROVAL OF PROPOSED REGULATION CHANGES TO NEVADA
ADMINISTRATIVE CODE, CHAPTER 284**

A. **LCB File No. R057-10.** NAC 284.498 Training of supervisory and managerial employees

Mark Evans: Stated, he would be reviewing LCB File R057-10 which is a proposed change to NAC 284.498 which relates to training for supervisory and managerial employees. The current training regulation is complicated and compliance is difficult to track. We are recommending simplifying the regulation by requiring supervisors to take the 6 mandatory topics every three years. Requiring supervisors and managers to take the mandatory classes every three years will ensure that they are updated more frequently on the required topics and related regulation changes. On-line training options will ensure that supervisors and managers have ready access to the classes, and the online versions can be completed in approximately 15 hours. Finally, we are

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eliminating the requirement of 40 hours of training every three years since this may not be possible for agencies to provide given current budget constraints.

Chairperson Fox: Ask for the titles of the six classes.

Mark Evans: Evaluation of the Performance of Employees; Equal Employment Opportunity; Interviewing and Hiring; Alcohol and Drug Testing Program; Progressive Disciplinary Procedures; Handling of Grievances.

Chairperson Fox: Asked, what are the Federal Guidelines or requirements regarding Equal Opportunity Training?

Mark Evans: Answered, he is not aware of any requirements, what we provide is to make supervisors aware of the Equal Employment Opportunity Law as well as all employees are required to take Sexual Harassment training.

Chairperson Fox: Asked, what is the consequence of individuals not in compliance with the required training?

Mark Evans: Answered, non-compliance certainly could be used against them in an administrative hearing, if it is brought to light that a supervisor hadn't completed training. For completing evaluations, there would be doubt in the EMC's mind whether they had been done correctly, or if it went into a court situation, it could be used against the supervisor and did they meet the requirements which would hurt their credibility.

Commissioner Sánchez: Asked, will this be used against a supervisor in their performance evaluation if non-compliant?

Mark Evans: Answered, his recommendation, if an agency contacted him with this issue would be to have it clearly addressed in the evaluation. Additionally, agencies need to be tracking this and he indicated if supervisor refused, the supervisor would be disciplined; and there is availability of online classes through DOP.

Chairperson Fox: Asked if there was a self test at the conclusion of an online class to insure they have passed a minimum standard?

Mark Evans: Answered in the affirmative. If they do not pass the online class, they are required to attend the live version of that class.

MOTION: Move to approve Proposed Regulation Changes to NAC
284.498 Training of supervisory and managerial employees.
BY: Commissioner Read
SECOND: Commissioner Moore
VOTE: The vote was unanimous in favor of the motion.

B. LCB File No. R058-10 NAC 284.589 Administrative leave with pay

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Carrie Hughes: Stated, Again for the record, my name is Carrie Hughes and I am a Personnel Analyst with the Department of Personnel.

LCB File R058-10 Proposes a permanent amendment to NAC 284.589. It will require an employee placed on administrative leave primarily in conjunction with an investigation or a screening test to be available by phone and to be available to attend meetings or return to work. This amendment will clarify that the purpose of administrative leave is to temporarily remove an employee from the workplace because it is in the best interest of the State and that it is not intended to be free time for the employee. It will also codify what is current practice in some State agencies.

MOTION: Move to approve the changes to Nevada Administrative Code, Chapter 284, LCB File No. R058-10 NAC284.589–Administrative leave with pay.
BY: Commissioner Brust
SECOND: Commissioner Read
VOTE: The vote was unanimous in favor of the motion

C. LCB File No. R059-10 NAC 284.726 Access to confidential records

Mark Evans: Stated, he would be reviewing LCB File R059-10 which is a change to NAC 284.726 Access to confidential records.

Paragraph 7 of the current regulation states that if the Director of the Department of Personnel or appointing authorities will not release any confidential information under their control to the specific groups listed in the regulation, the decision may be appealed. However, the regulation does not state who the decision should be appealed to and does not provide a process for the appeal. In most cases, the parties would have other means to of getting this information or could potentially request it through a subpoena. Therefore, we are recommending deleting this provision in the regulation.

