

# State of Nevada

## Division of Human Resource Management

### Consultation and Accountability



## New Employee Assistance Program (EAP) Provider

By Carrie Hughes

The State of Nevada is partnering with KEPRO, a nationally recognized healthcare management company, to provide EAP services effective July 1<sup>st</sup>, which includes in-person counseling sessions, legal and financial assistance, crises support, worklife referrals, supervisory consultations, and referrals to community resources. KEPRO's services will enable employees to access EAP counseling sessions through a large network of professionals throughout the region.

#### KEPRO's counseling services include:

- Phone support to arrange for in-person counseling.
- Up to four (4) in-person counseling sessions (per issue per year) for a range of personal issues, including depression, work-family balance, and substance abuse concerns.
- Phone support for crises and emergencies, provided by counselors who hold master's and doctoral degrees.
- Services accessible 24 hours a day, seven days a week.

#### Counseling will always be:

- **Confidential.**
- **Free** to employees, covered dependents, and anyone regularly living in the household.
- **Timely and convenient.** Appointments with a licensed counselor are available within three to five days close to where individuals work or live. Appointments can be scheduled sooner if an urgent situation arises.

In addition, the scope of EAP services will include an array of worklife services, available at no cost, including:

- **Family Caregiving:** Resources and referrals for care-related services including emergency back-up childcare and eldercare.
- **Convenience Services:** Assistance in locating household and daily living resources, including pet care services, home repairs, travel planning, and event scheduling.
- **Legal and Financial Services:** Up to 30 minutes financial consultation with a Certified Financial Planner or a Certified Public Accountant. Up to 30 minutes consultation with an attorney and a 25 percent discount if you decide to retain an attorney, per issue. These professionals will discuss concerns and provide suggestions on a number of issues, including bankruptcy, civil/criminal disputes, divorce, immigration, credit issues, retirement and estate planning, tenant's rights, taxes, and wills.
- **The EAPHelpink.com website:** A wealth of on-demand resources including articles, self-assessments, resources, and trainings on a wide range of topics, such as addiction, grief, anxiety, and parenting.

Toll free (24 hours a day, seven days a week) – (888) 319-8282

TTY – (877) 334-0489

Web - EAPHelpink.com – Company code: nevada

Each newsletter will be sent out via email and will be posted on our website at:

[http://hr.nv.gov/Sections/Consultation\\_and\\_Accountability/](http://hr.nv.gov/Sections/Consultation_and_Accountability/)

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## We Appreciate You!

### Helpful Links for Appeals

- [Appeal Forms](#)
- [Appeal FAQ](#)

### Helpful Links for Grievances

- [Grievance Forms](#)
- [Grievance FAQ](#)

The Consultation and Accountability section continues to be amazed at the support we have received from State of Nevada employees who work outside of DHRM. We would like to take the opportunity once again to recognize these dedicated employees who go out of their way to make a difference in other's lives. We are so grateful to have a fantastic team of resolution conference facilitators. A resolution conference may be requested by an employee or an agency after a grievance has been submitted to the Employee-Management Committee (EMC) for consideration. During a resolution conference, the assigned facilitator works with the parties to reach an agreement to resolve the grievance prior to an EMC hearing.

In this issue, we would like to thank Bob Leedom, Human Resources Manager, Gaming Control Board, and Donna Romo, Equal Employment Opportunity Officer, Department of Employment, Training and Rehabilitation. Their professionalism, demeanor and amazing skills have become the gold standard we seek when setting the bar for all other resolution conference facilitators. Mr. Leedom's generosity with his time and his commitment to the resolution process has greatly aided in the success of the program. Since the program inception, his work has resulted in an overall rate of 60% of grievances resolved at the resolution conference level. Ms. Romo's, "Let's get to the meat of why we're here," approach has helped dissipate many difficult discussions. Between these two remarkable facilitators, they have conducted 62 resolution conferences and discussed 93 grievances.

*Thank You,  
Frank Richardson*

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***“In most cases, being a good boss means hiring talented people and then getting out of their way.” – Tina Fey as Liz Lemon, 30 Rock.***

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### Quick Links

- [Employee Discounts Page](#)
- [Updated Forms and Publications](#)
- [HR 1-2-3](#)
- [State Holidays](#)
- [Governor's Boards Page](#)
- [DHRM Consultation Survey](#)

Looking for that 'perfect' gift? Want great deals on your next vacation? Check out our [Employee Discount Webpage](#).

We have an amazing array of vendors in categories of



## Communication In The Workplace

By Bachera Washington

Communication is one of the most important tools in the workplace, yet often not properly utilized.

Managers who tend to focus on the negative issues in the workplace can potentially create a negative environment for themselves and their team. While it is important to correct issues as they arise, it is also essential to focus on the positives when they occur to improve employee engagement and cultivate a harmonious work environment.

