



# State of Nevada MERIT AWARD BOARD



“Good Government, Great Employees”

209 E. Musser Street, Room 101  
Carson City, Nevada 89701-4204

Brian Sandoval  
Governor

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STATE OF NEVADA  
MERIT AWARD BOARD  
April 21, 2014 – 10:00 a.m.

Blasdel Building, 209 E. Musser Street,  
1<sup>st</sup> Floor, Room 105  
Carson City, Nevada 89701

And

Grant Sawyer State Building  
555 East Washington Avenue  
Room 1400  
Las Vegas, Nevada 89101

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

## MINUTES OF MEETING

### Merit Award Board

#### Members

##### Present:

Rosa Mendez - Chairperson and Representative, Governor's Office  
Angelica Gonzalez – Representative, Division of Human Resource Management (DHRM) and Secretary to the Merit Award Board  
Lesley Henrie – Representative, Dept. of Administration, Budget Division  
Neil Lake – Representative, American Federation of State, County and Municipal Employees (AFSCME)

#### Members

##### Absent:

Harry Schiffman – Representative, American Federation of State, County and Municipal Employees (AFSCME)

**I. CALL TO ORDER** – Angelica Gonzalez – Stated that she would chair the meeting until the new Chairperson was approved. She called the meeting to order at 10:00 a.m.

## II. GENERAL BUSINESS

### A. New Chairperson

### Possible Action Item

MOTION: Move to approve Rosa Mendez as the new Chairperson of the Merit Award Board effective April 21, 2014

BY: Member not identified

SECOND: Member not identified

VOTE: The vote was unanimous in favor of the motion

### B. Discussion of Employee Suggestions: William Strong (DHHS), Theron Huntamer (DHHS) and Brandon Harmon (Agriculture)

**Angelica Gonzalez:** Stated that she had forwarded a copy of each of the suggestions by William Strong, Theron Huntamer, both from the Department of Health and Human Services (DHHS) and Brandon Harmon from the Department of Agriculture (NDA). She stated that the Board needed to decide how to proceed with the suggestions, particularly the suggestion from Mr. Brandon Harmon as it had been implemented prior to formally submitting the suggestion to the Board.

#### **Brandon Harmon, (NDA)**

She stated with regard to Brandon Harmon his employer called to ask how he could compensate or acknowledge his employee for having the idea and it was under those circumstances that she learned of the suggestion and the fact that it had already been implemented. She explained that usually on receipt of suggestions she would forward them to the relevant agency, in this case the NDA for their review. She said the suggestion would then have been forwarded to the person most able to provide an evaluation. She said she had heard from Mr. David Jones, the Administrator for the division so she noted she was assuming he was the one who had evaluated it for merit.

**Chairperson Mendez:** Asked about the agency review form. **Angelica Gonzalez:** Responded that form was optional. She said after speaking to Mr. Jones she had told him they had not had any suggestion submitted so Mr. Jones then sent an agency review form in to the Board. **Chairperson Mendez:** Asked if agencies test the suggestions to ensure they are workable. **Neil Lake:** Referred to an earlier suggestion from the Nevada Department of Motor Vehicles (NDMV) where they had awarded an employee who had saved her agency money on postage and the relevant changes were already in effect in that case also. **Angelica Gonzalez:** Responded: That was correct, the employee had maintained exact records and they had submitted the suggestion based on those figures. **Lesley Henrie:** Stated when reading the statute it says, "*that to be eligible for an award a state employee or a group of state employees must make a suggestion which is not currently under active consideration by the state agency affected*". She said that causes a problem because in her opinion both cases were under active consideration prior to them submitting the suggestion. She said it would not be a good thing to have to say they couldn't move someone forward in this program because they hadn't filled out the paperwork prior to that, especially if it was a legitimate suggestion and the agency had embraced that suggestion. **Chairperson Mendez:** Stated that there was some room for interpretation. She said could implementation be interpreted as testing a suggestion. She noted that she did appreciate what Ms. Henrie was saying. **Lesley Henrie:** Stated that in this case they did have support from the agency so it was a different situation. **Chairperson Mendez:** Stated that it appeared his department was supporting it. **Neil**

**Lake:** Referred back to the earlier case at the NDMV and stated even though it was implemented they had wanted to ensure that the agency made it the standard and by making the award and confirming it was a good idea, thus they were saying the agency could go ahead and make it a standard. He thought that was the kind of message the Board should be delivering.

