



DEPARTMENT OF PERSONNEL
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MEMO PERD #47/07
October 24, 2007

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Employee Representatives
Media Representatives

FROM: Todd Rich, Director *T. R. R.*
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the September 14, 2007, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on December 14, 2007.

TR:vk

Attachment

PERSONNEL COMMISSION
September 14, 2007 MEETING MINUTES

**Indicates agenda items that were voted on by the Personnel Commission.*

MEMO PERD #47/07
October 24, 2007

I. Call To Order - 8:58 a.m.

Chairman Enus called the meeting to order at 8:58 a.m. September 14th, 2007, in Las Vegas at the Grant Sawyer Building, Room 4401, 555 E. Washington Avenue, and via video conference to Carson City at the Legislative Building, Room 2134, 401 South Carson Street.

Present in Las Vegas: Chairman Claudette Enus and Commissioner David Sánchez; and Mark Anastas, Division Administrator of Recruitment and Retention, Department of Personnel.

Present in Carson City: Commissioners Karen Massey, David Read, and Katherine Fox; Shelley Blotter, Division Administrator of Employee and Management Services, Department of Personnel; Peter Long, Division Administrator, Compensation and Classification, Department of Personnel; and Katie Armstrong, Deputy Attorney General, Attorney General's Office.

Chairman Enus welcomed Commissioner Massey.

II. *Adoption of Agenda

Commissioner Read's motion to adopt the updated agenda was seconded by Commissioner Fox and unanimously carried.

III. *Minutes of Previous Meeting

Commissioner Fox's motion to approve the minutes of the June 15, 2007, meeting as presented was seconded by Commissioner Read and unanimously carried.

**IV. *Regulation Changes to Nevada Administrative Code, Chapter 284
Proposed for Permanent Adoption**

Renee Travis, Personnel Analyst, Department of Personnel, explained the following regulations were adopted as temporary regulations effective January 8th 2007. The Department of Personnel is now requesting their permanent adoption to prevent their expiration on November 1st 2007. Ms. Travis asked the Chairperson if she would prefer to have her read through all of the sections or go section by section and ask for questions. Chairman Enus replied, "Let's go section-by-section and point out the modifications as you go along". Ms. Travis indicated that in some instances she would be paraphrasing the explanation of change.

Sec. 1 NAC 284.361 The amendment made by the Department of Personnel expands the circumstances under which an appointing authority may designate specialized experience necessary to perform the duties of a position. The designation of specialized experience may occur as permitted now at the time of recruitment or when the appointing authority determines such a need in the future. This specialized experience requirement is subject to approval by the Department of Personnel.

There were no questions by the Commission.

Commissioner Sánchez motion to adopt Section 1 was seconded by Commissioner Fox and unanimously carried.

Renee Travis read the explanation of change for Section 2.

Sec. 2 NAC 284.386 Department of Employment, Training and Rehabilitation has proposed more flexibility be granted in order to reinstate former permanent employees whose last appointment was not one in which they gained permanent status. As a result, the Department of Personnel has proposed amending this section to allow reinstatement beyond 2 years, with the approval of the Department of Personnel. Additionally, it is the Department's intent to change the interpretation of this section to allow an individual to be reinstated even if the most recent appointment held was not that of permanent status. This change allows State agencies to immediately fill vacancies with individuals with the knowledge, skills and abilities to perform the job. This is particularly important due to expected retirements within the next 5 to 10 years.

Commissioner Sánchez asked what kind of criteria would the Department of Personnel use in making such an approval after 2 years?

Renee Travis responded it was her understanding that individuals would still have to meet the minimum qualifications for the job. They would still need to have the skills and abilities to perform the job.

Commissioner Sánchez asked whether her decision came directly from the Director or from Recruitment and Retention.

Shelley Blotter stated that it was a delegated task to the Division Administrator over this section.

Commissioner Fox asked whether this process would displace the employees in State service who might be considering a promotion to a class? Will we be looking at promoting internally qualified individuals before we go externally?

Shelley Blotter responded it could potentially exclude a current employee, but typically this would be used if there wasn't an employee that was prepared to fill these types of positions.

Ron Cuzze, President of Nevada State Law Enforcement Officers' Association (NSLEOA) stated they addressed this during the workshop, and they still have the same two concerns, one of which Commissioner Fox up north just brought up. This concerns bringing back people into a supervisory position when there are qualified people on the job. We've seen this before and we believe all this will do is open a floodgate for EMC hearings because people are going to grieve that. Secondly, we've gone on record before about this; we believe there has to be something in the NAC that addresses law enforcement personnel returning to the job. At the bare minimum, somewhere in there it should state that we impose the certification standards, and

perhaps in some of the other occupations like nurses. The people who have to be licensed to work for the state, and again that wording was taken out and it was in there once. A year ago it was there.

Chairman Enus asked are you saying the wording was previously included in the NAC?

Ron Cuzze stated, "Yes". If you recall when we went to the workshop and we held it at NDOT, we asked if it would be put in there? And we thought it was put in there. We feel it is a safety measure for the Department as well as for the employees.

Commissioner Fox advised the Chairman that there was someone who would like to speak here in the north.

Gary Wolff, representative for the NSLEOA reiterated what his colleague from the south stated. Mr. Wolff asked for clarification on one thing that was brought up. If someone is brought back that has the knowledge skills and abilities and we have current employees that are in line for a promotion, will the department be able to bring somebody back in lieu of the person who is on a promotional list? Or if somebody is put in an acting capacity for several months, can they bring somebody out of retirement to fill that job on a permanent basis? I don't understand that.

Renee Travis explained that when we originally proposed the language as a temporary regulation, we were just removing the 2-year reinstatement limitation. At the December 2006 Personnel Commission meeting, we added that Department of Personnel has to approve reinstatements beyond 2 years to insure that the candidate would meet the minimum qualifications of any licensure or certification requirements for the job.

Gary Wolff reiterated he didn't think his question was answered. There are a lot of employees out there in active positions that are on the list and if the Director of a Department so chooses to go beyond those lists and bring somebody back from retirement that meets those M.Q.'s can they do that? After 2 years or whatever?

Commissioner Sánchez reiterated to the Madame Chairman that this goes back to his original question of what criteria the Department will use for approval? I did hear meeting the minimum qualifications although that is not listed here. There are some concerns about other lists available and displacement of those individuals so he was still not sure that he heard from the Department of Personnel sufficient criteria to make him comfortable with this statement about approval.

Gary Wolff indicated that he had nothing else to add.

Chairman Enus thanked Mr. Wolff.

Shelley Blotter asked if the Commission would like additional information for consideration.

Chairman Enus indicated that she did not personally need any additional information. She also stated there are valid concerns raised regarding how this provision would be administered. Chairman Enus asked the pleasure of the Commission and if there were questions or comments before moving forward with a vote.

Commissioner Read stated that he vaguely remembers when the Commission adopted these as temporary. It appeared to him at that time, that some of these comments were valid and explanation points were needed. He didn't see that those points were addressed here so he remained a little concerned.

Chairman Enus asked Ms. Blotter if they were to hold this item for an attempted resolution or solution for some of these questions or issues, what does that do to the Department of Personnel administratively. Her notes previously said that this needed to be brought back for review before November.

Shelley Blotter stated it would revert back to the way it appeared prior to the temporary regulation going into affect. "What we were trying to do when we made this temporary regulation was to clarify a certain aspect of this particular regulation, which caused some problems for certain agencies where the employee's last appointment wasn't a permanent appointment. So, for instance in the Department of Employment, Training and Rehabilitation, employees were coming back that had retired from State service, and they were filling intermittent positions. Their most recent position had been intermittent rather than permanent and they were excluded from this particular section by our interpretation. So, we were just trying to clean up some language so that they could, whether their most recent appointment was permanent or intermittent or temporary, come in and fill some of these types of jobs. I understand what the employees association is saying that it could possibly exclude somebody who is currently working from receiving a promotion. But typically, if there is a qualified candidate within their own department, they would look there first. This is something that we've been utilizing for many years and it is not meant to do some extreme change to our regulations."