MOTION: Move to the approve the changes to Nevada Administrative Code, Chapter 284, LCB File No. R059-10 NAC 284.726--Access to confidential records.
BY: Commissioner Daryl Ann Moore
SECOND: Commission Read
VOTE: The vote was unanimous in favor of the motion

VI. *APPROVAL OF OCCUPATIONAL GROUP STUDY NEW/REVISED CLASS SPECIFICATIONS

- A. Education Occupational Group
 - Subgroup A: Academic-Vocational-Teaching
 - 5.103 – *Principal*
 - 5.104 – *Vice Principal*

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Heather Dapice: Stated, she was there to present the class specifications for Principal and Vice Principal, from the Educational Occupational Group, Subgroup A, Academic-Vocational-Teaching.

Working with a subject matter expert from the Nevada Youth Training Center, Division of Child & Family Services, the Department of Personnel recommends minor revisions to the duty statements and knowledge, skills and abilities.

Under general direction of the Superintendent, Principals are responsible for the planning, development, organization, and supervision of comprehensive academic, vocational and physical education programs for adjudicated juveniles assigned to a youth training facility.

Minor changes were made to the duty statements and knowledge, skills and abilities required. In addition the agency requested that the word “delinquent” be removed, as students at the youth training facilities are referred to as “adjudicated juveniles”.

Under direction, vice principals assist in the planning, development, organization and supervision of a comprehensive academic, vocational and physical education program and provided direct counseling to adjudicated juveniles in a youth training facility.

Minor changes were made to the duty statements and the knowledge, skills, and abilities required. In addition, the word “delinquent” was also removed and substituted with “adjudicated juveniles”. Also, it is recommended that the duty statement pertaining to school athletic programs be removed, as students at youth training facilities no longer participate in the athletic leagues.

It is also recommended that the Principal and Vice Principal classes be added to the list of classes requiring pre-employment screening for controlled substances. The Commission, in agenda item IV, approved pre-employment drug screening for the academic teachers and vocational education instructors at the Nevada youth Training Center; the Principal and Vice Principal classes function in the same environment. An agency representative is available to answer any questions pertaining to this request.

Commissioner Read: Asked how many students are currently enrolled?

Fernando Serrano: Deputy Administrator, Division of Child and Family Services in charge of Juvenile Services: Answered, they are currently averaging 132 youth at the Nevada Youth Training Center, coming from all over the state with every county being represented. These youth have committed a number of delinquent offenses, for which they have been adjudicated by local juvenile court judges to no longer remain in the community and be committed to a state juvenile correctional facility.

Commissioner Read: Asked, how many facilities are in the state?

Fernando Serrano: Answered, there are two facilities, Nevada Youth Training Center located in Elko and Caliente Youth Center.

Chairperson Fox: Asked the Commissioners if they would like Ms. Dapice to continue with the Vice Principal description before entertaining a motion and taking a vote?

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The Commissioners answered in the affirmative.

Heather Dapice: Continued with the Vice Principal description.

Chairperson Fox: Asked that the Physical Education portion be clarified.

Fernando Serrano: Clarified that there is a Physical Education program at the Northern Nevada Youth Training Center, but there is no longer an Inter-scholastic program due to budget cuts.

Chairperson Fox: Clarified the changes to be made to these two classifications: changes were made to the duty statement specifically, changing the word “delinquent” to “adjudicated juvenile” and additionally positions in this class will require pre-employment screening for controlled substances which will be added as a special requirement in the minimum qualifications.

MOTION: Move to approve Occupational Group Study New/Revised Class Specifications - Education Occupational Group
Subgroup A: Academic-Vocational-Teaching
5.103 – *Principal*
5.104 – *Vice Principal*
BY: Commissioner Moore
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

Subgroup B: Program & Planning

5.204 – *Administrator, Southern Office & Teacher Licensing*
5.221 – *Teacher Licensing Analyst*

Heather Dapice: Stated that while working with a subject matter expert, the Department of Personnel recommends minor revisions to the minimum qualifications and knowledge, skills and abilities. Under general direction of the Superintendent of Public Instruction, the Administrator, Southern Office & Teacher Licensing represents the Department and Superintendent to local educational agencies, postsecondary institutions, and other groups and constituencies. The Department of Education has requested that the requirements to possess a conditional license and a valid license to teach in Nevada be removed. Agency management believes the licensure requirements do not apply to this position, as the primary function of the position is Education Administration.