This can be done in many ways:

- Ensure you are rewarding and recognizing good work when it happens. This lets your employees know they are appreciated and improves work productivity.
- Allow employees to provide input in the work they do daily. When we promote employee engagement, it tells your staff that they are a part of the vision and mission.
- Hold meetings frequently to make sure that the entire team is aligned. During these meetings, discuss projects, share what people in the team are working on and discuss goals. Collaboration provides more transparency with your staff.
- Use effective communication in all aspects of your job. Ensure everyone on your team is aware of their roles with projects and daily assignments by note taking during meetings and setting clear expectations of each team member. Make sure all notes taken during meetings are immediately shared with everyone to keep priorities and deadlines clear and staff focused on the task.
- Realize that all employees are not the same. You should have a diverse group of individuals who learn and communicate differently. Get to know your employees to find out which type of communication works best for them.
- Be the example. The way you communicate sets the tone for your team. Demonstrate positive and effective communication with all and be the model for staff to emulate.



# EAP Critical Incident Stress Management Benefit

[Newsletter Feedback Survey](#)

By Carrie Hughes

What is a critical incident? An unexpected, traumatic event and/or disaster that strains individuals' ability to function. What are Critical Incident Stress Management (CISM) services? A system of education, prevention, and mitigation of the effects of exposure to a highly stressful critical incident. CISM can include Critical Incident Stress Debriefing (CISD) which is a facilitator-led group process conducted soon after a traumatic event.

The State's EAP benefit includes CISM services. This service is available to aid agencies in responding to unexpected, traumatic events that impact more than one employee. Assistance for a single employee can be solicited by contacting the EAP.

An appointing authority may request CISM services, which can include phone consultation, handouts, and/or onsite CISD services. Onsite CISD services require DHRM's authorization; please see the below procedure for requesting CISD services.

## **BUSINESS HOURS (MONDAY – FRIDAY; 8:00 AM – 5:00 PM):**

Step 1 – Your agency's appointing authority or senior human resources staff member contacts (or authorizes contacting) the State's Employee Assistance Program provider, KEPRO, to request CISM services.

Step 2 – After discussion, KEPRO will offer what services are clinically appropriate.

Step 3 – If requested, DHRM (Consultation & Accountability unit) authorizes CISD hours.\* In most circumstances, DHRM will request a written confirmation (e.g., email) of the request from your agency's appointing authority or senior human resources staff member.

Step 4 – KEPRO finalizes arrangements for CISM/CISD services for your agency.

## **OUTSIDE OF BUSINESS HOURS (SATURDAY, SUNDAY & 5:00 PM – 8:00 AM):**

Step 1 – Your agency's appointing authority or senior human resources staff member contacts (or authorizes contacting) the State's Employee Assistance Program provider, KEPRO, to request CISM services.

Step 2 – After discussion, KEPRO will offer what services are clinically appropriate.

Step 3 – As determined clinically appropriate, KEPRO arranges for up to 3 hours of onsite CISD services for your agency.

Step 4 – If additional CISD services are determined to be needed, DHRM (Consultation & Accountability unit) will authorize additional hours the next business day.\*

\*Please note that CISD services provided to the State beyond the first 20 hours in each year are an additional cost to the program. While DHRM will make every effort to provide CISD services for all qualifying events, funding of CISD services cannot be guaranteed.

## Federal Updates:

- [ADA](#)
- [FMLA](#)
- [GINA](#)
- [USERRA](#)



## HR HUMOR

A young executive is leaving the office late one evening, when he finds the CEO standing in front of a shredder with a piece of paper in his hand.

"Listen," said the CEO, "this is a very sensitive and important document here, and my secretary has gone for the night. Can you make this thing work for me?"

"Certainly," the young executive says. He turns the machine on, inserts the paper, and presses the start button.



"Excellent, excellent!" says the CEO as his paper disappears inside the machine. "I just need one copy."

## Upcoming Employee Assistance Program Webinars

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Register for these webinars  
at :

[http://hr.nv.gov/  
StateEmployees/EAPtraining/](http://hr.nv.gov/StateEmployees/EAPtraining/)

For more resources, use the  
link below:

[www.EAPHelplink.com](http://www.EAPHelplink.com)

(Company Code: nevada)

## FMLA: Did You Know...

### Some Employees Are Not Entitled to Return to Work After FMLA Leave?

By Carrie Hughes

"In order to deny restoration to a key employee, an employer must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employer..." "Key" employees are not excluded from FMLA leave but can be denied restoration to their positions after FMLA leave. But that raises three important questions: 1) Who is a "key" employee? 2) What is "substantial and grievous economic injury"? 3) Because we're talking about the FMLA, are there notice requirements?

Who is a "key" employee? "A *key employee* is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite." See 29 CFR §825.217.

An important point to keep in mind is that the analysis is not whether the employee's leave will cause a hardship. But rather the determining factor is whether the employee's return will cause substantial and grievous economic injury.

What is "substantial and grievous economic injury"? The U.S. Department of Labor has said that a precise test for the level of hardship cannot be set. However, the federal regulations indicate that threatening "the economic viability" or causing "substantial, long-term economic injury" would meet the criteria. See 29 CFR §825.218.