Ron Cuzze stated he wanted to offer a compromise if he could. He said, "This particular thing has been on your agenda now for a year and a half almost going on two years. Perhaps what we could do to get this thing moving, we would have no objections on passing this today, if on the 20th at the upcoming workshop we were allowed to get a proposed amendment so that the two things that we are talking about do not happen".

Chairman Enus asked if the Commission's Deputy AG, Ms. Blotter, or Director Rich could speak to that issue. Asked if they were to pass this or seek an amendment that would deal with the limited concern in regard to the intermittent or hard to fill positions, is it possible to deal with the specific issue that resulted in the amendment to this particular revision.

Shelley Blotter stated that the workshop has already been publicly noticed and this item is not on that agenda. She went on to say that it was her understanding that we would need to re-issue the

notice to include it and that we have 3 days prior to the workshop in order to do that within the open meeting laws.

Chairman Enus asked if this were not to be approved and revert to the existing provision what impact, if you know, would that have on those agencies that originally requested the modification to this provision or revision?

Shelley Blotter stated that the Personnel Officer from DETR has come to the table. She might be able to address this impact.

Ruth Edsall, Personnel Officer, Department of Employment, Training and Rehabilitation said that their initial request was to either get an interpretation of this rule or revise the rule to allow us to reinstate an employee whose most recent appointment was something other than permanent, but who had at some time in the past obtained permanent status. If you look at the regulation under section 1, it reads "Except as otherwise provided in subsection 4, an appointing authority may reinstate a person who has held permanent status in State employment and who was not dismissed from State employment pursuant to NAC 284.646". That revision satisfied our original request. We were always fine with the 2-year limitation that was originally in the regulation. As the explanation states, the 2-year limitation was removed in order to address some workforce planning issues. DETR would be satisfied with the change in section 1 up to subsection (a). That's what was important to us.

Chairman Enus asked if there were other questions for Ms. Edsall. She asked if there was a motion or any further discussion from the Commission before moving forward.

Commissioner Fox stated that she was struggling with the fact that she wanted to give departments the ability to deal with significant workforce issues in the next 5 to 10 years and that they have the ability to reach out to fill hard to fill positions. In her own mind, she said she was attempting to balance that with the fact that there is vagueness in terms with what we do with internal candidates being considered for promotion into these positions and giving these employees some sense of commitment who want to be considered for promotion and meet the requisite qualifications.

Chairman Enus expressed that she too was having that same concern.

Commissioner Sánchez stated that he didn't feel that the language before the Commission was sufficient to deal with those concerns.

Chairman Enus stated that she would entertain a motion.

Commissioner Massey asked, as a new Commissioner, if she could ask a procedural question about amendment after passage or not adopting it today. Would adopting it today preclude at some future point making an amendment as the gentleman suggested, perhaps not at the

upcoming meeting that has already been noticed but at a subsequent one? Commissioner Massey requested clarification of the process.

Ron Cuzze addressed the Chairman and stated that as Shelley pointed out, there can be an amendment of the agenda for the workshop because there are still more than three working days because it is on the 20th. That would allow for the portion with the concerns to be brought to the workshop.

Chairman Enus stated that she didn't know logistically what his suggestion would do to the Department. She would need Director Rich or Ms. Blotter to speak to whether administratively that would be reasonably possible to accomplish.

Todd Rich, Director of Personnel stated he and Shelley are comfortable in amending the workshop notice. He went on to say that he is a little concerned that we are making promises about future regulations, once we pass something here, and reminded the Commission that the Department's goal in this is to make sure that we provide the right services for all our agencies and not just focus on specific personnel in specific agencies and make sure that in the next 2 to 5 to 10 years that we can attract and retain and go out and get employees because we are facing major challenges in this recruiting area. So, I understand the concerns about the vagueness of the language and our intent was not to create more challenges but to open the restrictions a little bit so that we could get employees into the State. However, we would be more than willing to sit down in a future workshop and talk through this.

Commissioner Read stated at the present time he didn't think there is any harm, any foul and he would have to see what is going to happen in the future. He said he thought it is good to have these go into effect permanently so he moved for the acceptance of NAC 284.386.

Commissioner Read's motion to adopt this section was seconded by Commissioner Massey.

The amendment was adopted by a 4 to 1 vote with Commissioner Sánchez in opposition to the amendment.

Chairman Enus stated that the concerns expressed by all would hopefully be addressed at a future meeting, possible at the meeting on the 20th. There are a couple of primary issues concerning some of the vagueness, some protections for existing staff, and some clarification that those individuals returning meet the minimum qualification including, where required in public safety positions, POST certification. She stated that she encouraged the parties to continue to discuss and if amendments were appropriate, then those would be brought back for the Commission at a future date. She thanked everyone for the discussion and moved to the next item on the agenda.

Renee Travis read the explanation for Section 3.

Section 3 NAC 284.611. This amendment proposed by the Department of Personnel removes the 2-year limitation to reinstatement and is consistent with the changes proposed in NAC 284.386. Any questions?

Chairman Enus asked for questions or comments. Hearing none, she called for a motion.

Commissioner Read moved to accept Section 3 NAC 284.611 and Commissioner Sánchez seconded the motion. By a unanimous vote the motion to adopt was carried.

Renee Travis read the explanation for Section 4.

Section 4 NAC 284.614 This amendment proposed by the Legal Division of Legislative Counsel Bureau, clarifies that for the purposes of layoff, selective certifications approved by the Department of Personnel, pursuant to the 284.361 can be used in determining layoff.

Commissioner Fox moved to approve the changes to NAC 284.614. Commissioner Read seconded the motion. By unanimous vote the motion to adopt was carried.

Renee Travis read the explanation for Section 5.

Section 5 NAC 284.618. This amendment proposed by the Legal Division of Legislative Counsel Bureau, clarifies that for the purposes of layoff in associated voluntary demotions, selective certifications approved by the Department of Personnel pursuant to the NAC 284.361 can be used in determining layoff.

Chairman Enus asked for questions or comments. Hearing none, she called for a motion.

Commissioner Read moved to accept Section 5 of NAC 284.618. Commissioner Fox seconded the motion. By unanimous vote the motion to adopt was carried.

Todd Rich, Director of Personnel asked the Chairman to allow time before the classification items on the agenda to have his Division Administrator, Peter Long, provide an informational overview as far as what the role of the Commission is in regards to classification. We have a new Commissioner and I think it would be beneficial for her to hear what the scope of the Personnel Commission is relative to compensation and classification.

Chairman Enus stated she would be comfortable with such a presentation and asked that Mr. Long come forward.

Peter Long, Division Administrator of Compensation and Classification, Department of Personnel, gave the following presentation:

Good morning, my name is Peter Long. I am the Division Administrator of the Compensation and Classification Division.

Since we have a new Commissioner, I wanted to welcome her aboard and give a brief overview of the classification process and the Personnel Commission's role and scope of responsibility in this process.

The Department of Personnel conducts two different types of classification studies: occupational group studies and individual studies. Occupational studies focus on the positions and/or classes in the 13 occupational groups or their subgroups. These studies typically focus on the revision of the class specifications, but in some cases may include a review of each position in the class. Individual studies are smaller in scope, limited to a single position or multiple positions in a particular class, and may result in the creation or revision of a class specification.

The first type of study, occupational group studies, are conducted to:

- Ensure that the class specifications for an occupational group or subgroup are effective recruitment and classification tools for use by personnel staff;
- Consolidate classes when possible and create generic classes that encompass a broad range of duties;
- Abolish obsolete classes; and
- Establish the grade level for new classes.

The Commission's responsibility in this process is to review the proposed class specifications and supporting documentation and approve, if deemed appropriate. In the review and approval process, it must be noted that grade level reassessment or re-alignment of grade levels may occur only when a review of existing class specifications reveals substantial changes such as:

- A major division or departmental reorganization or restructuring has occurred which impacts the purpose and/or function of positions;
- Major programs were added or removed, or major changes occurred in the mission of the agency; or
- External changes occurred such as new licensing requirements or changes in federal laws or regulations, which impact the scope of work performed and the knowledge, skills and abilities required to perform it.