Under general supervision, teacher licensing analysts evaluate transcripts and determine eligibility for teacher licensure for one or two geographical divisions for the State. The Department of Education has requested modification of the minimum qualifications to exclude the option of graduation from high school or equivalent education and four years of experience. Agency management believes high school graduates do not have the requisite knowledge to evaluate college courses and transcripts to determine the eligibility of individuals to receive a Nevada Teacher’s License. Working knowledge of professional education preparation

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programs, principles and practices of public school system organization, administration and curriculum challenges; and principles and methods of educational career and guidance counseling were added to the entry level knowledge, skills and abilities. Additionally, the ability to research and verify the level, content, unit value and grading system for courses at multiple education institutions to determine appropriate course equivalencies was also added to the entry level knowledge, skills and abilities to better reflect what is required of the job.

Commissioner Read: Asked if there are problems filling the Administrator position because of the teaching certificate requirements?

Heather Dapice: Stated, in the SME meetings, the current Administrator indicated that recruitment with this requirement was difficult. Since the Administrator doesn't actually teach, they would like it removed.

MOTION: Move to approve Occupational Group Study New/Revised Class Specifications - Education Occupational Group
Subgroup B: Program & Planning
5.204 – *Administrator, Southern Office & Teacher Licensing*
5.221 – *Teacher Licensing Analyst*
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.

- B. Fiscal Management & Staff Services
- Subgroup: Materials Acquisitions & Services
- 7.304 – *Purchasing Officer III*
- 7.305 – *Purchasing Officer II*
- 7.302 – *Purchasing Officer I*
- 7.307 – *Buyer IV*
- 7.308 – *Buyer III*
- 7.310 – *Buyer II*
- 7.318 – *Buyer I*

Brenda Harvey: Personnel Analyst for the Department of Personnel. Very few changes to the Purchasing Officer series and class concepts were necessary. The class concepts and knowledge, skills and abilities at the three and two levels were modified to reflect the responsibility of conducting training and instructional meetings. This study has no fiscal impact, and if approved, the changes will become effective today, September 17, 2010.

Chairperson Fox: Stated that the only changes were adding the conducting of certification training and instructional meetings.

MOTION: Move to approve Fiscal Management & Staff Services
Subgroup: Materials Acquisitions & Services
7.304 – *Purchasing Officer III*
7.305 – *Purchasing Officer II*

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7.302-- *Purchasing Officer I*
BY: Commissioner Read
SECOND: Commissioner Moore
VOTE: The vote was unanimous in favor of the motion.

Brenda Harvey: Personnel Analyst for the Department of Personnel. Subject matter experts from agencies that use the Buyer series indicated that no changes to the class specification were necessary at this time. Therefore, no changes were made. To document the review we developed a new code RNC (Review No Change) to recognize this.

MOTION: Move to approve Fiscal Management & Staff Services
Subgroup: Materials Acquisitions & Services
7.307 – Buyer IV
7.308 – Buyer III
7.310 – Buyer II
7.318 – Buyer I
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.

C. Social Services & Rehabilitation

Subgroup: Group Institutional Supervision and Correction

12.562 – Youth Training Center Counselor

Heather Dapice: Personnel Analyst for the Department of Personnel. The Nevada Department of Personnel conducted a class specification maintenance review for the Youth Training Center Counselor Class. During the review, the Nevada Division of Child & Family Services, Nevada Youth Training Center requested that this class be abolished through attrition. The agency stated that all but two positions have been reclassified to the Mental Health Counselor II Class and that all new counselors will also be hired in this class. The Division of Child & Family Services is the only agency that uses this class, and we respectfully request that this class be abolished through attrition, effective today.

Commissioner Sánchez: Asked how long is it anticipated that this will take in terms of the attrition?

Heather Dapice: The two individuals that are currently in that class do not appear to meet the minimum qualifications for Mental Health Counselor II's, which is why they were left at this class. When they meet the minimum qualifications and or when they transfer or leave, the class will be abolished.

MOTION: Move to approve Social Services & Rehabilitation
Subgroup: Group Institutional Supervision and Correction
12.562 – Youth Training Center Counselor
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.