**Angelica Gonzalez:** Stated that Mr. Jones had emailed Lee-Ann Easton and she thought Lee-Ann Easton had responded suggesting they obtain DAG's opinion regarding that particular NRS. **Chairperson Mendez:** Stated that might be a good idea to see if they could have Legal look at it to see if they had the ability to creatively interpret it. **Lesley Henrie:** Agreed she would feel comfortable proceeding that way. **Chairperson Mendez:** Brought up the issue of whether it could be part of his duties in accordance with his position description. **Lesley Henrie:** Responded she was correct as the NRS stated, "*for which the act of developing or proposing is not a normal part of the job duties of the state employee whether acting individually or as a member of a group of state employees*". She said they would need to confirm with the agency that it was not part of his regular duties. **Chairperson Mendez:** Confirmed that she would seek clarification from Legal. **Lesley Henrie:** Asked Angelica Gonzalez to check with Mr. Jones via email to ascertain that it was not part of Brandon Harmon's regular job duties. **Lesley Henrie:** Stated once those two issues were resolved then the Board could move forward.

**William Strong (DHHS)**

**Lesley Henrie:** Said they didn't have any verification that the idea was presented to the Governor's Office either prior or post submission of the suggestion. She said the suggestion came in and was reviewed by Mr. McMahon and then it was determined that it could not move forward as it was already under active consideration. She added that they stated it was currently being evaluated in the Governor's Office discussions and entered into FY 2016/17 budget request. She said it appeared that the agency at first did not support it but then changed their minds.

**Angelica Gonzalez:** Stated that once she got the evaluation back she let Mr. Strong know via email and gave him the reason why the agency was not supporting it and attached the information from the agency. She said Mr. Strong did not understand. She said she emailed the agency and Karen Masters, the Deputy Director replied to Mr. McMahon and clarified that it was not eligible for consideration because it was under active consideration by the division prior to Mr. Strong making the suggestion. She said significant emails followed with an addendum from the DHHS. She said they were now saying they supported it but she was not clear at all on the issue.

**Chairperson Mendez:** Reviewed some of the addendum and stated that they initially did not support it but now appeared to be saying yes. **Lesley Henrie:** Stated that they now have another agency supporting a suggestion but the Board is still unsure about how to approach it as there was uncertainty regarding timing of the suggestion and implementation.

**Angelica Gonzalez:** Stated that she had asked for actual savings that the suggestion had generated and they sent in a project summary which talked about FY2013 and FY2014 but she said it was not clear as to what the savings were. **Chairperson Mendez:** Agreed it was not clear. She asked how the Board would normally proceed in such cases where issues were not clear. **Angelica Gonzalez:** Responded the past Chairperson would then become involved and call the relevant department head. She suggested calling Karen

Masters. **Chairperson Mendez:** Confirmed she would contact her for clarification. **Lesley Henrie:** Asked if she could also obtain confirmation that Mr. Strong's suggestion came before any implementation by the agency. She referred to the table showing the savings and she said it might be off on the criteria. She said the suggestion concerned a change from a manual to an automated process and from that it was generating savings to the state in the form of saved social benefits as opposed to savings from reduced staff time for the process.