The second type of studies, individual studies, are conducted to:

- Reclassify positions from one existing class to another existing class;
- Classify new positions to an existing class; and
- Review requests for new classes or changes in existing class specifications to evaluate the need and appropriateness of the request. This may result in the development of the class specifications for new classes; or the revision of existing class specifications when duties and responsibilities of a position, or group of positions, are clearly outside or beyond any existing classification. This may include reallocation of grade levels based on substantial changes to duties and responsibilities and the knowledge, skill and abilities required.

In this process, the Department of Personnel may allocate a position to one of the existing classes in the classification plan or to a new, revised or reallocated class only if significant

change has occurred. Significant change means a change in the duties and responsibilities assigned to a position in a class that:

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

The Commission's responsibility regarding the appeal of an individual study is to hear the case of the appellant and the Department of Personnel and to determine if significant change has occurred. If so, the Commission must determine the appropriate classification and if not, the appeal should not be granted. Additionally, if an individual study results in class specification changes, the Commission needs to review and approve those specifications.

During review of both Occupational and Individual studies, the Commission must remember most classes are currently aligned based on our classification factors. Some classes do not align because they have received adjustments by the Legislature for the purpose of recruitment and retention (market adjustments). These classes should not be compared to other classes outside of the adjusted grade classes, as the alignments based on classification factors are no longer appropriate. Market adjustments are a function strictly limited to the Legislature due to the fiscal impact and unfunded burden placed on an agency.

I would be happy to answer any questions you may have.

Commissioner Massey thanked Mr. Long for the overview and expressed appreciation for the materials that supported his presentation as well.

V. *Objection Public Posting of Classification Actions

Teaching Parent and Treatment Home Supervisor/Provider Series

Chairman Enus opened the floor for appellants and those who wish to speak and stated the Department would present first.

Imran Hyman, Personnel Analyst, Compensation and Classification Division for the Department of Personnel stated he conducted the study for treatment home positions. The primary purpose of this study was to develop a new Treatment Home supervisory level to replace the old teaching parent model. Some additional things we accomplished during the study were to revise the series concept to organize duties into logical categories; to revise the terminology to match current treatment practices; to remove a few obsolete duties; and retitle the Teaching Parent Relief to Treatment Home Provider. We had originally posted this class specification through the uncontested posting process, but we received an objection. The primary objection concerns the employment agreements that exist between the Division of Child and Family Services and the incumbents. These employment agreements have to deal with compensation as well as working and sleeping hours in these 24 hour 7 days a week treatment homes. Our response to this objection is that these employment agreements are really between

the incumbents and the division, and the Department of Personnel is not a party to these agreements. The changes to the class specifications were not intended to make a change to these agreements. A secondary objection that was received concerns the grade levels for the Teaching Parent Relief Class, as part of this study, we are not recommending grade level realignment. Our response to this objection is that for the new Treatment Home Provider, formerly Teaching Parent Relief, no new duties were added and in fact, some duties were removed. Significant change, as earlier defined by Mr. Long, had not occurred in this case, so grade realignment is not appropriate. For the new Treatment Home Supervisor level, we recommended it be established at grade 33, to align it 2 grades above the Treatment Home Provider and also with a comparable class, Psychiatric Case Worker II, also grade 33. The class specification has been revised since it was originally submitted for the agenda. This revision is unrelated to the two objections we have received. Originally, Medicaid regulations required a Bachelor's degree for the supervisory level based on the duties they would perform. However, during this study, Medicaid regulations changed and the Bachelor's degree is no longer required. We went back to the Division of Child and Family Services to consult with them on this issue, and they identified additional knowledge, skills and abilities that still require the Bachelor's degree for the supervisor level. In conclusion, we recommend and request that you approve the class specification that was dated 09/07 of this year that includes the additions to the knowledge, skills and abilities for the Treatment Home supervisory class. Mr. Hyman stated that he would be happy to answer any questions the Commission may have.

Chairman Enus asked if there were any questions for the Department before bringing forward other individuals who wish to speak to this issue. If there are none, we can move forward. Commission Enus recognized the employee representing employees in northern Nevada.

Charles Davis, A Teaching Parent Relief in the Division of Child and Family Services gave a detailed explanation of the job and what it entails from a day-to-day perspective. Mr. Davis read the following prepared statement: "I would first like to thank the members of the Commission for the opportunity to be heard today. My name is Charles Davis; I am a Teaching Parent Relief working for Children's Behavioral Services in Reno. I've worked as a public servant for the State of Nevada for the past 7 years. I work with children ages 5 to 12 that display severe and emotional behavioral disturbances that interfere with their daily living at home, at school and in the community. Teaching Parents utilize behavioral management techniques based upon the Boy's Town psycho-educational model. In order to correct the children's behaviors within the structured setting of the learning home, we also provide parent training and consultations to the parents, teachers, and /or the caregivers of our clients in an effort to maintain consistency. This is important for the clients in order for them to be able to generalize their behavior skills and expectations that they have learned between the learning homes and in other environments. Teaching Parents live with their clients. We become in essence a surrogate family for them. And for some of our clients, we become their only family, because they haven't had any meaningful relationships with adult authority figures. Relationship building and social role modeling is a significant part of what we do. We teach skills to our clients, practice and role play throughout the day and then provide a positive or negative consequence for the behavior or choices demonstrated. Conflict resolution is perhaps one of the

more difficult skills taught to our children. We teach them to be able to interact with peers or authority figures, to be able to articulate and express their opinions to others and then be able to listen and process the information that is being said back to them. That is why I, and we are here today, for the purpose of conflict resolution; we oppose the current classification change for Teaching Parent Relief and Treatment Home Providers. I sit before you and speak on behalf of some Teaching Parents who sit in empty seats, or perhaps not empty seats, behind me and in Las Vegas. They are not here today because some are fearful for their jobs, schedules, and feel that they might be targeted or retaliated against if they question or speak out against the Division and their policies. There're some who disagree with our position and believe that this is a name change only and does not affect any future employment considerations. Teaching Parents have a difficult job, we live with and provide, and care for some of the most difficult youth in the State. We deal with children who tantrum for hours, may impose physical harm upon themselves, other clients or staff. They spit, fight, smear feces, steal and demonstrate a constant disrespect for others and their property. Many suffer from the affects of fetal alcohol or drug exposure, many are neglected or the victims of sexual and physical abuse. At times our job is very difficult, but we all do this not necessarily for the check that we earn bi-weekly, but for the positive outcomes of our clients, their families, and for the community. Progress for us is measured in very tiny steps and there was a tremendous amount of stress working and living in the environment that we choose to work in. Our job is not done by an individual but is performed by a team that is bonded by the designed success of each client and their family. As well as the admiration and trust with each other within the team. That team includes each of us within the home, the therapist, and the support of the administration. There are 18 Teaching Parents in Northern Nevada, 4 of which are couples, and are referred to as Teaching Parents I and II. In Southern Nevada, there are approximately 20 Teaching Parents, most of the Teaching Parents were hired post 1996, and worked 56 hour shifts. We are compensated for 16 out of every 24 hours consecutively worked. Eight hours of the 24 hours are considered sleep time and we are not compensated for it unless our sleep is interrupted for client needed services. In essence we remain on standby and are not allowed to leave the premises that we work in during that period of time because we are responsible for the clients who are under our supervision and care. Pre-1996, employees were under a different agreement with the State, which was the result of a lawsuit filed and won by the Teaching Parents. They are compensated differently for their time worked and receive an adjusted rate of pay for their overhead. There are currently 4 Teaching Parent Leads in the North that are working within this status, as well as the Teaching Parents I and II. I must oppose this classification change, not because it provides the supervisors with a well-deserved step increase, which results in an increase in pay, but because of the secrecy that these changes were developed and proposed, and what future outcomes they may have. Supervisors are not being rewarded for a job well done that they have earned. A new position is being created for no other consideration in current Medicaid guidelines that we are currently operating under. With that new position includes requirements such as mandatory college degrees. We have already lost one supervisor who has resigned his position from Las Vegas, because he did not have a college degree, and was demoted from supervisor to Teaching Parent Relief. Because of the manner in which this classification change has transpired, it lacks a tremendous amount of trust on behalf of the Teaching Parents, with regards to the Administration, and any future agenda that they may have. I was initially opposed to this

