



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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PERSONNEL COMMISSION

Revised Meeting Notice

DATE: Friday, March 6, 2020

TIME: 9:00 a.m.

LOCATION: Legislative Counsel Bureau Grant Sawyer Building
401 S. Carson Street 555 E. Washington Avenue
Room 3137 Room 4401
Carson City, Nevada 89701 Las Vegas, NV 89101

The sites will be connected by videoconference. The public is invited to attend at either location. As video conferencing gives the Commission, staff and others flexibility to attend meetings in either Northern or Southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

Notice: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair’s discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow public comment on a specific agenda item when the item is being considered.

Agenda

- I. **Call To Order, Welcome, Roll Call, Announcements**
- II. **Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
- FOR POSSIBLE ACTION III. **Approval of Minutes of Previous Meeting Dated December 6, 2019..... 5**
- FOR POSSIBLE ACTION IV. **Discussion and Possible Amendments to the Hearing Officer Rules of Procedure 18**

FOR POSSIBLE ACTION

V. Discussion and Approval of Proposed Regulations Changes to Nevada Administrative Code, Chapter 28432

- A. LCB File No. R018-19
 - Section 1. NAC 284.498 Training of supervisory and managerial employees.
 - Sec. 2. NAC 284.726 Access to confidential records.

- B. LCB File No. R068-19
 - Section 1. NAC 284.442 Length of probationary period.
 - Sec. 2. NAC 284.444 Application of probationary period.
 - Sec. 3. NAC 284.448 Time not counted toward completion of probationary period.
 - Sec. 4. NAC 284.450 Adjustment of probationary period.

- C. LCB File No. R069-19
 - Section 1. NAC 284.892 Duties of employee who is referred to employee assistance program.
 - Sec. 2. NAC 284.893 Return to work of employee who tests positive for alcohol or controlled substance while on duty.

- D. LCB File No. R124-19
 - Section 1. NAC 284.726 Access to confidential records.

FOR POSSIBLE ACTION

VI. Discussion and Approval of Addition of Classes or Positions for Pre-employment Screening for Controlled Substances and Revisions to Class Specifications..... 78

- A. The Nevada System of Higher Education, Business Center North, requests the addition of the following positions to the list approved for pre-employment screening for controlled substances:
 - 9.549 Meat Plant Manager, PCN: All
 - 9.548 Meat Plant Supervisor, PCN: All
 - 9.547 Meat Plant Technician II, PCN: All
 - 9.546 Meat Plant Technician I, PCN: All
 - 9.545 Meat Plant Technician Trainee, PCN: All

- B. The Nevada System of Higher Education, Business Center North, requests approval of a class specification change to include the requirement of pre-employment screening for controlled substances for the positions in the following class codes:
 - 9.549 Meat Plant Manager, PCN: All
 - 9.548 Meat Plant Supervisor, PCN: All
 - 9.547 Meat Plant Technician II, PCN: All
 - 9.546 Meat Plant Technician I, PCN: All
 - 9.545 Meat Plant Technician Trainee, PCN: All

INFORMATIONAL ITEM

VII. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160..... 100

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore the changes automatically went into effect.

- Posting: #3-20
12.136 ESD Manager Series
- Posting: #4-20
7.612 Management Analyst Series
- Posting: #5-20
7.263 Contributions Examiner Series
- Posting: #6-20
12.442 Rehabilitation Technician Series
- Posting: #7-20
1.805 Forestry Program Manager
- Posting: #8-20
11.298 Polygraph/Background Supervisor/Examiner Series
- 11.380 Background Investigation Technician Series

VIII. Discussion and Announcement of Dates for Upcoming Meetings. Next Meeting Scheduled for June 12, 2020.

IX. Commission Comments

X. Public Comment: No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

XI. Adjournment

Supporting material for this meeting is available at the Division of Human Resource Management at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, Nevada, 89101, or on our website http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/. To obtain a copy of the supporting material, you may contact Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701, no less than (5) five working days prior to the meeting.

Persons who wish to receive notice of meetings must subscribe to the Division of Human Resource Management LISTSERV HR Memorandums which can be found on the following webpage: http://hr.nv.gov/Services/HRM_Email_Subscription_Management/. If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the

request every 6 months thereafter per NRS 241.020(3)(c) which states in part, “A request for notice lapses 6 months after it is made.” Please contact Carrie Lee at (775) 684-0131 or carrie.lee@admin.nv.gov to make such requests.

Notice of this meeting has been posted at the following locations:

Carson City

Blasdel Building, 209 East Musser Street

Nevada State Library, Archives and Public Records, 100 North Stewart Street

Nevada State Capitol Building, 101 North Carson Street

Nevada Public Notice website: <http://notice.nv.gov>

Division of Human Resource Management website: www.hr.nv.gov

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held at the Legislative Counsel Bureau, 401 S. Carson Street, Room 3137, Carson City; and via video conference in Las Vegas
at the Grant Sawyer Building, 555 E. Washington Avenue, Room 4401.

**MEETING MINUTES
December 6, 2019
(Subject to Commission Approval)**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Ms. Patricia Hurley, Commissioner

Ms. Priscilla Maloney, Alternate Commissioner, non-voting
Ms. Mary Day, Alternate Commissioner, non-voting

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Mr. Gary Mauger, Commissioner
Mr. Andreas Spurlock, Commissioner
Ms. Susana McCurdy, Commissioner

Mr. Armen Asherian, Alternate Commissioner, non-voting

STAFF PRESENT IN CARSON CITY:

Mr. Frank Richardson, Interim Administrator, Division of Human Resource Management
(DHRM)
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Michelle Garton, Supervisory Personnel Analyst, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Tori Sundheim, Deputy Attorney General, Office of the Attorney General

STAFF PRESENT IN LAS VEGAS:

Ms. Michelle Morgando, Senior Appeals Officer, Hearings Division
Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Fox: Called the meeting to order on Friday, December 6, 2019, at approximately 9:00 a.m. She welcomed everyone including Alternate Commissioner Susana McCurdy who is serving after the unexpected and unfortunate passing of Commissioner David Sanchez.

II. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020.

Peter Long: Announced he has been newly appointed as Interim Director of the Department of Administration. Commissioner David Sanchez unexpectedly passed away in October. He served on the Commission since August of 2003 and brought a wealth of HR experience and knowledge to the table; his guidance over the years was invaluable. He was fair but firm and considered every issue that was in front of the Commission fairly and diligently. Commissioner Sanchez was a stickler for process, and you always knew where you stood with him. It is a great loss to the Commission, to DHRM and to the State that he will no longer be able to serve.

Chairperson Fox: Shared she knew Commissioner Sanchez back in 1986 when he was the Director of Human Resources for the City of Las Vegas. He had a perspective on the importance of robust, comprehensive personnel selection methods and he brought that to his role as the Commissioner for the State of Nevada. She always appreciated his perspective on selection instruments and the use of statistics and classification and compensation techniques in terms of employees of the public sector and will miss him dearly. He always had her back and kept her in check and on the path of being an HR professional. He will be missed.

Commissioner Spurlock: Indicated a wreath has been ordered to be placed at the Southern Nevada Veterans Cemetery for Commissioner Sanchez on December 14, 2019, national Lay a Wreath Day.

Chairperson Fox: Thanked Commissioner Spurlock.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED SEPTEMBER 20, 2019 – Action Item

Chairperson Fox: Asked if there were any corrections or changes to be made on the minutes from September 20, 2019. There were none.

MOTION: Moved to approve minutes of the September 20, 2019, meeting.
BY: Chairperson Fox
SECOND: Commissioner Mauger
VOTE: The vote was unanimous in favor of the motion.

IV. DISCUSSION AND POSSIBLE AMENDMENTS TO THE HEARING OFFICER RULES OF PROCEDURE – Action Item

Michelle Garton: Supervisory Personnel Analyst for the Division of Human Resource Management Consultation and Accountability Unit stated one of the proposed changes to the Hearing Officer Rules of Procedure is relevant to subpoenas. In Subsection IV-1-a it is proposed that the timeframe for service of any subpoena must occur a minimum of 15 days prior to the hearing date; the increase from five days will allow adequate time for an individual to prepare to appear, for the preparation of any documents and for travel arrangements to be made. The next proposed change found in Subsection IV-1-b includes language requiring that subpoenas issued to the State, its public entities and political subdivisions, must be served in accordance with Subsection IV(d) of the Nevada Rules of Civil Procedure. The proposed change in Subsection VI-1-d makes it clear that per diem and travel expenses are to be paid by the party requesting the subpoena, but a Hearing Officer may award these expenses as costs to the prevailing party.

Commissioner Mauger: Stated on page 13, section 1.2, it says, “Hearing officers for personnel appeals are appointed by the Personnel Commission” when actually they are appointed by the Governor. Maybe we should take a look at that language. In section 2.2, the Rules state, “...the Senior Appeals Officer of the Hearings Division shall provide to each party to the claim of a list of three qualified Hearing Division Appeals Officers...” and he believed that language is wrong – the Personnel Commission selects but does not appoint them; the Governor does that. **Tori Sundheim:** Stated that made sense and recommended adding that to a future agenda because the mock-up wasn’t there that showed what the Commission would change for public notice purposes.

Michelle Garton: Pointed out that the statute referenced there, NRS 284.091, Hearing officers: Appointment; duties, says, “A majority of the members of the Commission shall appoint one or more hearing officers to conduct hearings and render decisions as provided in NRS 284.376 and 284.390.”

Chairperson Fox: Indicated she is in a quandary about this because she thinks Commissioner Mauger is making an important point. It is her understanding that the Commission usually appoints a contract, outside of the State of Nevada Hearing Officer, that was designed to take care of any conflict of interest in terms of a hearing officer for the State. Now, when the Commission makes that recommendation to appoint, does the Governor actually confirm the appointment? Let us say the Commission recommends a person to be a hearing officer with this contract; does that ultimately have to be approved by the Governor?

Tori Sundheim: Answered she was not sure. The statute does say, “...a majority of members of the Commission shall appoint one or more hearing officers...” She would have to research whether the Governor then confirms that appointment and will report to the Chair after more study.

Michelle Morgando: Senior Appeals Officer for the Hearing Division said there are two types of hearing officers; one is a direct contract, Mr. Cockerill. The remainder are Appeals Officers within the Department of Administration who are appointed by the Governor for two-year terms, but they are independent contractors, not State employees.

Commissioner Mauger: Understood, but the statute says, “hearing officers for personnel appeals shall be selected by Personnel Commission” when they are really not. The Commission selects them, but they are appointed by someone else and the language may need to be clarified. If the legal opinion says it does not need to be clarified, then we move on. **Tori Sundheim:** Stated it is worth looking into and is happy to help.

Chairperson Fox: Suggested DAG Sundheim research the matter and in the meantime approve the regulations. What is important is the time change regarding the subpoenas and she doesn’t want to hold up the process. Could DAG Sundheim get back to the Commission with that information by the March meeting? **Tori Sundheim:** Replied in the affirmative.

MOTION: Approve the proposed amendments to the Hearing Officer Rules of Procedure with the understanding that Deputy Attorney General Sundheim will research the question raised about Hearing Officer appointments.
BY: Chairperson Fox
SECOND: Commissioner Mauger
VOTE: The vote was unanimous in favor of the motion.

V. POSSIBLE DECISION TO RENEW THE CONTRACT WITH THE HEARINGS DIVISION AND THE INDEPENDENT CONTRACTOR CONTRACT OR POSSIBLE RECRUITMENT/ANNOUNCEMENT OF INDEPENDENT HEARING OFFICER - Action Item

Michelle Garton: Stated DHRM recommends the selection of the Hearings Division as the primary source for hearing officers for employee appeals and the selection of Charles Cockerill as Independent Hearing Officer. Information regarding case handling statistics and performance was provided to the Commission at the meeting on September 20, 2019, and DHRM considers the performance of the Hearings Division to be timely and cost effective. The current hearing officer contracts will expire on June 30, 2020, and DHRM is requesting the Commission renew the contracts with the Hearings Division and Charles Cockerill; both contracts could be effective for a period of up to four years. The rates have not changed from the current contracts currently in effect.