**Theron Huntamer – (DHHS)**

**Angelica Gonzalez:** Indicated the suggestion was a similar concept and concerned automating the marriage and divorce records. She referred to the form that was sent back from DHHS and said it was not clear whether they supported it or did not support it. She said their comments stated that further analysis would be needed to determine costs. She said she had received from DHHS a breakdown of savings and documentation from the 2011 Legislative Session concerning the modernization to include electronic recordkeeping. She said it was not clear whether that was being considered prior to the submission of the suggestion.

**Lesley Henrie:** Noted that the figures submitted by the DHHS were showing the correct type of analysis showing positions and pay rates and that was exactly what they needed. She indicated that this was more of what was required for Mr. Strong's submission.

**Angelica Gonzalez:** Stated that on the Memorandum dated October 3, 2013 to Kareen Masters from Richard Whitley, in the last paragraph it discussed SB 52 which was introduced during the 2011 Legislative Session which did not pass. She said SB 53 was introduced in the 2013 Legislative Session which addressed changes in the regulations and statutes regarding birth and death records. She said the Memorandum stated that these bills were not directed to changing the process for marriage and divorce submission and storage. She said she was not sure if SB 53 regarding the birth and death was similar to the proposed electronic processing of the marriage and divorce records. She said it appeared to be the same, just different types of records. **Chairperson Mendez:** Stated that it appeared that with the automation the state was trying to catch up with the counties processes. **Lesley Henrie:** Stated currently the counties submit the data in paper format which is then entered into an Excel spreadsheet. They were providing the information but not in an expedited manner.

**Chairperson Mendez:** Stated whatever legislation was passed did not address marriages and divorces but it was passed for other data. She indicated she could speak to Kareen Masters for clarification. **Angelica Gonzalez:** Stated if the counties were already using the electronic process and the state wanted to catch up was that a valid suggestion?

**Chairperson Mendez:** Stated the DHHS was saying in order for them to save money and shorten the process they should proceed and do it digitally as it would save many hours of employees' time. She said that she would need to clarify if they were using the old paper trail versus the digital. She stated this suggestion had provided the savings information and had indicated the support of the department. **Lesley Henrie:** Said the question was, if there was already an idea in place to do this for births and deaths, was it really a new idea to suggest digitizing records for marriage and divorce. She said she saw it separately. She said they could apply that across the state and there were a lot of best practices being done that might require a different method but were the same concept.

**Angelica Gonzalez:** Referred to the memo from Richard Whitley to Kareen Masters and she said it stated: *"The purpose of this memo is to address your questions regarding the*

*merit award suggestion that was submitted by Theron Huntamer regarding the electronic submission of marriage and divorce records to the Office of Vital Records. The purpose of the suggestion is mainly for future marriage, divorce records received by the state Office of Vital Records. The counties currently use an electronic system for their offices for entering and tracking marriages and divorces in their counties. The goal is to save both the counties and the Office of Vital Records time and money to move to an electronic submission of these records. These counties will simply need to extract the data out of their current system and either email it or submit it, submit the files via sftp sites to our office rather than typing it on a separate form and mailing it in."*

**Angelica Gonzalez:** Stated that she had requested actual savings and that was sent but the memo which made reference to future records. She said this created a question of what were they to take as actual savings if it was to go through. **Lesley Henrie:** Stated that maybe it was historical information if the project was to get them up to date and put it into electronic form then that would be savings that should be included. **Chairperson Mendez:** Stated since SB 53 did not address this dataset Mr. Huntamer's could be considered a separate suggestion. She said the DHHS had provided the savings, the nomination form and the agency support. She asked Board members if they could move forward with this suggestion.

**Lesley Henrie:** Asked what items they needed to answer. She said that it sounded as though they were asking, could they actually consider this a new idea if they had previously accepted that its sister areas were already in place? She added if they decided that then she questioned whether their analysis was correct in including the entire backlog and the savings related to that. **Angelica Gonzalez:** Confirmed that those were the areas they needed to clarify. **Chairperson Mendez:** Suggested that they also ask for a clarification regarding the future savings. **Lesley Henrie:** Stated that they needed clarification that the backlog is a future project and therefore would be future savings to all of the manual entries. She added it may be something to discover at a later time but said it seemed that the legislation did leave some difficult pieces to deal with, specifically reference to "active consideration" which was challenging to navigate through.