classification change because it did not reflect an increase in pay to the Teaching Parent positions. We have worked beyond the scope of our intended classification for years, we are no longer the weekend relief for couples or partners, we are the staff that maintains the home, works with the clients, and their families and maintains the files. Under the old classification we were distinguished from higher grades within the classifications by the limits of our responsibility. Under the new classification, it is our responsibility. To the best of my knowledge, an occupational study, which I have now learned more about, was performed to evaluate the potential need for a step increase for the Teaching Parents. I was also initially opposed to the classification change because there was no due notice to the employees of the impending change. Mr. Rich's memo is addressed to the employee representatives. I have asked and still have not adequately received notice that they have contacted the State of Nevada Employees Association. I also asked who represents the employees of the State who are not represented by SNEA? After a meeting with the program manager, I've resolved these issues and was no longer going to stand in opposition to this change. However, since that meeting I have learned that the one request that we have made was not going to be honored by the Division. We've requested in writing that since this was presented to us only as a name change, that all contracts and legal agreements and essential functions continue as written previously using the new title. We had also requested that documentation be provided in writing to indicate that all previous contracts and legal documents will be unchanged and applicable under the new title of Treatment Home Provider and Treatment Home Supervisor. This was denied. If this is only a name change as presented to us, then why can't our contracts and agreements be amended to reflect this change? This, coupled with the lack of communication provided to the Teaching Parents, gives us pause to question that there is not another agenda on behalf of the Division, and the questioning of the reciprocal trust that may have been previously established. We ask the Commission to compel the Division to amend our existing agreements and contracts, to reflect the name change from Teaching Parent Relief to Treatment Home Provider and Treatment Home Supervisor and to provide us in writing that this name change does not affect any current legal agreements, contracts or essential functions. We also ask that the Commission require the Division to establish a committee to write the Work Performance Standards for the new position. This committee should consist of members from North and South Nevada Child Adolescent Services and not be exclusive of the program managers. It is my believe that this would begin to mend any trust issues that have arisen because of this classification change. Again, I would like to thank you for your time."

Chairman Enus asked if there were others in the North who wished to speak before bringing forward those individuals who wished to speak in the South.

Commissioner Sánchez asked a question of Mr. Davis. "In your statement you said you oppose this reclassification because of the secrecy and the future changes and asked that he elaborate on that."

Charles Davis stated they learned about the changes approximately 7 days before it went to final notice to the PC Committee. They were later told that the email to them about the classification changes was sent should not have been sent to them. He stated they had no idea that there were

any changes that were being proposed for the classification. According to Mr. Davis that provided them that there is some secrecy that they were going forward and making these changes on them. They hear that sometimes people say they are over compensated for what they do. He also stated that there have been rumors that some in Southern Nevada wanted to do away with the parent/teacher jobs.

Chairman Enus asked if there were other questions for Mr. Davis.

Commissioner Fox asked Mr. Davis if he was given the reason why they did not want to make the title change in the employment contracts?

Charles Davis responded "No ma'am". He met with his Program Manager, but didn't feel that there was going to be any movement because of the pay increase. Mr. Davis went on to describe the agreements for pre-1996 employees and their compensation. They would want to ensure those aspects of the contracts were preserved. They would also want to ensure that their shifts are protected.

Chairman Enus asked if there were additional questions.

Mary Day, Supervisory Personnel Analyst, Department of Personnel stated she wanted to clarify that the role of the Department of Personnel in this process was to meet with subject matter experts and revise the class specifications to address classification and recruitment needs. There are members of the Division of Child and Family Services here that can address Mr. Davis' concerns.

Cindy Pyzel, Chief Deputy Attorney General for Health and Human Services stated she was involved in the litigation that occurred in the mid 90's regarding the changes made to the Teaching Parent class. She reviewed the current changes in the class specification, the laws and contracts and doesn't believe there is a problem with changing the class title name and updating the agreements, as the changes were insignificant. Ms. Pyzel gave a brief overview of the litigation and the Fair Labor Standards Act. She also discussed the changes in the needs of the program as few married couples now want to perform such duties and this has caused a recruitment problem. She went on to say that this is a valued program and the staff are appreciated. What the Division is trying to do now is update the specifications to make sure that the temporary adjustments that have been granted for supervision are now recognized as an additional class, provide a promotional opportunity for people within the confines of the federal and State laws.

Chairman Enus stated that Ms. Pyzel's explanation helped especially in terms of the agreements and the offer that they would be updated. Commissioner Enus asked for additional questions for Ms. Pyzel.

Patty Merrifield, Deputy Administrator with the Division of Child and Family Services with responsibility with children's mental health stated she wanted to echo what Ms. Pyzel said the

staff does a fabulous job. We have a very difficult time in recruiting. The supervisors who have stepped up and taken on this role are currently receiving a 5% salary increase. We do not feel this is adequate to recognize their work and want to solidify in the class series a supervisory level to reflect the way we have had to change the model of treatment and supervision in running these homes.

Chairman Enus recognized a speaker in Southern Nevada.

Patrick Harris, Teaching Parent Relief, Division of Child and Family Service stated he has received a temporary adjustment of 5% for supervisor duties for the last seven years and been with the program for 13 years. He stated he has received extensive training including in the Boy's Town Model, which is used by the Division.

According to the revised class specifications, I do not qualify for my position that I've held for 7 years. My Bachelor's degree is in History, which means I don't meet the minimum qualifications. Mr. Harris said he has been recognized as the Division's employee of the year and received exceeds standards performance reviews. He asked for consideration to either change the minimum qualifications to allow for his type of degree, make an exception to the minimum qualifications, or to be grandfathered into this specification.

Commissioner Sánchez asked if current employees would be impacted by these changes in the class specifications.

Mary Day said that this is the only individual that she was aware of that would possibly be negatively impacted. She went on to say that the regulations allow three different options. The agency could continue to grant Mr. Harris a plus 5% salary adjustment, they could remove supervisory duties, and they could request a careful review of his course work and training. Due to Mr. Harris' extensive work history, he would not necessarily be precluded from meeting the minimum qualifications.

Chairman Enus asked why the degree requirement is being removed.

Patty Merrifield stated that she was not sure she understood the question. As I understand the requirements, there is a requirement for a Bachelor's degree.

Mary Day explained that the Medicaid regulations were changed after the time we posted changes to the class specification. Medicaid originally was allowing only those who have a Bachelors Degree to bill for services provided. That was originally our basis for the degree requirement. Since the time the class specification was originally posted, the Medicaid requirements have been lowered; however, the subject matter experts and DHHS management still firmly believe that a Bachelor's degree is required.

Commissioner Fox asked, "In terms of the proposed changes here and the incumbents in the class, I heard you say that potentially, these provisions could impact one employee?"

Mary Day: said that was correct.

Commissioner Fox asked what has happened in the past when you have incumbents in the class that are being reclassified and they don't meet minimum qualifications?

Imran Hyman stated that he wanted to clarify that the supervisory level is a new class and the incumbent in question is at the lower level in the series.

Mary Day explained that individuals would need to meet the minimum qualifications. Where the employee could not do this, they are considered not promotable. They do have one year to meet the minimum qualifications.

Commissioner Massy noted that the minimum qualifications stated "Or an equivalent combination of education and experience above the Bachelor's degree". She inquired if that is what would be evaluated in the Department to see if that individual would continue to qualify?

Mary Day stated that was correct.