Are there notice requirements for denying restoration of a "key" employee? Yes, there are several notice requirements. The first is a "written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier)..." See 29 CFR §825.219 for a full listing of the required notices. For this reason, a "key" employee must be identified at the time of a potentially qualifying request for leave for an employer to have the option to deny a return to work at the conclusion of the employee's FMLA leave.

## Customer Service - We Are Here to Help

By Michelle Garton

Providing excellent customer service is extremely important for all State of Nevada agency operations. Like many other offices, the Consultation and Accountability (C&A) unit serves a variety of internal and external customers, and for us these include employees, employee representatives, agency representatives and agency management.

C&A is responsible for assisting customers regarding situations that may not be positive in nature. For example, we provide service to employees who have been disciplined, supervisors who must deliver a negative report on performance to an employee, and employees who feel compelled to file a grievance due to a workplace situation.

When helping customers who are dealing with these situations, it takes superb customer service skills to communicate information that the receiver may not wish to hear but does need to fully understand. It is also important to provide consistent responses which means research and consultation with coworkers is often necessary. The bottom line here is...whatever the situation...like you, we strive to provide the best service possible in a calm, controlled and courteous manner.



## SB135 - Updates and FAQs

From the Department of Administration Memo dated July 19, 2019:

“As you are likely aware, the 2019 Nevada legislature passed [Senate Bill 135](#), which authorizes collective bargaining for certain state employees, and Governor Sisolak signed the bill into law on June 12. The Division of Human Resource Management (DHRM) and the Government Employee-Management Relations Board (EMRB) are working to implement the provisions of the new law.”



To reach the Collective Bargaining for Nevada State Employees (SB135) FAQ Page, click [here](#).

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*“Train people well enough so they can leave. Treat people well enough so they don’t have to.” - Sir Richard Branson, Founder, Virgin Group.*

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## Prohibitions & Penalties (P&Ps)

By Denise Woo-Seymour

### Prohibitions & Penalties (P&Ps)

To help employees navigate through their employment with the State, an agency identifies specific activities considered inconsistent, incompatible or in conflict with employees’ duties and penalties for such. These Prohibitions and Penalties (P&Ps) are subject to the approval of the Personnel Commission (PC.)

P&Ps are used by agencies to establish a consistent method by which to determine what level of disciplinary action is necessary in certain circumstances and it gives employees an outline of the consequences of inappropriate conduct or actions. While we hope that things can be corrected in a more informal manner, P&Ps ensure when disciplinary action is necessary, it is administered in a fair and consistent manner throughout the agency.

To prepare P&Ps, newly created or revised, for submission to the PC, the agency will follow the sequence below:

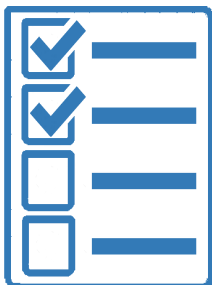
1. Request input for new or revised P&Ps from agency management staff.
2. Submit agency draft of P&Ps, including input from agency management, to the DHRM Consultation & Accountability Unit (C&A) for review and suggestions.
3. Present proposed agency management and DHRM-C&A revisions to employees; request input from employees and labor associations (**the PC is big on this!**).
4. Incorporating input from employees and labor associations, submit 2<sup>nd</sup> draft to DHRM-C&A for review.

It usually takes 2-3 months to complete the tasks above. Per the PC agenda deadline, the FINAL version to be proposed to the PC is due several months prior to the PC Meeting. Therefore, from beginning to end, it may take 6 months to have P&Ps approved by the PC. DHRM-C&A’s role is to assist the agency through this process and have P&Ps approved with minimal questions or challenges from the PC.

P&Ps are another form of communication. An employee knowing the do’s and don’ts of their workplace makes life a little bit easier, not only for the employee but for everyone!

The PC approves P&Ps that are consistent with other agency P&Ps that have previously been approved.

Unique prohibitions or penalty ranges that are contradictory to other agencies may still be approved if an agency can justify they are necessary for the agency’s operation and/or efficiency.



**State of Nevada**

Division of Human Resource  
Management Consultation  
and Accountability

**MISSION:**

To provide exceptional  
Human Resource services with  
integrity, respect and  
accountability.

**VISION:**

To be recognized as a leader  
and partner in the  
management of Human  
Resources.

## Regulations Update

By Michelle Garton

Several regulation amendments were discussed at the regulation workshop held on August 28, 2019. If these regulations are forwarded on to the Legal Division of the Legislative Counsel Bureau, they will likely be considered for adoption at the December 6, 2019 meeting of the Personnel Commission.

On December 6, 2019, in addition to many other agenda items, the Commission will consider the adoption of most of the regulations discussed at the regulations workshops held on June 25, 2019 and August 28, 2019. Thank you to everyone who provided input on the proposed amendments at the workshop, as well as to those who submitted written comment. It's very important that we all work together so NAC 284 can work for everyone!



**State of Nevada**

Division of Human  
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## DHRM Newsletter Feedback and Survey

Your feedback is very important to us and helps us improve our customer service. We strive to offer relevant HR information that is approachable, consistent and timely. Please click the button below for our Newsletter Feedback Survey or reach out to us directly.