Chairperson Fox: Restated DHRM is recommending is that they maintain a contract with an Independent Hearing Officer so that the Division will have four hearing officers to rotate for the northern and southern strike lists. In addition they are recommending continuing to directly contract with a hearing officer so that the Hearings Division will have four hearing officers to rotate for the northern and southern strike lists. **Michelle Garton:** Replied that was correct.

Commissioner Mauger: Stated he has had experience with Charlie Cockerill through the years and has no issues with him. The Commission did get a study on the Hearing Officers and their records and while it was just not as comprehensive as he would have liked from his perspective, he would recommend they accept the staff’s recommendation.

MOTION: Moved to approve DHRM’s recommendation regarding the Hearing Officers, with the inclusion of Independent Contractor Charlie Cockerill, to continue on a four-year agreement.
BY: Commissioner Mauger
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

VI. DISCUSSION AND APPROVAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284-Action Item

- A. LCB File No. R015-19
 - Section 1. NAC 284.361 Use of lists and consideration of certified eligible persons: Applicable conditions.
 - Sec. 2. NAC 284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.
 - Sec. 3. NAC 284.586 Civil leave with pay to vote.

Chairperson Fox: Indicated the Commission will hear A first, then B, then C. There may be significant public comment for Item VI-C so before entertaining a motion, once the item is presented the Commission is going to entertain public comment at that time because it might assist in understanding all of the concerns.

Carrie Hughes: Personnel Analyst with the Division of Human Resource Management presented the amendments to LCB File No. R015-19 proposed for adoption. Section 1 makes conforming changes relating to the proposed amendment in Section 2, NAC 284.405. Section 2's proposed amendment will require an agency, prior to beginning a search for an internal reassignment position as part of the reasonable accommodation process, to inform the employee in writing of the circumstances and actions outlined later in the regulation that can forfeit their reassignment rights as outlined in this regulation. The intent is to ensure that an employee will not unknowingly forfeit his or her reassignment rights prior to referral to the Division of Human Resource Management for statewide reassignment. The proposed amendment to NAC 284.586 in Section 3 provides an employee with the right to take civil leave to vote either during early voting or the day of the election. It also changes the deadline for requesting civil leave with pay to vote to the day prior to the day the employee will be taking the leave. This amendment will ensure consistency and application between agencies and allow agencies to better manage coverage during the voting period.

MOTION: Moves to approve the proposed regulation changes to Nevada Administrative Code 284, specifically NAC 284.361 Use of lists in consideration of certified eligible Persons; NAC 284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation; and NAC 284.586 Civil leave with pay to vote.
BY: Chairperson Fox
SECOND: Commissioner McCurdy
VOTE: The vote was unanimous in favor of the motion.

VI-B. LCB File No. R016-19

Section 1. NAC 284.589 Administrative leave with pay.

Carrie Hughes: Explained the proposed amendment moves to NAC 284.589 the provisions relating to blood donations and attendance at a general benefits orientation into a subsection of the regulation that does not require that an employee be available by telephone or to report to work. Additionally, it authorizes an appointing authority or the Division of Human Resource Management to grant up to two hours of administrative leave to employees who are veterans to participate in the Veterans Day at the Legislature event. Finally, it adds language granting administrative leave to an employee who serves on a committee or board created by a statute, such as the Employee-Management Committee, to prepare for such meetings.

MOTION: Moved to approve Item VI-B, LCB File No. R016-19, NAC 284.589 Administrative leave with pay.
BY: Commissioner Hurley
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

VI-C. LCB File No. R019-19

Section 1. NAC 284.242 Overtime: Authorization.

Carrie Hughes: Explained that currently, if a non-exempt employee is required to work overtime, it must be communicated to the employee at least four hours before being worked unless an unpredictable emergency prevents that communication. This amendment will exempt positions at agencies that maintain a work week longer than 40 hours or perform duties that affect public safety, health or welfare from this requirement. The intent is to reduce the burden on agencies with mandated staffing levels due to client safety or help of the public as it is difficult for such agencies to provide the four hours' notice that is currently required.

Chairperson Fox: Indicated the Commission would now hear public comment on this item.

Matthew Jordan: Introduced four members of the public who will speak on this issue; they each have personal stories that relate very directly to what this proposed rule will do.

James Navarro: President of the Northern Nevada Prison Chapter addressed the issue pertaining to overtime. On April 4, 2019, they were able to actually get four hours' notice pushed through. Prior to this, they had the ebb and flow of demand based on available personnel, trained peace officers, and medical people, all over the State. Units are incredibly rural like Lovelock and the

Correctional Center is staffed mostly by people living in Reno who ride an hour and a half each day in a van, one way, to get to work. Prior to the four-hour notice, whenever staffing levels were low due to essentially not having people, it caused absolute chaos when officers were unable to attend to their families. Twelve-hour shifts plus three hours of travel a day is tough, and it is incredibly taxing on the families of Nevada. In the south, High Desert State Prison, Three Lakes Valley and Southern Desert Correctional Center, in addition to Jean Conservation Camp, are well over 45 minutes from the edge of Las Vegas. Staffing numbers have dictated that they have had these problems before, and with no notice, it throws people into disarray. This rule could affect 8,000 employees and their families. NDOC has employees in three states that all work in Nevada. Emergencies, employees understand. They wouldn't be in public service if they didn't understand that; they know that their jobs are important. Many things can affect the staffing numbers and declaring of overtime, and sometimes a lot of people are released just one or two hours into it. It can cause a lot of chaos for families.

Chairperson Fox: Asked what are the requirements around calling in sick? If my shift is going to start at 8:00 in the morning, up to what time do I need to call in sick or is there no timeframe for calling in sick? **James Navarro:** Answered for the free staff that he is aware of, and each institution is slightly different, where he works the standard is 30 minutes prior to start of business.