Patty Merrifield stated that the intention of the Division is to request a very close consideration of Mr. Harris' qualifications.

Chairman Enus recognized State Senator Bob Coffin.

Bob Coffin, State Senator, who represents District 10, stated that we are fortunate to have people with Bachelor's degrees in any field and people who can handle the emotionally disturbed youth that come into these homes. What is not in the class specification are the physical or human qualifications that are necessary for the job. Mr. Harris has these skills, and experience may matter more than the educational requirement. Mr. Coffin requested that the objections be sustained and let another re-visitation of this be done. He supports the Department and Division in their endeavors in making equity occur in these positions.

Commissioner Sánchez asked the Senator if he was suggesting that there be height, weight and strength requirement for these jobs.

Senator Coffin stated in the real world there should be and in all likelihood it is a consideration in the hiring for these positions.

Commissioner Sánchez said the 56-hour workweek reminded him of the firefighters workweek and the sleep hours for these types of jobs.

Senator Coffin said that interrupted sleep causes heart problems in firefighters and he suspected that it might be a problem for the Teaching Parents too.

Commissioner Fox shared her perspective that workforce development efforts have been mentioned at this and the last meeting, yet she is troubled by exemption of a potential incumbent.

Commissioner Sánchez asked about the note on the bottom of the recommendation that indicated that the Teaching Parent class would be abolished through attrition.

Mary Day stated it would be Teaching Parent classes occupied by married couples that would be abolished, and the Treatment Home Provider and Supervisor will be maintained.

Commissioner Sánchez questioned the supposed secrecy with which the study took place. He went on to ask about the procedures used for studies and whether employees are notified of when a study is taking place.

Mary Day stated that it depended on the type of study being done and in studies such as this where an agency requests a change, the Department works with management to make the changes.

Chairman Enus asked if under normal conditions, would any information be obtained from incumbents?

Mary Day responded not in all circumstances. In this situation the individuals were not involved. She went on to say that this process is not cloaked in secrecy and management can certainly advise employees that a study is taking place.

Commissioner Sánchez observed that the employees had a perception of secrecy.

Patty Merrifield explained that when the Medicaid regulations changed regarding who could provide these critical mental health services, the Division did provide this information to the employees and subsequently one individual did decide to resign. So there was open discussion about the need to make changes although the classification study may not have been specifically discussed.

Commissioner Massey asked if the department had made the request for the specificity of the degree and if the intent was to create a supervisory level for individuals that had previously been getting a 5% salary adjustment? The sticking point seems to be the narrow specificity of the degree. Where is that coming from?

Patty Merrifield explained the degree requirement follows the Medicaid regulation for service delivery at the Bachelor's degree level.

Commissioner Massy asked if the specific disciplines are consistent with the Medicaid regulations.

Patty Merrifield stated that they were, but the Medicaid regulations have changed since the study began and now an Associate's degree was allowed. She went on to explain about the two different types of service levels that can be provided. The higher level of service requires a Bachelor's degree. This higher level of skills is what is required by the staff to care for the level of clients that are served by the Division.

Commissioner Fox requested clarification on whether Mr. Harris will be impacted by this study. Will he only be allowed to provide services at the lower level?

Patty Merrifield stated that it was her understanding that his extra experience and level of education does fit Medicaid provisions; he had been providing services at the higher level and billing for those services with no questions.

Imran Hyman clarified that the Medicaid regulations have become more flexible, but the specification is more specific than that. Mr. Harris' college transcripts will need to be evaluated to make certain that he qualifies.

Commissioner Sánchez clarified his understanding that Mr. Harris will be moved from the Relief position to the Treatment Home Provider class.

Patty Merrifield clarified the requirements of the Teaching Parent Relief class. She also reiterated the Division's intentions to ask for a special review of Mr. Harris' qualifications.

Chairman Enus asked Patty Merrifield how many other employees would be impacted by these changes.

Patty Merrifield stated it was her understanding that Mr. Harris is the only one.

Chairman Enus asked for a motion regarding the posting objection and then secondly to approve or deny the proposed changes.

Commissioner Sánchez asked for clarification.

Shelley Blotter interjected that we are asking you to approve the class specification as noted 9-7-07 and the changes to the Teaching Parent series.

Chairman Enus asked for the DAG for clarification.

Katie Armstrong, Attorney General's Office, stated that they could either approve or deny the objections and then approve or deny the class specifications.

Commissioner Fox wanted to confirm that the only documentation the Commission has regarding the objection are the verbal arguments brought forward this morning.

Mary Day stated that was correct. The employees did not provide any documentation and the information received was communicated through DCFS management.

Commissioner Sánchez noted that Patrick Harris had provided written documentation of these objections to the Commissioners in the south.

Chairman Enus stated that copies had not been provided to the Commissioners in the North. She asked that Mr. Harris or Mr. Davis come forward to clarify the objection.

Charles Davis apologized that his attempt to send something in writing via email prior to the meeting had failed but he had a copy of his remarks that he could provide.

Commissioner Read asked Mr. Davis if his primary concern was whether the contracts were going to be updated.

Charles Davis verified that those were their primary concern, but he also had concerns regarding the way that studies are done in secrecy.

Commissioner Read also requested Cindy Pyzel to summarize if they were going to be taken care of.

Cindy Pyzel agreed that the agreements that were entered into in the past will not be affected.

Commissioner Read moved for denial of this objection and move forward.

Karen Massey: I second the motion

Fox: Nay

Read: Aye

Massey: Aye

Sánchez: Nay

Enus: Nay

Chairman Enus asked that the Department of Personnel and the Division of Child Services meet with employees and clarify the issues.

Motion of denial of the objection passed by a 3 to 2 vote.

Chairman Enus stated this next section was not asterisked therefore it could not be voted on. The Commission will receive a presentation but cannot vote on this item.

Todd Rich, Director of Personnel confirmed that was correct and staff is ready to present.

VI. Occupational Group Study Revised Class Specifications

Fiscal Management & Staff Services occupational group

1. Subgroup: Public Information

Public Information officer series.

Mary Day stated that the duty statements and KSA's were updated. The most important change was the reduction of the number of years experience that is required. Based on input from subject matter experts, the current years of experience seemed excessive; they were reduced from 4 to 3 years at the II level, and from 3 to 2 years at the I level.

No questions or concerns were raised.

2. Subgroup: Administrative and Budget Analysis

Management Analyst series

Mary Day explained that language was added to better differentiate between the levels. Additionally, benchmark descriptions were added at each level. The series concept and the knowledge and skills are unchanged.

No questions or concerns were raised.

3. Subgroup: Revenue Collections & Management

Tax Program Supervisor series

Mary Day stated the title was changed to better reflect the job, as these positions do not function as Division Administrators. The duty statements were expanded to clarify the duties that have always been performed; the KSA's were improved, additionally ways to qualify for these positions were added, and benchmark statements were developed at each level.

No questions or concern were raised.

4. Subgroup: Obsolete Classes to be Abolished

7.171 - Real Estate Administrative Specialist

Mary Day stated that there are no budgeted positions in this class and asked that it be abolished.

No questions or concerns.

VII. *Individual Classification Appeals

**A. Martin Fink, Engineering Technician V.
Department of Transportation.**

Martin Fink, NDOT District II Utility Coordinator. Michael Feece, NDOT District II Traffic Engineer, Manager I. Tracy Larkin-Thomas, Assistant District Engineer for NDOT.

Mr. Fink stated the Department has acknowledged that his position is no longer in the Technician series and moved him to the Supervisor I class. He was requesting a Supervisor II. *Mr. Fink* stated that he was allocated to the Supervisor I level due to his limited staff and the delegation of duties to his subordinate. He stated that he is the first-line supervisor Utility Coordinator for this portion of the State. He went on to demonstrate that there are other Supervisor II positions within his department that only have one subordinate.

Tracy Larkin-Thomas clarified that *Mr. Fink* does function as a first-line supervisor and has overall supervision for the program area for the District. She went on to say that he has responsibility for his own budget for projects and oversees projects from beginning to end.