VII. *DISCUSSION AND POSSIBLE ACTION REGARDING INDIVIDUAL CLASSIFICATION APPEAL

Humberto Tony Granitto UNLV - Student Affairs Building Maintenance

Humberto Granitto: He stated he is employed with UNLV and a Maintenance Repair Worker II. He said he would present facts that indicate that a large percentage of his work day is done performing higher level duties that fit the painter class series concept, and those duties are not consistent with the title he currently holds. He said he would compare the boundaries that separate the two classes and provide a substantial amount of evidence. He went on to say that he is not looking for a gratuitous outcome but rather to be classified correctly. The analysis that was conducted by human resources on the reclassification concluded that under general supervision he did not perform the full range of duties in the painter class, even though he was doing painting 80% of the time. He indicated that this actually confirms that significant change has taken place and that he performs painting 80% of the time. He is also the sole swing shift employee for the Department; he is responsible to address all matters and does so without supervision. He is also responsible and held accountable for providing input on restoration and he communicates with the administrators directly for painting issues. He indicated that the Administrators support his reclassification. He has been assigned the responsibility for making recommendations and decisions with a degree of authority and independence not typical of other positions in the class he holds. Human resources stated that according to a supervisor, he doesn't review blueprints, assist contractors, review bids and work completed by contractors or estimate costs of jobs. Those statements are inaccurate; how can he be expected to prove that he assists contractors, review their bids, and monitor the quality of their work when the Department hasn't contacted or needed a contractor since he started working there, he feels this is being held against him. He stated that he does review blueprints, and he has estimated materials needed to complete a project. He went on to state that Human Resources indicated that it is not uncommon to assign tasks based on employees skills. He stated that doing this has its limits and its consequences. The Maintenance Repair Worker is supposed to do basic painting and patching, which is set in policy to distinguish the level of skill required for that class. Basic is defined as elementary and simple in fashion and that patching is defined as completed in hasty, makeshift way. On the other hand, the painter is responsible for skilled work which, in comparison exceeds those requirements. He indicated there is a big difference when the classes are compared; this is where the boundaries are distinguished between the Maintenance Repair Worker and the Painter classes. These boundaries have been crossed and this is why he is here. He discussed the photos included in the appeal packet showing that the patched work was acceptable. He went on to state that the Maintenance Repair Worker holds a position that is introductory to all the trades at a basic level. The specifications of that class require that they perform basic repairs rather than skilled work. Regardless of the outcome there will still be a need for a painter on staff. The demands for higher level responsibilities are not going away. He states in theory, even though he is a Maintenance Repair Worker in reality he functions as, and is utilized as deployed and exploited as a painter. He says even the analysis agrees with that conclusion. He went on to say that he believes he has provided evidence, which is collaborated by the Administration's own analysis in support that the percentage of time spent performing higher level duties throughout the tenure justifies the position reclassification.

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Teresa Thienhaus: Asked Cameron Vandenburg about the numbering on the agenda being mis-numbered, and to please clarify if we are ok to proceed.

Cameron Vandenburg: Stated that as long as all of the agenda items are on there, you can proceed. She stated that she is not aware of any requirement that the agenda needs to be numbered as long they are noted as an action item or not.

Naomi Thomsen: Compensation Manager for UNLV: Read into record a letter from George Dombroski, who could not make it to the meeting. She stated that in order for a position to be reclassified a position must undergo significant change in duties. These duties should be those that are outside the scope of the class specification. Also, it is not part of the scope of the responsibility of the position, which results in the preponderance of duties and responsibilities being assigned to a different class. Three analysts, including Mr. Dombroski, have reviewed Mr. Granitto duties and responsibilities against these three tasks and have determined that a reclassification is not justified. The first test is not met because 80% of the position duties and responsibilities are painting and repairing drywall. Since painting and repairing drywall are duties that are consistent to the Maintenance Repair Worker class series, these duties are not outside the scope of the class specification. The second test is not met because there is no change to the position duties that is not part of the scope of the class specification. The third test is not met because the preponderance of the duties and responsibilities are consistent with the Maintenance Repair Worker class series. Recommends the Commission reject the reclassification to Painter I.

Commissioner Brust: Asked UNLV about the painter duties that were specifically delineated and how they differentiate from the current position that we are considering: the estimating costs of jobs, estimating materials, contacting vendors, completing purchases, documenting time for billing purposes, serving as lead worker by training, work direction, work review, and assisting contractors by providing information regarding existing structure and required work. As well as, review bids and work completed by contractors by quality of performance. Who performs these duties since the claim by UNLV is that the incumbent is not performing them?

