

STATE OF NEVADA

**DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCE MANAGEMENT**

Legislative Counsel Bureau
Room 2135
401 South Carson St.
Carson City, Nevada

and

Grant Sawyer Building, Room 4406
555 East Washington Avenue
Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

**REGULATIONS WORKSHOP
MINUTES**

Wednesday, January 8, 2014

Presenting Staff: Shelley Blotter (Deputy Administrator, DHRM), Lee-Ann Easton (Administrator, DHRM), Carrie Hughes (Personnel Analyst, DHRM), Peter Long (Deputy Administrator, DHRM).

Present in Carson City: Susie Bargmann, Michelle Barnes, Rob Boehmer, Alys Dobel, Michelle Garton (DHRM), Teri Hack (Personnel Analyst, NDF), Deborah Harris, Carrie Lee, Kareen Masters (DHHS), Stephanie Neill, Lori Patterson, Jack Peeler, Tawny Polito, Roger Rahming (Operations Officer, PEBP), Christine Ripley, Suzanne Webb, Denise Woo-Seymour (Personnel Analyst, DHRM).

Present in Las Vegas: Karen Belleni (Personnel Officer, DETR), Brian Boughter, Michelle Hooper, Molly Koch, Bruce Nisberg (State Employee, DPBH), Tina Petrie, Rachel Spencer.

1. CALL TO ORDER AND WELCOME

Shelley Blotter, Deputy Administrator, (DHRM): Opened the meeting at 9:00 a.m. She introduced herself to the participants of the Division of Human Resource Management (DHRM) Regulation Workshop. She asked everyone to sign in. She indicated the purpose of the workshop was to solicit comments from affected parties with regard to regulations proposed for permanent adoption. She explained that the regulations might be considered for adoption by the Personnel Commission at a future meeting. She noted that if the regulations were adopted by the Personnel Commission they would go into effect when approved by the Legislative Commission and then subsequently be filed with the Secretary of State. She indicated that any comments received during the course of the meeting would be summarized for the Personnel Commission and provided to them prior to their hearing.

2. REVIEW OF PROPOSED CHANGES TO NAC 284:

a) Regulation Leadline:

Administrative Leave with Pay – NAC 284.589

Carrie Hughes, Personnel Analyst, (DHRM): Stated the DHRM was proposing three amendments to NAC 284.589. She said the first amendment being proposed was to clarify that the DHRM and appointing authorities had the authority to grant administrative leave when the Governor had authorized non-essential state employees to leave work or not report to work due to an emergency situation even if the emergency was not directly related to employees' work sites. She indicated the second amendment would clarify that administrative leave should be granted for Employee Assistance Program appointments that were both in person and over the telephone. She stated the third amendment would expand the use of administrative leave to group events, orientations and education sessions related to state benefits including those provided by the Public Employees' Benefits Program (PEBP), Public Employees' Retirement System (PERS) and the Nevada Public Employees' Deferred Compensation Program (NDC).

Shelley Blotter, Deputy Administrator, (DHRM): Asked if there were any comments regarding the proposed changes.

Roger Rahming, Operations Officer, (PEBP): Indicated that they wanted to testify in support of the proposed changes. He stated that the changes would make many aspects of their jobs easier and noted that they supported specifically the third amendment.

Karen Belleni, Personnel Officer, Department of Employment, Training and Rehabilitation (DETR): Asked if there could be additional clarification with regard to language in the explanation of proposed change. She stated it concerned health benefits such as flu shots. She asked if it could be clarified so that it would be clear it was tied to an event, such as the flu shot clinic presented by the PEBP, not just an individual going to a pharmacy for example.

Carrie Hughes, Personnel Analyst, (DHRM): Thanked Karen Belleni and indicated that she had discussed this with the PEBP and they would go ahead and clarify the language.

Shelley Blotter, Deputy Administrator, (DHRM): Indicated that they would proceed to the next regulation, a new section which had not yet been codified.

b) Proposed Amendment to NAC 284 – New

Regulation Leadline:

Rate of Pay: Demotion

Peter Long, Deputy Administrator (DHRM): Stated that they had reviewed this amendment many times and had made a strikeout error. He said that there was no intent to remove the provision for a retained rate for the good of the state. He said that paragraph two should not be struck out. He said that in paragraph one it would state, in bold, "and subsection 2, 3, 4, 5 do not apply". He said the intent of this was to allow an employee to demote and accept whatever pay that they and the appointing authority agreed to. He stated that at the current time it was limited to one step and this could prevent employees from pursuing other career paths. He said their intent was to allow an employee to demote and accept whatever pay they and the appointing authority would agree to.

