

MERIT AWARD BOARD

“Good Government, Great Employees”

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

Brian Sandoval
Governor

MERIT AWARD BOARD
June 29, 2017 – 1:30 p.m.

Blasdel Building
209 E. Musser Street
1st floor, Room 105 Carson City, NV 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
Melanie Young – Representative, Governor's Finance Office, Budget Division
Harry Schiffman – Representative, American Federation of State, County and Municipal Employees (AFSCME)
Neil Lake – Representative, American Federation of State, County and Municipal Employees (AFSCME)
Rachel Baker – Representative, Department of Administration, Division of Human Resource Management

I. CALL TO ORDER

Chairperson Rosa Mendez called the meeting to order. She noted technical difficulties and informed the Board to please state their names to assist in better tracking of the minutes. Roll call was taken and a quorum was established.

II. ADOPTION OF MINUTES FOR FEBRUARY 21, 2017 – FOR POSSIBLE ACTION

Chairperson Mendez stated that she would like the words “doesn't do it” to be changed to “doesn't *include* it” on the third page from the last, on the second line, under “Business.” In addition, on the following paragraph, “agency response form” should be changed to “*the* agency response form”. Chairperson Rosa Mendez asked if there were any additional comments. There were none.

MOTION: Moved for approval of adoption of minutes for February 21, 2017 Meeting with the noted clarification.
BY: Harry Schiffman
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

III. EMPLOYEE SUGGESTIONS — FOR POSSIBLE ACTION

- A. Nancy Linder**
- B. Sommer Staikoff**
- C. Daniel Anthonijsz**
- D. Toby Lansing**
- E. Gina Schneider**
- F. Alma Johnson**
- G. Robert Shaw**
- H. Suggestions not meeting statute for discussion**
 - 1. Gregorio Torres**
 - 2. Roxanna Courtney**
 - 3. Cheryl Ponton**
 - 4. Kathleen Benally**

A. Nancy Linder (tabled from February 21, 2017 meeting)

Chairperson Mendez reminded the Board this suggestion was tabled from the previous meeting. The Board had asked for more information regarding the policy on Preauthorization for Medications and the agency provided a copy of the policy.

Ms. Nancy Linder noted that this particular policy is in regards to services and not medications, and is not, what she would consider, related to the work that she performs.

Chairperson Mendez confirmed that the provided policy is titled, Preauthorization Request for Outpatient Services and asked Ms. Linder if her scope of work includes preauthorization for the medication falls under outpatient services. Ms. Linder answered, that was for provider services not for medications. She added those are completely different co-payments and they were-completely different policies. She stated there is no policy for what she does anywhere.

Chairperson Mendez noted her confusion regarding the policy and how it does not relate to Ms. Linder's work.

Mr. Schiffman asked if anybody from the agency could clarify the policy. Ms. Baker noted that Mr. Squillante was unable to attend the meeting due to conflicting travel plans.

Ms. Young noted the agency has provided the Board with Ms. Linder's Work Performance Standards and that under Job Element No. 2 it states, Medication Administration and Monitoring, and that Ms. Linder should be spending about 40% of her time doing that. Ms. Linder agreed with this information.

Ms. Young also noted that on the Work Performance Standards, the last line states "obtain Pre-Authorization Requests (PARs) on a timely manner." Ms. Young stated that this is part of Ms. Linder's regular job duties and Ms. Linder signed the document agreeing to this on January 15th of 2016. Ms. Linder confirmed and noted that her previous Supervisor added this to her Work Performance Standard, although it is not included in her job description. Ms. Linder added the PARs take much more than 40% of her time.

Chairperson Mendez also noted the Work Performance Form signed and dated on January 13, 2015 and added, under NRS 285, one of the assumptions for work is if your duty is part of your regular job. Ms. Linder replied that it was part of her job, but it was not part of her job description claiming it had now evolved into part of her job. It has now evolved into part of my job, yes.