Commissioner McCurdy: Asked if the agency had any call back procedures. Should an emergency occur in one of the facilities and employees are let go, what happens if the employees need to come back? **James Navarro:** Replied every institution is different. For him personally in IT, the only callbacks he gets are for recovery of lost information. When called back they are required to be in within two hours, and then if it takes 10 minutes or whatever, they have to charge a minimum of two hours overtime for that.

Commissioner Spurlock: Asked for clarification. When Mr. Navarro said that they can start working overtime but then be released an hour later, even under that circumstance, is there a minimum amount of overtime that has to be paid? Or do they get asked to stay and work a half hour more and they get that 30 minutes of overtime? **James Navarro:** Responded if they are called back for 10 minutes or any short amount of time, they have been instructed to charge two hours to payroll for that.

Matthew Gregory: Custody Officer at the Warm Springs Unit, and also on the board of AFSCME, stated his department is one that needs the Commission to look out for them. This issue might have stemmed from the EMC hearing where they lost a four-hour notice; they are exempt from a lot of the NAC, under law. If you give this to them, they are going to use it. Of course they have to staff during emergencies. What we need from the Commission is to be the gatekeepers and do the right thing in this case. Don't pass this and don't entertain it in the future because if you give them this tool, they're going to use and abuse it. They'll stop you in the gatehouse right before you're about to go and tell you no, you've got to come back and work, with no notice how you are supposed to get kids to school in the morning. Or if you're working dayshift, how will you pick kids up from school? This is just a power grab. As fellow State workers, the Commission needs to look out for the workers.

Margaret Harris: AFSCME board member representing the Medical Unit at the Northern Nevada Correctional Center advised employees can only bring enough medications for their shift. If someone has to work overtime with no notice, the employee has no time to go get medications. It is critical drugs like insulin, and it is not what is best for the patients and officers she cares for.

Stephanie Parker: AFSCME member with the Department of Public Safety shared her concerns for this unnecessary regulation change. She has a medical condition that does not cause absenteeism; however, she does have appointments with specialists that are difficult to get in to see, and some are at quite a distance where she actually has to travel. So for her to get notice at the end of a shift that now she needs to stay for four additional hours means that she has to miss that appointment to regulate medications. To give somebody an arbitrary regulation and tool that would require employees to cancel and reschedule appointments would most likely negatively impact her physical health which would then impede her ability to show up to work on a regular basis. If her health were jeopardized for this reason, it would result in absences and significantly increase her healthcare expenses to address the issues. Public service by its nature always affects public health, safety or welfare. This language is so broad that it is easily subject to being misused and affects State employees that are going to school and have to work more than one job and single parents that have young children. She asked the Commission to consider that this language is not necessary and is something that should be worked out by agencies themselves. The provision for unpredictable emergencies already exists in the language to meet the needs of state agencies.

Chairperson Fox: Asked what would be the definition of an unpredictable emergency. **Stephanie Parker:** Replied it would be a disaster that is already covered in the statute. If she's actually responsible for scheduling, she needs to ensure that she's scheduling people appropriately and doing her forecast. For any emergency that would typically arise you have State workers that are willing to work as long as it's not abused. **Chairperson Fox:** Asked would a riot in a prison setting be considered an unpredictable emergency? **Stephanie Parker:** Responded absolutely, and those people are there to actually support and to protect fellow State employees.

Commissioner McCurdy: One of the common themes is a significant concern for abuse or misuse of the regulation. What is the approval level when it is determined that overtime is required? Does it go high enough so that employees would feel comfortable that it is going to eliminate that opportunity for misuse by the first-line supervisor? **Stephanie Parker:** Replied one of her main concerns is that the language is so vague that it does not require justification to certain levels to ensure that it is not being abused arbitrarily; it also doesn't keep in mind budgets. If they're actually forecasting what the needs are and if everyone is sharing that at the highest level so that it can be determined that there are additional needs that need to be addressed sooner rather than later so that they are not unfairly impacting our state employees and their families.

Commissioner Spurlock: Asked if there are minimum staffing levels defined by policy, Legislature, or the federal government. **Matthew Gregory:** Answered each of their institutions have mandated minimum staffing levels and it varies according to the events and activities that are going on during the day. For the youth prisons and correctional centers, they have federally mandated minimum staffing levels, but the adult ones aren't covered under the PREA guidelines. As far as the minimum level of staffing, it is the bare minimum that they can get away with; it's dangerous. The minimum staffing levels are too small; he is the entire staff of his unit with 168 inmates. **Commissioner Spurlock:** Said there was an example given where somebody was stopped at the gate and told you can't go, you have to work overtime. And the alternative to that, according to Mr. Navarro, is to have somebody drive 90 minutes away to get there. Isn't there exposure? Aren't they deliberately undercutting the minimum staffing if they let that person go home and then wait 90 minutes or more for somebody else to show up? Aren't they facing liability or risk in that scenario? **Matthew Gregory:** Answered yes, very much so. Many times when overtime is needed, they do it on a volunteer basis before they move to the mandatory lists; they all take safety and security seriously. It's their job, it's what they do. When it comes down to being able to cut somebody, the State has an interest in making sure that they meet this, but it really revolves around that Administration waits until their relief comes in to build their shift roster an hour before their shift ends. That's when the overtime starts getting mandated because they're not doing the paperwork that they could be doing during the night or during the shift in order to staff properly for the oncoming shift.

Commissioner Spurlock: Does management fully well know hours in advance that they're going to be understaffed for a subsequent shift? **Matthew Gregory:** Answered yes they do. **Commissioner Spurlock:** Asked how/why he believed they had that information. **Matthew Gregory:** Replied they have a computer system that builds the roster for who's supposed to be there and a set schedule and people generally call in sick so they will see little tags up on their computer screen. But they won't handle the next shift's shift-building roster until that shift comes on even though they'll know hours in advance when workers call in sick, unless it's an emergency. The workers see this as a power grab from the Department. It seems like they really just want the ability to control workers' lives as much as possible.