**Chairperson Mendez:** Stated that sometimes language was written to be broad for many reasons and improving language to be too specific could cause problems. **Neil Lake:** Referred them to the case of the employee from the NDMV and noted that the Board was able to make a decision and give the employee the award as the language was broad. He asked that that be kept in mind. **Lesley Henrie:** Suggested that in the future they might want to ask the agency directors if there was anything in the statutes that was preventing the intent, i.e. making awards to deserving employees. **Chairperson Mendez:** Asked the staff if that had ever been done. **Angelica Gonzalez:** Stated the previous Chair had suggested board members meet the directors of the agencies informally as a PR initiative for the Board.

**Lesley Henrie:** Suggested the form in use might be too rigid going forward with the process and many good ideas might not have even been submitted. **Angelica Gonzalez:** Advised that the DHHS had developed the form as a way to cope with a huge amount of suggestions coming in and had developed the form as a tool to assist in assessing the applications. She said the Board had adopted the form with the permission of the DHHS. She added that some agencies used only part of the form and did not always submit all information. **Lesley Henrie:** Stated it was a very helpful form otherwise it was necessary to keep looking at the statute. **Chairperson Mendez:** Referred to Angelica Gonzalez'

comments where she said she wanted to see the form coming from them and their wording. She thought it should maybe be used as an option or a guide, in other words not so much a questionnaire but a general guideline. She said instead of them replying yes or no, it could be here are the different points you might want to look at and address in your response. **Anjelica Gonzalez:** Responded that the majority come from DHHS. She said there was an array of suggestions.

**Chairperson Mendez:** Asked how sensitive the agencies were regarding timeframe or did the Board receive complaints on the timeframe of their actions as a Board. She asked what the norm would be regarding timeframe for response. **Angelica Gonzalez:** Stated that the Board had never given information about timeframes but she thought it was good they decide on a reasonable time for a response. She said they had never received complaints. **Lesley Henrie:** Stated that Mr. Jones mentioned that if the Board went ahead if he could have it awarded by May 16, 2014. She said that to her knowledge no one else had indicated a particular timeframe. She said also it was noted and questioned the last time when the Legislature got an annual report on the Board that they were surprised that no awards had been given in the last fiscal year. She said they were surprised and not necessarily pleased. She said that the Board wanted to be cognizant of the legal limitations and wanted to stay within them but the intention was to get the awards to the employees.

### **C. Discussion of Form Letter for Suggestions without Merit**

**Angelica Gonzalez:** Said she thought about this item on the agenda but gave an example of an employee contacting her with an idea which actually cost money as opposed to saving money, in other words had no merit. She asked about the idea of coming up with a form letter to let the employees know that their idea was not a valid suggestion.

**Chairperson Mendez:** Said it was not a bad idea and might save her some time. **Neil Lake:** Agreed that it was preferable to not sending any communication at all. He said it might also be helpful to explain what the Board does. **Chairperson Mendez:** Said it was a good idea. She suggested that she might also want to say if they had any future suggestions that would meet the criteria to please contact them. She added that a phone call was also an excellent personal touch but acknowledged that it was time-consuming. She asked Angelica to put the form letter together and they would all look at it at the next meeting.

### **D. Schedule Next Meeting**

**Chairperson Mendez:** Stated that she hoped to arrange a meeting before leaving the country in mid-July.

**III. PUBLIC COMMENT** – (Note: No vote or action may be taken upon a matter raised during public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Comments will be limited to five minutes per person and persons making comment will be asked to begin by stating their names for the record.)

**Chairperson Mendez:** Noted there was no public comment.

### **IV. ADJOURNMENT**

The meeting was adjourned at 11:30 a.m.