Michael Feece added that the class concepts state that the Supervisor II supervises professional staff and the Supervisor I supervises technical staff. Mr. Fink does supervisor professional staff.

Martin Fink clarified that the position that reports to him was recently reclassified from a technical class to a professional class.

Commissioner Fox asked for clarification.

Martin Fink verified the current class of his subordinate position as a Staff I, Associate Engineer.

Frank Steinberg, Personnel Analyst, Department of Personnel stated he had conducted a study of the position, which had resulted in a recommended 1-grade increase for Mr. Fink's position. The question was whether or not the position should be a Supervisor I or II. As documented in the NPD-19s for Mr. Fink and his subordinate and confirmed during the desk audit, both positions have the same fieldwork responsibilities. The responsibility for supervision is not a new duty for Mr. Fink as both the Engineering Technician V and Supervisor I classes are responsible for full supervision of subordinate staff. The study confirmed that the workload was primarily the same between his position and his subordinate. Mr. Steinberg described another Supervisor I position which has more supervisory responsibility.

Commissioner Sánchez asked for an explanation of statements made in the appeal summary, which said that although the class specification states a Supervisor I is responsible for supervision of technical staff and the Supervisor II is responsible for supervision of professional staff, it is meant to be descriptive rather than restrictive.

Frank Steinberg responded that none of the statements in the class specification should be taken in isolation and that all factors are taken into account before classifying a position.

Commissioner Sánchez restated Mr. Steinberg's explanation to ensure understanding.

Frank Steinberg reiterated that when the totality of the duties is considered, the Department believes that the position is appropriately classified at the Supervisor I level.

Rob Easton, Personnel Officer for NDOT, stated his belief that NDOT is the only agency to utilize these two classes. He went on to say that the subject matter experts that assisted in the development of this class series did see a distinction between supervising professional and technical staff. That structure is recognized within their organization. Mr. Easton also stated that the position Mr. Steinberg is comparing Mr. Fink's position to is unique within their organization and not representative of how the class is being used throughout the organization. Mr. Fink's position does function at a higher level based on the classification factors.

Commissioner Sánchez asked Mr. Steinberg if Mr. Fink's program responsibility and working independently were taken into account when making his classification decision.

Frank Steinberg verified that they were and that primary duties of the position are related to the fieldwork duties. The position that Mr. Easton mentioned spends a much greater percentage of time supervising subordinate employees.

Rob Easton stated that supervision is always considered as a classification factor regardless of whether the time spent performing supervision was large or small.

Commissioner Read asked Mr. Steinberg what classification Mr. Fink's subordinate moved to.

Frank Steinberg clarified that employee's position was reclassified from an Engineering Technician 4, grade 33, to a Staff I, Associate Engineer, grade 35.

Martin Fink clarified that his intent was to give his subordinate similar duties as a cross training technique, but it was his own position that is responsible for identifying projects and bringing them to the attention of management with a proposal. He designs it, orders the materials, puts it out to bid, awards the bid, inspects it, and oversees payment and audit.

Chairman Enus called for a motion.

Commissioner Fox moved to approve the appeal of Mr. Fink to Supervisor II, Associate Engineer.

Commissioner Sánchez seconded the motion.

Roll call vote:

Commissioner Fox: Aye

Commissioner Read: Nay

Commissioner Massey: Aye

Commissioner Sánchez: Aye

Commissioner Enus: Aye

Vote of 4 to 1 to grant the appeal.

Chairman Enus stated that Item VII B and C will be presented together

B. (4) Communications Systems Specialist II's –William Hance, Mark Pat, Bill Hendrix & Joseph Christensen. Department of Transportation.

C. (2) Communications Systems Supervisors – Kenneth Wiley and Donald Hilton. Department of Transportation.

Chairman Enus read the appellants' names reported into the record. We have appellants William Hance, Mark Pat, Bill Hendrix and Joseph Christensen, Kenneth Wiley and Donald Hilton.

Susan Martinovich, Director of Nevada Department of Transportation stated she was at the meeting in support of these positions. Similar positions in the Department of Information Technology had received an upgrade and they were looking for similar consideration. She read

into the record a letter from the DOIT Director, Dan Stockwell as follows: "I apologize that I'm unable to attend the Personnel Commission meeting. I'm attending meetings in Las Vegas and Caliente in regards to homeland security. I am completely in agreement with the request for realignment of NDOT's staff with DOIT's staff in regards to our Communication Specialist class series. As the chair of NCSC, and our alignment with homeland security, we are tasked with overseeing and setting the direction for interoperability for the State of Nevada. This includes State, local, and Tribal Government and Non-government agencies within the interoperable communications for the public safety spectrum. Because of the close relationship DOIT and NDOT play in every aspect of communications, and with working with all other stakeholders, it only makes sense that we do this in the key roles that these technicians play in communications with each other." There's more information but I would like to provide this letter for the record. Thank you for your consideration.

Gary Fairman, Esquire stated that communication and technology is changing rapidly based on worldwide needs. They deal with maintenance of old outdated systems and also new systems. He believes that these changes are not reflected in the class specifications.

Kenneth Wiley, NDOT stated he currently works for NDOT but used to work for DOIT. The NDOT employees submitted their NPD-19 shortly after the DOIT employees received their classification increase. In 1992, we still operated radios with tubes and used crystals to align them. At the time we started using microprocessors, a whole new spectrum of technology and equipment was required. This required networking of communications and programming of systems and equipment. Then we did not have the responsibility of the Nevada shared radio system, which is now part of our responsibilities. The equipment now is integrated and networked. In 1995, we partnered with Sierra Pacific Power, Nevada Power, and North Las Vegas to build out a statewide system. We began to network all of our communications. The complexity of the system is now very complex to keep communication separate between users. We have now taken over the communications for the Department of Public Safety, dispatching to their 3 command districts. IP addresses are used to communicate information throughout the State. Mr. Wiley detailed the systems used by the department and other departments.

William Hance, NDOT stated he concurred with the information provided by Mr. Wiley. He has observed many changes over his career since he started as a microwave technician. His current job is more of the nuts and bolts of the system including some of the emerging technologies that are unique to Nevada. These technologies are different than when the 2003 occupational study was done.

Micheal Shannon, Department of Personnel presented the duties for the supervisory positions.

CSS Appeal Presentation

Good morning members of the Commission. My name is **Micheal Shannon** and I am one of the several analysts familiar with the IT classifications that conducted the studies on the appellant's positions. My presentation today will focus on the lack of significant change to the appellants' job duties and how the Communications Systems Specialist class series is still the most appropriate one for all these positions.

As you know, the Department of Personnel can only reclassify individual positions when significant change, as defined in the regulations, has occurred. Part of the regulatory definition involves examining duties to see if they are “outside the scope of the class as described by the class specification”. In this presentation, I will show the previous and current duties of the Elko supervisory position to demonstrate that the required change has not occurred. Secondly, I will then show that the current class specification adequately describes the duties of all of the positions. The supervisory position for Elko was created and initially classified in 2005. The major duty of the position at that time was “responsibility for the communications systems in District III, including on-site operation of the Elko system controller and to participate in the planning, designing, development and support of the telecommunications network (voice, video and data). The position was assigned supervision of three Communications Systems Specialists.”

Now, the current NPD-19 states the major purpose/duties are: “Serves as the supervisor for NDOT District III technical operation, installation and maintenance of Integrated Multi-site Controller (IMC) and all associated network transport infrastructure in support of statewide voice, video, radio, and data communications. The position is required to supervise the technical staff throughout the district.”

Essentially that position was established to oversee the work in District III for the Nevada Shared Radio System and that remains the main purpose of the position today.

There are 5 other positions that requested reclassification, one supervisory position in Reno and 4 other Communications Systems Specialist II's. All of these positions perform communications work on the equipment for the Nevada Shared Radio system.