Commissioner McCurdy: Asked again what was the minimum call-in time for calling in sick. **Matthew Gregory:** Answered that at his site they haven't been given a minimum time for calling in sick. Each prison has a warden and they have different rules and operating procedures.

Chairperson Fox: Asked what does NAC say in terms of calling in sick? Is there a minimum amount of time or does it just say that employees have the right to call in sick? **Carrie Hughes:** Replied call-ins for sick leave are left to the discretion of the agencies and their policies. It isn't set in regulation. **Chairperson Fox:** Stated she believed that management would encourage the employee who is going to call in sick to provide as much lead time as possible to their supervisor. That's just the nature of a good business practice.

Commissioner McCurdy: Stated the minimum staffing is their minimum or it wouldn't include any floaters to compensate for potential sick time. If someone does call in sick, since there's no minimum requirement of a set number of hours for a person to call in sick, an opportunity could arise where a supervisor, in order to meet minimum staffing, is unable to provide four hours advance notice to someone who is required to work overtime. **Matthew Gregory:** Replied what really takes place in the institutions when people call in sick, they obviously try to give the most amount of notice possible hours in advance. The institution will ask for volunteers and if necessary, go to mandatories. Prior to the four-hour notice being put in place, staff would get stopped at the gatehouse. This four hours being so new, it's respectful, it's polite, it's doable. All that it would require would be the Administration to start the next roster instead of waiting until their relief comes on and build the roster the way they want to. Then if they need to start filling it because there are some call-ins or they just don't have the staff which is most of the time. They don't really run on minimum; the schedules are padded. If they fall below minimum, they just lock everything down. But usually they will have three or four extra people per shift to cover. Minimum staffing is truly minimum. They wouldn't have enough without going below minimum to even do a hospital run should something happen.

Commissioner Mauger: Asked if AFSCME had offered any alternatives to help alleviate this situation. There is so much conflict over this and there's two ways to go. You can put this on hold and go back to the table and start talking to see where both parties

can get to a middle ground on this situation; there's also future bargaining and this would be a subject for collective bargaining. But in the meantime, to alleviate what he considers a safety situation, were there alternatives offered and did management adhere to any of it or did they just put in what they felt was necessary? Based on the amount of conflict, the involved parties at Nevada Corrections Prison System should sit down again and try to rectify it. When it comes to collective bargaining, a bad contract is better than no contract because you can build on it to resolve the conflict. Did AFSCME discuss alternatives and why doesn't AFSCME go back to the table and see if they can reach an alternative, get it in writing and solidify it? **Paul Lunkwitz:** President of the Fraternal Order of Police, Lodge 21 and Correctional Officer at High Desert State Prison stated there is a definition for an emergency situation in the Department of Corrections' Administrative Regulations: "Any significant disruption or normal facility or agency procedure, policy or activity caused by riot, escape, fire, natural disaster, employee action or any other serious incident," which is already covered in NAC 284.242. At High Desert State Prison, there have been several suggestions made by staff to the Administration and that has resulted in a higher yield of volunteers such as having volunteer lists generated a week in advance so people can sign up and be hired to fill those spots in advance, that wasn't being done before. But the notice in terms of mandatory overtime is still not followed at High Desert State Prison.

Commissioner Mauger: Repeated he was looking at this from a safety standpoint. Are there issues with the mandatory overtime? Working extra hours causes the workers stress. It sounded like they resolved one issue that's workable, but they haven't resolved the mandatory overtime. **Paul Lunkwitz:** Responded there has been no effort on the Department's part to change the approach to mandatory overtime. At High Desert they still do not make attempts when they know they need overtime because they don't start doing the roster until an hour before the shift; that's when the primary hiring of both volunteer and mandatory overtime starts. **Commissioner Mauger:** Stated the alternative is to hire more employees, but that's not going to happen. There needs to be a resolution; it's a safety issue and he completely supports that and understands the problem.

Detelin Georgiev: AFSCME representative and Correctional Officer at High Desert State Prison stated the solution is simple. All the Administration needs to do is just pre-hire. They can pre-hire people a day to a week ahead, and if they don't need all those pre-hire people, they just cancel them. Other state agencies utilize that system and it works. **Commissioner Mauger:** Asked was this alternative discussed with Administration? **Detelin Georgiev:** Replied it has been done on a random basis. **Commissioner Mauger:** Asked did anybody buy into it? **Detelin Georgiev:** Answered it was done, but not to the extent to fully cover the shifts. **Commissioner Mauger:** Asked was it workable? **Detelin Georgiev:** Answered yes. **Commissioner Mauger:** Stated at least it was an alternative, something he hadn't heard before.

Chairperson Fox: Asked the audience if there were any individuals from the management side of the house that wanted to come forward and speak to this proposed regulation change. She wanted to make sure that the Commission does a proper vetting of this issue.

James Ferber: Administrative Lieutenant at High Desert State Prison stated he did not agree with Officer Lunkwitz who shared that Administration hadn't done anything to try and alleviate it; in fact, they have adjusted the supervisor/sergeant schedules. It used to be where they would come in an hour before the start of their shift. They have since reversed that so that they come in seven hours before the start of their shift so that they can prepare their rosters and hire any overtime that is needed and post their shift, and then they get off the hour after the shift starts. For instance, the 5:00 to 1:00 shift sergeant will come in at 6:00 a.m. to prepare for the 1:00 to 9:00 swing shift and has that whole amount of time. When the prior shift posts there's a list that has a voluntary overtime section where the officers can sign up for, and at the bottom of that list is a mandatory list that lists, per the AR, up to 15 individuals. They're supposed to initial and the supervisor notifies them that they are on the mandatory list at the beginning of their shift which is eight hours prior. So, with what Officer Georgiev was just saying that they could notify them and then pre-hire; we tried that with the mandatory list and then the officers were saying if we do that and we make plans, cancel any of our plans because we're on the mandatory list, so that wasn't working. There is an impasse or a problem with trying to figure out a solution that's workable for everyone. With adjusting the supervisors' schedules and allowing them to notify the officers within the four hours that's mandatory, they are meeting the current regulation, but then when they have people that call in at the last minute, and there is up to half an hour after the beginning of the shift that they can call in sick, that's when they run into the problems of having to mandate people at the last minute.