Naomi Thomsen: Stated that the nature of the work performed by the Student Affairs Maintenance Department is not to the extent that our Facilities Department conducts. And the Painters in the Facilities Department work on large scale remodels and new buildings and they are involved with blue prints and estimating and purchasing paint and performing the high level painter duties. The Student Affairs Maintenance Department, the Supervisors, Director and Assistant Director are responsible for budgetary and planning functions for that Department. That would include the blueprints, the estimating costs, making decisions on purchasing.

Commissioner Brust: How many are classified as Maintenance Repair Worker III and how do those positions differ from the one they are considering?

Naomi Thomsen: She said she does not have the ORG chart with her and is not certain how many are in that Department.

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Commissioner Brust: In looking at the class specification, it talks about the senior journey level and the Maintenance Repair Worker III level. How does this position not meet these requirements?

Naomi Thomsen: Indicated that was not the request of the reclassification, the Painter I class was the only classification that was looked at.

Commissioner Brust: So there was no consideration of the higher level in the same series that he occupies?

Naomi Thomsen: No, his original request was a Painter III and we looked at qualifications in that series.

Mr. Granitto: He stated that there are 7 classified as Maintenance Repair Worker II, these 6 work the day shift. These 6 do not do any restoration painting work because their work is patching, because they have basic skills. There are currently no Maintenance Repair Worker III's in the Department.

Commissioner Brust: Asked, what are the consequences if the position is approved at the Maintenance Repair Worker III level rather than staying where he is or going to Painter I?

Naomi Thomsen: There is a budgetary concern, the Department recently laid off approximately 3 employees from Student Affairs Maintenance.

Mr. Granitto: stated the 3 employees were transferred and not laid off.

Naomi Thomsen: They were transferred to open positions in Facilities Maintenance which had budget for vacant positions. They were laid off from Student Affairs Maintenance because the occupancy in the dormitories is decreased this fall and the funding for these positions is derived from the revenues for the dormitories.

Commissioner Sánchez: Asked if there are any Painters in Student Affairs?

Mr. Granitto: no and there never have been.

Commissioner Sánchez: Asked Ms. Thomsen how many Painters there are in the Facilities Department?

Naomi Thomsen: She estimated 4 or 3.

Commissioner Sánchez: Asked, what percentage of time do those Painters actually paint?

Naomi Thomsen: When the duties are looked at they actually supervise Maintenance Repair Workers as well as the painting functions.

Commissioner Sánchez: Would they be painting 80% of the time?

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Naomi Thomsen: She didn't want to make that assumption and didn't have the duties in front of her.

Chairperson Fox: Asked Mr. Granitto if he was hired for his painting expertise with the assumption that most of his time would be spent painting.

Mr. Granitto: It wasn't stated at the time of hire but became evident soon after when his abilities as a painter were shown that that would be his job.

Chairperson Fox: Asked Mr. Granitto to describe his typical day when he reports to work.

Mr. Granitto: He stated he reports to work at 2:30 pm, he gets his work orders from his supervisor that consist usually of drywall repairs. If there are no repairs, then the ongoing project of painting dorm rooms continues. He states he has painted hundreds already. Or any emergency jobs since he is the only one on staff.

Commissioner Sánchez: Asked UNLV, after hearing Mr. Granitto's daily duties, do you believe he is doing the job of a Maintenance Repair Worker or a Painter?

Naomi Thomsen: The projects that he is working on, the painting of the dorm rooms, is not as extensive as painting a new facility building on campus or a major remodel to an existing building or higher level responsibilities given to the Painter.

Mr. Granitto: The dorm rooms have been so poorly maintained because there have been no Painters in several years since they have been built. He indicated that he has to go through each room one at a time and restore the walls and ceilings before they are painted.

Commissioner Sánchez: Asked UNLV if all Painters supervise?

Naomi Thomsen: Yes they do.

Commissioner Sánchez: But there is no one to supervise Mr. Granitto?

Naomi Thomsen: He is supervised by Student Affairs Maintenance, not a Painter.

Mr. Granitto: He stated he services approximately 15 buildings which suffer more damage because they are dorms.

Commissioner Sánchez: Asked Ms. Thomsen if she felt Mr. Granitto was working out of class?

Naomi Thomsen: Stated that per the class specifications he is doing the Maintenance Repair Worker job. The class specifications do not indicate quality of work, only looking at the duties.

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Commissioner Moore: Asked that prior to hiring Mr. Granitto 2 ½ years ago, has that traditionally been where they have predominantly painted as opposed to doing other repairs?