Bruce Nisberg, State employee, Department of Public and Behavioural Health (DPBH): Indicated that he was there also representing several of his co-workers who were not able to attend. He indicated that they were in favor of the proposal. He provided details of his personal experience regarding this issue. He stated: on October 7, 2013 he interviewed for a supervisory position and came to the State of Nevada with over 18 years of clinical experience; on October 28, 2013 he accepted an offer for a supervisory position with a 5% increase; then as an opportunity arose proposed a counter-offer to his supervisors as the only two situations that current

state employees could receive an increase would be at the time of hire or at time of promotion; on November 12, 2013 he was informed that except for the submission of an accelerated hire request the increase of one step in the grade would be offered as a promotion; November 13, 2013 he accepted the position with a letter to include the grade increase and the step increase; November 21, 2013 he signed an employee maintenance transaction, ESMT-A form from Human Resources stating the promotional grade and step increase; December 2, 2013 he signed his performance document for an annual evaluation; on December 5, 2013 he was informed that due to the adopted regulations of Personnel Commission LCB File R113-12, Section 3, Paragraph 2(c) stating " if an employee has been demoted he or she may not receive a promotional increase".

He stated that he started with his employer in 2007 as a mental health counselor at Grade 37 and accepted a promotion to a clinical program planner for mental health developmental services in 2009 at a Grade 38. He said he subsequently saw an opportunity with the health division as a health facilities inspector. He considered this a change in career path and an opportunity to grow. He said he had never been advised and it had not been explained how dropping from a Grade 38 to a 35 with no pay decrease might impact his future for promotions. He said on December 5, 2013 he was informed that due to the fact that it was a voluntary demotion he was not in a position to receive any pay grade. He could accept the promotion but could not be offered an increase. He said he accepted the position as he wanted to further develop. He said it counteracted the opportunity to retain state employees. He added that he had a letter from two other co-workers and asked if he could submit it for the record.

Shelley Blotter, Deputy Administrator, (DHRM): Thanked Bruce Nisberg for his comments and stated that they appreciated his service. She asked that he submit the document to the staff in Las Vegas.

c) Proposed Amendment to NAC 284 .386
Regulation Leadline:
Reinstatement of Former Permanent Employee

Peter Long, Deputy Administrator (DHRM): Stated that based on input received and an informal workshop it was suggested and the DHRM agreed that the two-year limitation on reinstatement should be removed. He said that this meant that employees with skills could come back after two years without competition.

d) Proposed Amendment to NAC 284 .611
Regulation Leadline:
Separation for Physical, Mental or Emotional Disorder

Peter Long, Deputy Administrator (DHRM): Stated that this involved the removal of the two-year limitation for reinstatement for separation for physical, mental or emotional disorder. He said that this was to be consistent with the proposed change to NAC 284.386, the reinstatement of a former employee.

e) Proposed Amendment to NAC 284 .780
Regulation Leadline:
Selection of Qualified Hearing Officer

Shelley Blotter, Deputy Administrator, (DHRM): Stated that they were proposing this change as they were also considering it at the meeting of the Personnel Commission on Friday, January 10, 2014 concerning a different way of handling employee appeals. She said what had been proposed was that employee appeals would be heard by the Hearings and Appeals Division of the Department of Administration and they would become the primary hearing officers. She stated that they were also proposing that two hearing officers that were contracted hearing officers remain under contract to perform hearings. They would then be used where there might be a conflict of interest with the Department of Administration hearing officers, or for workload purposes, or finally a rural personnel hearing. She stated that if the Personnel Commission made a decision on January 10, 2014 to adopt the Hearings and Appeals Division as the primary hearing officers then they would need to repeal regulation NAC 284.780.

Shelley Blotter, Deputy Administrator, (DHRM): Asked if there were any questions or comments. There were none from either Carson City or Las Vegas.

3. ADJOURNMENT

Shelley Blotter, Deputy Administrator, (DHRM): Adjourned the meeting and thanked all the participants for their time.