Commissioner McCurdy: Asked if there was an issue with sick time at his facility. **James Ferber:** Answered yes and no; sometimes there's more call-ins than others. It can be a problem.

Commissioner Spurlock: Noted that there were people in the audience raising their hands to speak. He said he didn't want conversations going on between members of the public, so if people want to speak, they'll have to do it sequentially. They can't have the dialogues back and forth.

Paul Lunkwitz: Stated per NRS 288.150 the total number of hours worked required of an employee on each workday is a mandatory bargaining subject. By amending this requirement of NAC 284.242 to not include agencies such as NDOC you are changing the conditions under which an NDOC correctional officer can be required to work additional hours on any given workday. This requirement should be unchanged until negotiations can take place. Eliminating this requirement will adversely impact NDOC officers and their families. With this requirement currently in place, High Desert State Prison makes no effort to give its officers four-hours' notice before requiring them to work overtime. Although there have been efforts made to alleviate the need for mandatory overtime, NDOC is aware of this requirement as evidenced by Deputy Director Wickham's email dated October 25, 2017. This requirement has been ignored in the past and they are only recently making changes to try to alleviate the need for mandatory overtime. At times, High Desert State Prison has failed to follow its own regulations on required overtime by ignoring the mandatory list completely and hiring officers who were not even on the mandatory list. NDOC and their counsel has continually represented NDOC cannot give four hours' notice when officers call off sick an hour before the shift starts. In raising this defense, they are asking workers to ignore the other seven hours prior to the start of a shift that officers do indeed call in sick. This is a bad faith effort on their part; they are presenting an inaccurate picture of how overtime is handled and how sick leave is reported. If a shift roster is rendered the day before it is supposed to occur, and there are six posts that need to be filled by overtime, generally they will be filled by volunteers. The next day there may be three volunteers on the list in case there are sick calls. If the supervisor responsible for staffing the shift in question has already received six call outs, that means that three additional officers will be required to work mandatory overtime. Does the supervisor update the roster at this point and communicate to the officers that they will be required to stay? No; they wait until an hour before the shift and begin calling people for required mandatory overtime. This is the standard practice that is followed at High Desert State Prison; this is where NDOC's argument fails. They can give notice to those officers who are to be mandated for overtime, but they do not make an honest attempt to communicate this to officers.

Removing the application of NAC 284.242 from NDOC is not the change that needs to be made; High Desert State Prison does not follow it now. The necessary changes are in the way NDOC approaches mandatory overtime. If High Desert State Prison was acting in good faith, they would monitor the roster for the upcoming shift and hire overtime as sick calls occur. Unfortunately, NDOC has chosen to place all their efforts into projecting to various hearing officers, committees and commissions that sick leave is a primary reason for mandatory overtime; the reality is that short staffing is the primary reason for mandatory overtime that if the four-hour requirement prevents them from hiring mandatory overtime for a particular shift, they can ask officers to volunteer. NDOC can and has shut down positions to avoid overtime. During periods of extreme staff shortages at High Desert State Prison, NDOC enacted roaming unit lockdowns when the upper Administration did not want a high volume of overtime. If the State of Nevada is concerned with the well-being of the officers from NDOC, there should be no issue locking down units and shutting down their positions so that officers can attend to the needs of their families. If an officer is a single parent and has to pick up their child within an hour of getting off work, how are they supposed to make arrangements for their child to be picked up if they are mandated on their way to the parking lot? More importantly, what happens to the child? If a child is left alone at school and gets taken by Division of Family Services, the officer can then face child neglect charges. Asking officers to choose between their family and job is extremely unfair. It seems clear that the intent of NAC 284.242 is to protect employees against the unreasonable application of required overtime that could severely disrupt an employee's family obligations. I humbly stand before you requesting that you afford the officers of NDOC the dignity to have the reasonable time period to make arrangements for their families if they are to be required to work overtime.

Commissioner Spurlock: Asked Lieutenant Ferber if he had a response to Mr. Lunkwitz's comments. **James Ferber:** Answered in the affirmative and introduced Senior Officer Robert Ashcraft who fills in at the sergeant's desk posting the shift at times. When they get call-ins, he fills them as they come in; they are not waiting until the end of the shift.

Robert Ashcraft: Confirmed they do fill them as they go at times; it depends on what's going on and what's in the institution. They do go off the overtime volunteer list first which makes it difficult to get to the mandated list; there should be some changes made in that. When you're going off of that it doesn't allow the time to get there. What they want to do is try to alleviate the overtime; they don't plan or prepare for it. They are attempting to be proactive, but they are not following through.

James Ferber: Added that when the volunteer list is exhausted, before they go to the mandatory list, generally it's the practice to call for volunteers to see if anybody wants to volunteer before they have to go to the mandatory list. And the current or the upcoming administrative regulation covering overtime is being revised to say is that if you volunteer for overtime you can have that count as your mandatory, so that's another step that the Department is trying to make to help alleviate being mandated on short notice, something that High Desert has been trying out.

Commissioner McCurdy: Asked when he's calling, are these employees already on their day off or is he asking existing people who are on shift to stay an additional two to four hours? **Robert Ashcraft:** Replied they've adjusted it to voluntary overtime. They have a list in their Chronos system so they can go in there and look, but they have to put the roster together first. While they are putting the roster together, they're getting call-ins, so until they get the roster together they don't know what spots to fill. Creating

that roster takes time so by the time they do go through the mandatory list, they call people at home depending on what post they want because a lot of people won't work if they don't want a certain post. By the time they get to it, they are usually far below the four-hour limit. Usually it's about an hour to a half-hour before shift that they can get to the mandatory list.