Chairperson Mendez thanked Ms. Linder for her hard work and stated, based on what was just discussed, she seemed to believe that this was actually clearly part of what her responsibilities are and as such, warrants exemption for award. This fact has been clearly admitted by both parties, both the agency and the employer, that performing duties related to obtaining preauthorization was part of the work Ms. Linder normally has to do.

Mr. Schiffman agreed and reiterated that Ms. Linder had admitted herself that this was part of her job.

Ms. Young noted the guiding statutory requirements that the Board must follow, and explained that NRS 285.050 states if the employee's suggestion is a normal part of the employee's job duties, whether acting individually or as a member of a group, it doesn't warrant an award.

Ms. Linder asked what will happen with the prior authorizations that she would not be able to handle. Ms. Young explained that Ms. Linder's Agency Director would need to assist in that situation.

Ms. Linder expressed concern regarding her work load. Chairperson Mendez stated that the Board must follow statute and that the Board's role is to look at the suggestions made by the employee and see if it meets statutory requirements. Chairperson Mendez took another moment to express gratitude for Ms. Linder for the work she does for the State.

MOTION: Moved for denial of the suggestion.
BY: Harry Schiffman
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

B. Sommer Staikoff

Chairperson Mendez introduced a suggestion made by Ms. Staikoff regarding the approval of documenting and the verification processing for the Division of Welfare. The agency's response indicates the suggestion is on hold while other high-priority IT projects are completed. Once the IT projects are completed and resources do become available, the formal analysis will be conducted by the agency to determine how it could implement the suggestion and whether it will positively impact other operations.

MOTION: Reject suggestion based on agency response and information presented.
BY: Chairperson Mendez
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

C. Daniel Anthonijsz

Chairperson Mendez introduced Mr. Daniel Anthonijsz's suggestion regarding potential modification to two forms, the Separation/Resignation form (NPD-45, rev 10/07) and the Notice of Employee Rights During an Internal Investigation (NPD-32, rev 6/14). The employee is recommending

that) the signature lines be added or modified, by adding space to insert time of day, and choice to mark AM or PM.

Chairperson Mendez noted the agency's response indicated the employee was referencing an outdated NPD-45 form, Separation/Resignation, from 2007. The agency response indicated that the current form does include a space for time. Secondly, the agency response explained that the Notice of Employer Rights form per NRS 284.387, requires two business days for an employee to obtain representation. The response went on to further explain that it was the practice of the Division to advise that the employee be provided two full business days after the day the form was given to the employee to obtain representation. The agency did not guarantee that a 48-hour period that was listed as two business days would hold up and during any type of legal type of review, therefore, this was the rationale for not adding time of date on the form

MOTION: Moved to deny the suggestion.
BY: Melanie Young
SECOND: Harry Schiffman
VOTE: The vote was unanimous in favor of the motion.

D. Toby Lansing

Chairperson Mendez moved on to the next suggestion from Toby Lansing related to reducing the number of erroneous calls to the Capital Police and Metro Dispatch. When a phone dials 9-1, the second 1 misdials and the call automatically connects with Emergency Services. This suggestion would add an additional digit to the system so the erroneous calls do not occur.

The agency response indicated that to implement this new advanced system would be time consuming and would also create additional costs to the State if the system were to be changed now. In addition, there are some local agencies that would require additional cost and resources as they have independent call switches that are separate. The agency further stated that it would not be a cost-effective change, and that their pending new system would address all of the issues.

MOTION: Moved to deny suggestion.
BY: Melanie Young
SECOND: Chairperson Mendez
VOTE: The vote was unanimous in favor of the motion.

E. Gina Schneider

Chairperson Mendez introduced Gina Schneider's suggestion in connection with UNLV Student Services and Police Department. This suggestion is in

regards to assisting to promote within the existing structure, aiding in training staff, and also eliminating some of the Sergeants overtime, thereby, saving money.