Although our analysis determined that the appellants' positions have not experienced the regulatory requirement of significant change, we do agree on one point: that the technology in the radio communications field has advanced from older two-way radios to equipment that is connected via digital technology & networks. However, this fact does not support upward reclassification because the Communications System Specialist class specification was revised in 2003 to reflect these technological changes and was approved by this Commission. There is no doubt that the Nevada Shared Radio System is more complicated technologically than previous versions. However this particular class specification indicates positions in this series:

“Implement and monitor an integrated geographically dispersed radio communications processing network comprised of multiple hardware platforms, information resources, communications protocols and physical network topologies for an agency's district or statewide trunked radio communications system. “

This is important because, as I mentioned earlier, part of the definition of significant change in the regulations are duties that are “outside the scope of the class as described by the class specification.” Implementing and maintaining equipment for the radio network is not outside the current classification and is explicitly described in it.

To summarize, our conclusion is that the appellants' positions have not experienced significant change and that the current class series, which describes an advanced radio communications network such as the NSRS, is the most appropriate one.

We would also ask that you keep in mind the consequences this decision has on other positions in the CSS series. There are 18 other communications positions in various departments (NDOT, DPS, Wildlife, Forestry) classified in this series and reclassifying all of those positions would result in a significant cost increase to the State. In addition to unbudgeted cost increases,

recruitment difficulties would be a real concern in terms of the required minimum qualifications. We believe this appeal is a compensation issue, not a classification one, and compensation is the province of the Legislature, not the Personnel Commission.

With that in mind, we respectfully ask you to deny the appeals. I am happy to answer any questions you may have.

Chairman Enus asked about the letter from Dan Stockwell.

Peter Long responded that we were unaware of the letter and we consulted Director Stockwell. At that time he stated he wanted to remain neutral.

Micheal Shannon elaborated that the Department viewed the positions at DOIT as functioning differently and focused on microwave technology, which is primarily data communications, so there are some differences in the positions.

Chairman Enus stated her unease regarding having two directors that have concerns about the assessment of these positions. She asked for reconciliation between the three directors and to hear from them on the salient points.

Rob Easton provided additional information. When I worked for the DOP, I was the analyst who originally conducted the study for this series. We tried reconciling with the Department of Personnel in regards to these positions. I did address my concerns with Imran prior to the decision. Mr. Easton felt that he was basically ignored. He believes that the knowledge and skills of this group has changed significantly and this is different than other positions in this class. He went on to state that these positions are more closely aligned with computer related positions rather radio related positions. Mr. Easton stated that these positions should be moved out of their current class. The occupational group study process does not address grade disparity and it only made it more difficult to prove significant change. These positions are supporting data processing and not Engineering and Allied positions and therefore, they should be moved out of their current occupational group.

Commissioner Sánchez asked Mr. Easton if significant change has occurred for these positions.

Mr. Easton stated it had but he could not speak to positions in other departments.

Commissioner Sánchez verified with Mr. Easton that he had attempted to communicate with the Department of Personnel and had not been successful.

Mr. Easton stated that was correct.

Commissioner Sánchez asked for a response from the Department of Personnel.

Peter Long responded that based on the required knowledge, skills and abilities, it is our belief that the focus is radio technology not networking. There may be some knowledge and skills of

regarding networking required. If the classification were to change, it would cause increased difficulty in recruitment.

Micheal Shannon stated that these positions report to engineers, not information technology professionals.

Rob Easton stated he believes that the IT class specifications are broad enough to cover these positions and a selective certification can be used for the purposes of recruitment. The focus shouldn't be on the radio. It is all the inner workings behind the radio that should be the focus and is what the jobs really entail.

Micheal Shannon stated while he was not the analyst that conducted the occupational study, it was his understanding that there was considerable discussion regarding the classification of these positions. Additionally, at the time of the study, people in the IT and communications fields were not even in agreement regarding this issue. In Mr. Shannon's opinion, he did not feel it was appropriate to state that Department of Personnel was not responsive to Mr. Easton's concerns.

Shelley Blotter stated that Imran had brought this issue to her attention and Mr. Easton and she had at least a couple of conversations regarding this. Based on our recent review during the occupational study, I determined not to include them in our recent IT study.

Todd Rich asked if he could respond to a couple of issues and concerns. He had received a phone call from Director Martinovich this week saying she would be in attendance and would like to support her team. She said she wasn't going to speak, but apparently she had a change of heart. We wanted to understand these positions from out in the field and from DOIT, in particular, because there is so much overlap in these areas. So, I asked my team to contact Director Stockwell and find out from him and his team what they felt was appropriate. We are trying to understand what these jobs entail and do the best work we can. I can guarantee you we spent a great deal of time researching this and talking about this. At that time Director Stockwell wanted to remain neutral. I'm concerned that now there is a letter today, but that is his decision and it's fine. Compensation and classification are sometimes gray areas and we do the best job with the information we have in front of us.

(The voice communication stopped briefly.)

Ken Wiley stated that they began this process in January when Jeanne Greene was here. Todd Rich asked for additional time to make sure that they made a proper decision. I respect that but, there were a couple of items left out. Previously, our job duties had changed as a result of a class spec change and it was posted outside their door for 30 days and on the Internet which follows protocol. And the Department has not mentioned Imran Hyman's field report. He stated these jobs were atypical which means not normal. Why is this report left out?

Micheal Shannon addressed Mr. Hyman's report, which states the atypical nature of the duties but also states that there are no significant changes. Also, Mr. Hyman's report is present here in the appeal packet.

Commissioner Sánchez: It appears that employees in rural counties are not getting notified due to the posting requirements.

Peter Long stated that the Department posts notices in our offices per regulation. If you would like to direct us to do it differently, we can do that. I would like to point out that there is a bit of a mistake in talking about Dana Carvin and the DOIT committee revising these class specifications. It was the Department of Personnel with subject matter experts from the agencies who provided input into the class specifications review, including the telecommunications manager from the Dept of Transportation. The administrator over all this radio network system provided input into those class spec revisions including the part about the network.

Micheal Shannon: Shelley, correct me if I'm wrong but, when those classification revisions occur aren't those sent out by email to agency representatives and posted on our website?

Shelley Blotter: Yes, Mr. Shannon, that is correct.

Rob Easton: They are sent to H.R. Office/Personnel Office but not sent to affected incumbents. Seeing that NDOT is the largest agency, I'm surprised they were not asked to be subject matter experts.

Peter Long: They were. Rich Sheldrew was used as a subject matter expert on this.

Rob Easton: I had several conversations with Rich Sheldrew and he was the one driving this whole thing. It was based on my conversations with Rich 5 to 10 years ago, that got this whole thing started, and he was the one that acknowledged the fact that these things are changing and that they are having difficulty in recruiting people to perform this kind of work because of the skills necessary to do what we do. And then when the new radio system was added on with everything else, the coordination for that system added another layer of complexity to this whole process. And, since that time, Rich has left the department and retired. I am attempting to carry forward some of the concerns, some of the problems, we have experienced since I have been at NDOT. I chose to come forward and at least express some of my concerns in the area of classification that we've experienced through the occupational group study process, as well as the individual re-class process, not to mention the salary survey process. It's always the same; you have to have significant change.

Chairman Enus: Speaking of going around and around, I'm going to call a halt to this argument. Do any Commissioners have any questions or statements?

Commissioner Fox: I do think the Department of Personnel is tasked with a dilemma here. They have department leadership interested in re-classification of some existing personnel and the

classifications they feel would better describe the work to be performed. And yet Personnel is charged with taking a look at the preponderance of the evidence to see if there has been significant change in duties and responsibilities. As an HR professional and as a Commissioner, I think its important for us to weigh all the evidence in front of us, we must also consider that the technology initiatives that we are facing in the 21st century are significant. When I look at what they are saying about the networking piece, I did go into the IT class and I just shared with the Commissioners, we are talking about physical deployment of an integrated geographically dispersed information processing network. I think I heard that said, and I also think I heard the incumbent speak to networks comprised of multiple platforms, information resources, and large grade applications communications protocols. Those are my comments.