Commissioner McCurdy: Asked if they are calling employees who are at home. **Robert Ashcraft:** Responded either at home or at work, depending on who volunteered and where they are. The voluntary list has exploded. It has helped out quite a bit, but it has not fixed the problem. Today's testimony from officers, free staff and representatives so far is 100 percent correct. Correctional officers are human beings; they all have lives. That includes family and personal needs like medical, childcare, school or family obligations. Some officers are single parents and that makes these needs and responsibilities even harder to accomplish. They all realize that they can be forced to work on short notice, but NAC 284.242 defines that short notice as four hours. And this has been put in place for a reason so they have time to make arrangements to handle responsibilities. NDOC has always put the needs of the Department first but has failed miserably at looking at the needs of the officers. That's a big problem when it comes to retaining officers. As a senior correctional officer at High Desert State Prison for over 20 years, he has represented correctional officers and free staff at interviews and hearings. During these times the Department didn't exhaust all available options. They made few, if any, attempts to work with officers or even attempt to give any reasonable notice. Officers on mandatory lists can be held hostage for months. They tell you what number you are on the list with no guarantees of being required to work overtime, and you can be on this lists for months, not allowing you to make family or personal arrangements without the threat of being mandated. He had the responsibilities of posting shifts and understood about the administrative code, administrative regulations and operational procedures that were put in place for this reason. Despite initiating a volunteer list which has taken off and also changed times from the officers posts from one hour before the shift to seven hours before the start of the shift, there's no serious attempt to give the four-hour notice. The standard practice is approximately one hour or less right now. What the Department of Corrections has not done is to address the lack of staffing or as they call it, minimum staffing, and go to legislatively approved full staffing. It's always set at minimum staffing, so once you get a call-off you're automatically below. If it was at full staffing there would not be an issue. Full staffing would provide more safety for the officers and more posts to pull from which would reduce the need to hire overtime and the need to mandatory officers. NDOC has made no attempt to look at the needs of the employee; they are only attempting to address their own needs. The officers should not have to choose between family and job. Taking away the four-hour notice is not what's in the best interest of the officer or the Department of Corrections or in addressing retention of the employee. Addressing the real issues is and he hopes the Commission will agree and afford the officers of NDOC the four hours, a reasonable time period, to make any arrangements for their families and fulfill their duties to NDOC of being mandated to work overtime.

Commissioner Mauger: Asked if the change as proposed would further compound the issue. **Paul Lunkwitz:** Answered yes; it would further compound the issues they are having with staff retention and the greatest needs of staffing when they have the highest rate of mandatory overtime. When people have families and they get told right before the shift is over or on their way to the parking lot, you're putting them in a really bad position to choose their children or their job. If you remove this from the requirements that NDOC has to use, they are going to run into that situation, and there's discipline hanging over their heads as well. **Commissioner Mauger:** Asked if they didn't have this change and maintained the status quo, would that be at least until collective bargaining? **Paul Lunkwitz:** Answered in his opinion that is by far the best choice.

James Ferber: Stated this causes a severe hardship on the facilities themselves. Yes, they try and notify everybody as soon as possible, but when you have somebody that calls in five minutes before the end of the shift and you're already at your minimum staffing, you have nowhere else to pull anybody from; you're going to have to grab somebody that's coming out the gate that's headed towards the gatehouse to leave. Generally, when he posted shifts he would try and find somebody with the least seniority. That's the fairest thing that he could think of. Was it perfect? No. They are never going to find a perfect system, but the way it stands now, they end up having to shut down areas of the facility which impacts the inmates and causes them stress which then radiates out towards the officers causing a further safety issue.

Robert Ashcraft: Added maybe they should address that issue as opposed to the issue of when you're allowed to call off, what time you're allowed to call off. When employees call off an hour before or a half hour after, that does put them in a difficult position. Maybe they should address that issue.

Chairperson Fox: Stated the issue before the Commission is changes to Nevada Administrative Code 284.242. There's a much larger issue in terms of proper staffing levels within the Department of Corrections. There are a lot of disgruntled employees sitting in this audience in northern Nevada and that indicates that both management and employees need to roll up their sleeves and have a very focused conversation about staffing, calling in sick, amount of time of voluntary overtime as compared to mandatory, to hopefully get at some better solutions. She could feel the frustration amongst employees that feel like they're being further handcuffed if there's not some minimum amount of time before overtime is demanded or mandated. That's the much larger issue going on, but the issue before the Commission is the change in NAC 284.242. She asked that public comments stay focused on the

change in NAC 284.242. She does understand there is a larger issue and frustration and concern, and she is not belittling that or saying that's not going on. They need to stay focused on 284.242 in terms of this issue before the Commission and to approve or not approve.

Michael Martinez: Correctional Officer at High Desert State Prison stated it's important to have to have this four-hour notice. The way it is now they don't give the four-hour notice, and even if they did, there's no opportunity to make contact because all the phones from the units have been disconnected. There is no way to make an outside call except from the infirmary or in the control room. Right now employees are given 30 minutes or less notification, and they have to walk to their units and then they have to wait to get relieved to make phone calls to their others. This has been a struggle. It's been chaotic with mandating and people volunteering. It's frustrating. The policy is there, but it's not being followed. Some employees are on the mandated list and are being constantly mandated. Every three days, every four days, once every week, once every three days; it's repetitive. If you take this away, it's only going to make the supervisors more empowered to either choose the people that they like, or they choose the people that they don't like to put in positions where they want them. In 2017, he documented that he was mandated outside the policy and was not given four-hour notice on three occasions.

Sherri Kassebaum: President of AFSCME in the south and sergeant at Southern Desert Correctional Center commented NDOC could resolve the mandated problem quite easily by calling people that night for the next shift, and when people come on shift, let them know they are first in the line for mandated overtime. It's not that hard to give a four-hour notice; they have all shift to figure out if they need to swap a shift with another employee or make arrangements by getting a phone call from the sergeants to do so. Administration should be doing what's best for their employees instead of what's best for them; there is frustration and anger on both sides. Officers need four hours of time to talk to their families and make arrangements. This subject should be waiting for collective bargaining to do what's best for everybody.