The agency's response was that, while the suggestion is commendable, it contained some benefit and drawbacks, and was not appropriate or readily feasible for the University to undertake. The current job specification specifically outlines the duties and responsibilities for each job class. They also have an existing policy which allows them to actually promote. Also, the agency feels that creating a new position would create an administrative burden on the organization, and would also increase additional costs in several areas including control, salary, payroll and budget, and chain of command. The organization also stated that they were currently working with their current system to make sure that they do address retention and any promotional challenges that they presently have.

MOTION: Moved to dismiss the suggestion.
BY: Harry Schiffman
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

F. Alma Johnson (update only)

Chairperson Mendez introduced Alma Johnson's suggestion and reminded the Board that this was a suggestion from the Division of Industrial Relations, Workers' Compensation section regarding stopping the use of using pre-printed letterhead. There were 14 or 15 Divisions within the Department using one template. Chairperson Mendez informed the Board that she had still not received a response from the agency.

Ms. Young stated that the Board needed to let the agency know of the number of days they have to respond per the statutory requirements and perhaps a formal memo would be the best method. The last response from the agency was November 1, 2016 stating they were finishing their survey and would need extra time.

Mr. Schiffman asked what policies the Board had in place to make the agency comply to which Chairperson Mendez responded that she would rather formally reach out to the agency and the Directors Office and encourage them to respond. Chairperson Mendez further noted of staff changes within the agency and perhaps that has affected the process.

MOTION: Table the application until the agency provides further information.
BY: Harry Schiffman
SECOND: Chairperson Mendez
VOTE: The vote was unanimous in favor of the motion.

G. Robert Shaw

Chairperson Mendez reminded the Board that Mr. Robert Shaw's suggestion was in regards to shutting off computers at the end of the day to save energy. Chairperson Mendez noted that Mr. Shaw's supervisor became involved in the conversations and options were discussed about having a private program instead of doing it statewide, and doing it within a particular office within Business and Industry. Chairperson Mendez noted that they worked with the Attorney General's Office who said that they did not see this as a feasible suggestion because B & I, in their current location, leases their space. The Attorney General's Office, Deputy Attorney General Dawn Buoncristiani, suggested that perhaps the pilot program could be started with another agency, or at least an agency that own their facility.

Chairperson Mendez asked if the Board wanted to move this suggestion further because it would be contacting the agency, seeing if they are even willing to undertake this pilot program because it is not from their agency, agree to do the pilot program and then maintain the program, and see what the results are from that program. Mr. Schiffman asked for clarification of the Board's job scope wanting to know if it was something which fell under the Board's purview to which Chairperson Mendez answered that was the reason she thought she would present the information and get it in front of the Board for discussion.

Ms. Young stated that the Board had done its due diligence with reaching out to the Department of Administration, and to Business and Industry. Neither agency was able to implement the program.

MOTION: Reject suggestion based on extenuating circumstances.
BY: Melanie Young
SECOND: Harry Schiffman
VOTE: The vote was unanimous in favor of the motion.

H. SUGGESTIONS NOT MEETING STATUTE FOR DISCUSSION

1. Gregorio Torres

Chairperson Mendez introduced Mr. Gregorio Torres's suggestion related to NDOT. Mr. Torres suggested that a policy be put in place so that when the Governor declares that all non-essential employees are to remain at home, that those particular employees be notified in a timely matter.

The agency's response from NDOT indicated the agency had not received this suggestion as it applies to all State Employees. The Department replied that they have been looking at the notification process that is similar to

this for the last three years, and would be implementing something very similar, just for the Department. They have also looked at other ways of sending notifications to the essential employees for emergency situations, and non-essential employees who could voluntarily opt out.

Ms. Baker noted that in her thank you, she outlined that there was a State Communication System called NXT, which was designed to contact large groups of people within the State during an emergent event. The system had been in place for two years.

MOTION: Dismissal of suggestion.
BY: Chairperson Mendez
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

2. Roxanna Courtney

Chairperson Mendez introduced the suggestion made by Roxanna Courtney, Department of Wildlife, regarding scanning of all purchasing documents and any other possible documents needed for auditing or verification of work completed.