Commissioner Sánchez: I share commissioner Fox's concerns as a retired 30-year public HR administrator. I've never seen such a display of professional disagreement amongst individuals who I consider colleagues but who are also working for the State. I am concerned about that, not only the comments Commissioner Fox made, but also because their needs to be additional work done, to address the concerns of Mr. Easton, so I would like to see further work done on this.

Chairman Enus: The Department of Personnel has been vigilant in attempting to carry out its duties and responsibilities; I think they were caught unaware this morning with presentations that were not as expected, and I think that should be taken in consideration. There are several unresolved issues before us, and, at the very least we should have some discussion among the 3 directors (Rich, Martinovich, and Stockwell) and from there, an identification of the unresolved issues, particularly as they relate to the appellants and the assessment and review of the positions (Communications System Specialist and Communications System Supervisors). Then more broadly, the potential impact that any decisions that may be made relative to those positions should be considered in terms of how it may impact or affect other departments within State service. Those are my comments. I have similar concerns as Commissioner Fox and Commissioner Sanchez.

Commissioner Sánchez: I make a motion to table this for future consideration given your comments and remarks about the directors getting together.

Commissioner Read: I'll second that.

Commissioner Enus: We have a motion to table the item and re-agendize this at a later time.

All say Aye.

Fox: Nay

Read: Aye

Massey: Aye

Sánchez: Aye

Enus: Aye

4 Aye's to 1 Nay: Motion to Table is upheld.

Bill Hance: Since there is a timeline for appeals through this process, will this in fact continue our right as an appellant to appeal this possibly even to a district court if that is the case?

Katie Armstrong: Under NRS 233B, you do have a right to petition for judicial review in front of a district court. And you have 30 days from service of the decision from the Commission, so you will still be able to take that up.

Chairman Enus: But their rights are still preserved until a ruling by the Commission is made.

Katie Armstrong: Your clock will start running once a decision is made from the Personnel Commission on how long you have to file a petition for judicial review to the district court.

Commissioner Fox asked for clarification on the items for voting, did it include items 7b and 7c?

Chairman Enus: It did include items 7b and c.

**VIII. Uncontested Classification Action Report
Posting #07-07 and #01-08**

Chairman Enus read the following Uncontested Classifications for the record.

POSTING #07-07, Effective 5/31/07

				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
1.765	Game Warden IV	39	D	1.765	Game Warden IV	39	D
1.766	Game Warden III	37	D	1.766	Game Warden III	37	D
1.768	Game Warden II	35	D	1.768	Game Warden II	35	D
1.767	Game Warden I	32	D	1.767	Game Warden I	32	D

POSTING #01-08, Effective 8/10/07

			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
	NEW		10.247	Health/Human Services Professional Trainee	30 B

			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
	NEW		11.367	Uninsured Employer Claims Coordinator	34 B

			PROPOSED				
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
11.407	Insurance Examiner II	39	B	11.407	Insurance Examiner II	39	B
11.409	Insurance Examiner I	37	B	11.409	Insurance Examiner I	37	B

IX. Special Reports

Todd Rich, Director of Personnel: I have 2 reports today. The second one will be in response to Commissioner Sánchez request for additional information on our exam review process, the exams we use to do our recruiting. Before I get to that though I'd like to briefly go over some changes that have taken place in our department. In front of you, you should have a functional organization chart as well as an organizational chart. I wanted to talk about our need for restructuring, just so you have an understanding. I won't take up a lot of your time. When I came on board in May, I met with the Governor and we talked about some of the issues facing the State relative to human resources and staffing. We came up with some initiatives that we're working on and I wanted to share with you. Prior to that I've been researching over the past 3 months and identifying the issues that are facing the State of Nevada, and they are quite challenging. The biggest one is, which is no surprise to anyone who has worked in HR., is the so called brain drain or the exit of skills leaving the State into retirement. With our retirement benefits, it makes it easy for someone to retire and stay retired where as in the private sector a lot of people will go back to work because they didn't save enough in their 401K. I wanted to share with you some numbers, as of June 30th this year, over 40% of all of our employees will be eligible for retirement, when you look at our mid or upper management level, it is over 50%. We have a huge challenge in front of us trying to go out and recruit these folks who are going to take the places of these positions. The challenge that is facing us is that we don't have the same compensation structure. Nevada lags behind cities and counties, let alone the private sector. So I think there are really 4 initiatives we will be focused on, and that was the reason why I wanted to restructure our current staff to make sure we have proper alignment and to make sure they are focused on the right things.

We need to:

Take a hard look at our compensation and classification process. This is an area that is a challenge for the employees to understand, and it's a challenge for my department to work through. They do the best they can to follow the regulations, so we are going to be looking at our classification system which is over 30 years old. I don't think it meets the needs of our employees, agencies, or the State.

One of the things we will be doing is developing a comprehensive recruitment plan that includes a succession-planning model that we can roll out to all the agencies. Some of the larger agencies have taken this upon themselves. We want Personnel as staff to serve internal consultants to help them with this process.

The Governor wants the Department of Personnel to take a strong approach with other agencies to ensure they are following the State laws. We are seeing a lot of harassment and discrimination suites. He has a great concern that there are agencies and not following what they need to be

doing. I'll be working with Shelley and her team to make sure we are working with the agencies to provide the assistance and internal expertise to meet their needs.

And lastly, I want to make sure the State of Nevada is employer of choice. The State has a good story to tell, we have a great benefit package, great retirement, we have people that work hard; they are doing great things. And we don't always get that story told. I'll be hiring a communications/marketing person to help me go out and make sure that when we're recruiting, people understand what a great organization the State of Nevada is. We've got our hands full but, we're up to the challenge and I'm excited with my team and my direct reports as well as all staff. We have the right people to address these issues. I just wanted to provide that to you.

Chairman Enus: Thank you Director Rich for that overview, it helps us understand your vision for the agency and gives us a good perspective on where you are currently and where you would like to go with your vision for the organization. I applaud you for that and thank you for updating us.

Todd Rich: My pleasure. The second report is more specific to respond to Commissioner Sánchez in regard to our exam review process. One of the outcomes of our restructuring is that we're going to have an Examination/Development Unit that will consist of 2 Personnel Analysts from the Recruitment and Retention Division.

Both of these individuals have received training in job analysis, exam development and item analysis, and have been assigned to examine all of our methods that we use in exam development. They are going to be focusing on this as their primary job function. Currently we use 55 written exams to screen for 89 job titles. Sometimes we use the same exam, for example: Admin. Assistant I,II, and III. We have over 1200 class titles; obviously we are not testing for a large portion of our positions. I think that this has happened over time as agencies want quicker response and turn around time; we've tried to work with them to identify what their needs are. So currently this unit is focused on looking at exams that are 10 years old. I don't think we've done a great job in this area, and that's why I want to designate 2 people who will be dedicated to this. So what I would like to do, before the next meeting in December, is to provide the Commissioners with a detailed report on how we are going to look at all of these exams to make sure they are current, accurate, and get what the agencies need, and that's qualified applicants. I'll have that prior to that meeting. Commissioner Sánchez brought up a valid concern that we share as well.

Commissioner Sánchez: Will this unit centralize all the examinations that are being developed and/or administered?

Todd Rich: Primarily the 2 individuals will be focusing on centralizing this, working with the agencies, working with the subject matter experts to make sure that the questions we are asking are appropriate.

Commissioner Sánchez: Also, will they be involved in the development of interview questions?

Todd Rich: We will be going out to other agencies if they need help in the interview questions.

X. Comments by the General Public

Commissioner Fox: No comments

XI. Select Dates for future meetings.

Already selected for 2008: 3/14/2008, 6/20/2008, 9/12/2008, and 12/12/2008

Also Chairman Enus requested to move the 12/7/07 meeting to 12/14/07.

The Commissioners were in agreement.

XII. *Adjournment

Commissioner Read: I motion for adjournment and the motion was seconded.

All agreed to adjourn at 12:39 pm.