Naomi Thomsen: The supervisor did indicate that is typically when the painting is done due to the lack of activities in the buildings.

Mr. Granitto: He indicated that the Student activity is increased after hours in the late afternoons and nights. Typically there is no work done in the dorm rooms while they are occupied.

Commissioner Brust: Stated that even though he doesn't meet all the 5 requirements of the Painter series, he is something different and doesn't feel he is a Maintenance Repair Worker II.

Commissioner Sánchez: Expressed his concerns on how the study was done. He mentioned that Commissioner Brust brought up a good point as well, in that, the Maintenance Repair Worker III position wasn't looked at. Dissatisfied with what is being presented to them in terms of information to make a decision on it.

Chairperson Fox: Also has concern with how the study done. Suggested that the State Department of Personnel to intervene and manage the classification study but will need clarification from the Department of Personnel, about what is delegated to UNLV and UNR.

Peter Long: Indicated that the delegation agreement that the Department of Personnel has with UNLV allows them to conduct all classification studies for all classifications that existed in their agency. The Department of Personnel's role is to review the study they have conducted based on the information that has been provided to us. Director Thienhaus did review this study, but it was based on the information provided by UNLV. The Department of Personnel does have the authority to conduct another audit and he suggested that one of the Department of Personnel's analysts look at all classes compared to his duties. He also suggested that if Mr. Granitto is doing the work of a Maintenance Repair Worker II then he asks that he not be raised in order to avoid all the other like positions asking to be reclassified and causing a fiscal problem for them. He stated that just because Mr. Granitto does a superior job does not mean he is doing higher level duties. He recommended that he have one of his analysts talk to Mr. Granitto and UNLV and report back at the next Personnel Commission meeting.

Commissioner Brust: Said that he feels that the Maintenance Repair Worker III is a better fit for Mr. Granitto and this class should be looked at for him.

Commissioner Read: Suggested that the Commission approve Mr. Granitto at a Maintenance Repair Worker III position while the Department of Personnel does a study to see if he is approved at the Painter level.

Commissioner Moore: Concerned about having a sufficient budget to pay for this reclassification to the higher grade.

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Commissioner Brust: Stated that all the reclassifications that are presented to the Commission have a fiscal impact. If in fact a person is working out of class then it is up to the Commission to reclassify them and help them.

Commissioner Moore: She doesn't feel there is adequate information in the analysis to make a determination today to reclassify him to a Maintenance Repair Worker III. She indicated that he appears to be working outside the classification but cannot determine which class he should be in, and also there will be a impact on the other individuals that are working with him.

Commissioner Sánchez: Asked if the Commission has the authority to promote this individual?

Cameron Vandenburg: Yes, the Commission has the authority to reclassify the position to whatever is appropriate.

Shelley Blotter: Stated that in this situation where there is a classification determination, any retro pay would go back to the point where the NPD-19 was filed. If it was determined that he should be more appropriately classified at a different level, the fact that it takes a little more time would result in an adjustment in pay.

Peter Long: Indicated that a follow up study would allow the Department of Personnel to determine exactly what duties are at a higher level so that if UNLV was to determine that they did not have the funding to pay for a Maintenance Repair Worker III, then the incumbent would be compensated from the date the NPD-19 was received until the determination was made and then the Department could point out what duties could be removed to get him back down to the current level.

MOTION: Move to reclassify Mr. Granitto – from Maintenance Repair Worker II to Maintenance Repair Worker III for work performed and the Commission directs the State Department of Personnel to further review the classification Mr. Granitto holds as well as those in comparable classes to determine the correct classification structure related to the work being performed.

BY: Commissioner Read

SECOND: Commissioner Brust

VOTE: The vote 4 for the motion and 1 against. The motion passed.

**VIII. UNCONTESTED CLASSIFICATION ACTION REPORT
POSTING #11-10, #12-10, #13-10**

IX. SPECIAL REPORTS

None

X. COMMENTS BY THE GENERAL PUBLIC- Action may not be taken on the matters considered during this period until specifically included on the agenda as an action item.

No one came forward for public comments.

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XI. SUGGEST DATES FOR NEXT MEETING

- December 10, 2010
- February 18, 2011 was tentatively scheduled

XII. *ADJOURNMENT

MOTION: Move to adjourn the meeting at 10:38 A.M.
BY: Commissioner Read
SECOND: Commissioner Moore
VOTE: The vote was unanimous in favor of the motion.