The agency response stated that they had looked at this through verbal communication before as far back as June of 2015, and have held meetings and discussions in 2015 and 2016, and recently in 2017. The staff also indicated that based on their existing consideration and actions to assist with the program, they were not recommending implementing the suggestion for the award.

MOTION: Dismiss the suggestion.
BY: Harry Schiffman
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

3. Cheryl Ponton

Chairperson Mendez introduced Cheryl Ponton's suggestion related to being able to take time off without pay. This suggestion was very similar to one that was presented to the Board back in 2015.

MOTION: Reject suggestion based on statutory requirements.
BY: Chairperson Mendez
SECOND: Harry Schiffman
VOTE: The vote was unanimous in favor of the motion.

4. Kathleen Benally

Chairperson Mendez noted that Ms. Benally withdrew her suggestion related to a paperless process within the Controller's Office a week or so after she made it.

Ms. Young asked if the suggestion needed to be tracked in the event somebody makes a similar suggestion. Chairperson Mendez noted that was a valid point. Based on this, a motion was made.

MOTION: Reject suggestion based on the withdraw by applicant.
BY: Chairperson Mendez
SECOND: Melanie Young
VOTE: The vote was unanimous in favor of the motion.

IV. GENERAL BUSINESS

A. Legislative Update

Chairperson Mendez moved to General Business. Chairperson Mendez noted the creation of Senate Bill (SB) 72, and explained that the major change was a fiscal note in SB 72 that increased the Board's budget to \$5,000 a year. In addition, the Assembly created a second bill, Assembly Bill (AB) 467, which mirrored SB 72, however, the assembly bill removed the budget restriction of the fiscal note completely. Chairperson Mendez noted her opportunities to testify and explain the initial intent of the Board regarding the changes to NRS. Both bills were signed.

Chairperson Mendez further noted that currently the Board does not have a monetary stipulation regarding the budget and that there is no designation as to how much the Board can spend. Ms. Young confirmed and added, the Board will follow the normal Executive Branch budget process and submit a budget based on what we think our expenditures will be for the upcoming biennium, and then it is approved that way.

B. Board Correspondence

Chairperson Mendez stated at the last meeting, the Board had discussed updating the Suggestion Form to include the question about whether the suggestion is part of a certification or indoor training program, whether it's State or non-State, and also to include the question regarding whether the suggestions, as far as the employees are aware, has it ever been purposed by the agency or addressed by the agency in any form before. Chairperson Mendez explained that she added the questions in the suggestion form and the agency review form.

Chairperson Mendez asked if the Board had received a copy of the forms and Ms. Young stated they had not.

MOTION: Table until the next meeting when members have a chance to review the two forms.
BY: Chairperson Mendez
SECOND: Harry Schiffman
VOTE: The vote was unanimous in favor of the motion.

C. Meeting Date

Chairperson Mendez noted that during the course of the update for legislation, it was expressed that the Board might want to consider a fixed date for meeting dates instead of doing sporadic meetings. Quarterly meetings were suggested.

Ms. Young agreed that it is a good idea to have a set date for meetings.

Chairperson Mendez added that it would make it easier to secure a room if there was a fixed date, and in the event of an emergency, the meeting could be rescheduled.

Chairperson Mendez asked Ms. Baker, in terms of rooms, is the second or third Thursday of the month better, to which Ms. Baker replied, the third would be better.

Ms. Young stated the third Thursday in September was the 21st. All members agreed the date would work.

Mr. Schiffman asked if the Board was allowed to have alternates. Ms. Young replied she thought the statute was pretty specific that it needed somebody from the Governor's Office, somebody from her office, and somebody from Human Resources, and she believed the statute even listed the Union.

- V. 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 asked if there was any public comment. There was no public comment.

VI. OTHER BUSINESS

Chairperson Mendez asked if there was any other business to discuss. There was none.

VII. ADJOURNMENT

MOTION: Moved that the Merit Award Board meeting be adjourned.

BY: Harry Schiffman

SECOND: Melanie Young

VOTE: The vote was unanimous in favor of the motion.