Kerry Hunter: Senior Corrections Officer clarified there is a misconception; employees are not getting mandated four hours, two hours. It's eight hours. If you start at 1:00 in the afternoon, you're expected to be home around 9:00. With the 30 to 40-minute drive that's 9:45 or 10:00. When you've been mandated last minute, your phones do not work, those have been turned off. When they mandate you, sometimes it's for something small. That's a quick four hours, three hours, no big deal; they all do it. The problem lies where you are mandated eight hours, didn't tell your family and the threat of retaliation or being put on administrative leave is hanging over your head. It's hard to make that choice. You have almost 400 officers and supervisors on the yard between all shifts that have no problem doing overtime. About a year ago when the Legislature said we had to cut overtime by any means, we did have rolling blackouts. Every sergeant and supervisor that was not essential to being at the desk to answer the phone walked in the yard helping out. If they were doing that on a daily basis that would alleviate a lot of that mandate. He hoped the Commission would consider dismissing this outright or putting it off until after collective bargaining. It's a safety net for employees so they can make proper arrangements for family, school and appointments and the four hours is reasonable and workable. There is a bigger issue with staffing, but that's something different. This right now is a step in the right direction and removing it would be a step in the wrong.

Kevin Ranft: Labor representative with AFSCME Local 4041 stated the issue in front of the Commission today on the proposed change to NAC 284.242 really impacts the Nevada Department of Corrections. The bigger issue in the proposed regulation has unintended consequences by creating unnecessary overtime and places additional unnecessary strain on officers throughout the State. This could lead to additional retainment issues for NDOC. NDOC has created a retainment issue by the way they treat their staff, officers and employees statewide; this is a matter of respect and dignity, trust and appreciation. NDOC has a long way to go to create an environment that is healthy to work in, in essence creating a prison environment that has the elements of security that NDOC is looking for. NDOC's other governing body, the Board of Prison Commissioners, made up of the Governor, the Secretary of State and the Attorney General, are given the authority to discuss and recommend staff to the Legislature. He believed that the change to NAC 284.242 is a management issue for NDOC Administration and management to deal with internally. Further, the union and employees of the Department need to have a voice.

NDOC needs to create a process that works to create a safe and effective work environment. If this passes today, NDOC or other agencies have no need for the union or the employees' input; this would give them the easy way out. They know that that's not going to be the case. Mandatory bargaining is up and coming; it's already passed the Legislature. AFSCME would like to wait and create an environment where both sides could work together to get to where everyone needs to be on this issue. The current NAC already has a failsafe – emergency – however NDOC often chooses not to declare that emergency. NDOC often will put the inmates into programs and not shut down the yards to keep operations status quo. The officers know they're working in a prison facility and that there could be mandatory overtime, but let's have a fair process to do that or let's shut down some of these programs and go back to minimum staffing levels that was created and approved by the Department. There's no consistency on minimum staffing levels or in the current policy that was created over a decade ago regarding mandatory overtime, AR 326. The policy is interpreted

inconsistently statewide. There is a new Director of the Department of Corrections and the Commission is considering making this change today without him even having an opportunity to really sit down and discuss this with his staff to ensure success of all parties. AFSCME Local 4041 strongly opposes the proposed change outlined in LCB File No. R019-19 Section 1 and respectfully asks the Commission to vote no.

Cameron Vandenberg: The Chief Deputy Attorney General said she felt an obligation to speak because she was the one that started all this and shares the same perspective as the Department of Corrections. She started this process long before collective bargaining was passed; it takes that much time to get to this point. She proposed this amendment that was originally on the September agenda and enlisted the help of the Division of Human Resource Management based on the fact that they were seeing multiple instances of officers refusing to work mandatory overtime, many cases not because they couldn't, but because they didn't want to or because they felt that it was an unlawful order making them do so without what they felt was the proper notice. Second, the unpredictable emergency exemption to the regulation is simply unworkable or realistic. It should not require a riot or fire or something like that in the prison setting. As Commissioner Mauger said this is a safety issue and they live in the reality of legally required minimum staffing. Short-staffing, needing more positions and some of those other things that have been discussed are great, but NDOC relies on the Legislature for more positions. NDOC has to staff the institutions and having only an unpredictable emergency be the way to avoid the four-hour notice is just not workable. Falling below minimum staffing and having to shut down the institution or having a safety issue is an emergency. Officers will call in sick and management does not have a crystal ball and are never going to be able to determine exactly how many positions they're going to need to staff. Even if they changed the requirement for when an officer would call in sick, in reality NDOC is not always going to abide by that, not because they're necessarily refusing to, but sometimes an officer may not know that they need to call in sick until they wake up a little bit before they're going to go into work, or maybe their child throws up on the way to daycare. Employees are not always going to be able to meet a requirement even if they move it back. What to do then? Sure, four hours' notice would be nice, but they had an officer testify that he wouldn't have access to a phone then either. At the end of their shift, if officers call in at the last minute they've got to staff that position. Overtime is a condition of the job of a correctional officer; it's in the class specs, it's in the job announcement, it's in the work performance standards, and officers know that's a condition of their employment when they take this job. Of course mandatory overtime does impact people, their lives and their families and she doesn't understand why more people don't volunteer for overtime when they know they can, when they know they don't have plans, a doctor's appointment or a childcare issue. Then they don't have to worry about it. If their name is nearing the top of the mandatory overtime list, a reasonable officer would make arrangements knowing that more likely than not they will be mandated if they don't want to just go ahead and volunteer. The testimony today seemed to try to make NDOC out to be this uncaring, horrible agency that doesn't care about their employees and I don't believe that to be true; NDOC is trying very hard to meet their mission and it is not easy. NDOC is not always going to be able to give four hours' notice, but they are trying their best. Maybe the answer is to change the exception to the four-hour notice to something a little bit more workable, a little bit more reasonable than an unpredictable emergency as defined by the folks that have testified here. Having an institution not properly staffed is an emergency and it's not fair to say that it's predictable.

Commissioner Mauger: Stated Ms. Vandenberg said she didn't work at NDOC and those who testified do work there, so there is a marked difference between what she is saying and what employees are saying here because she doesn't work in that environment.

Commissioner Spurlock: Added the number one thing that is needed is communication. It sounds like a lot of this will be definitely covered in collective bargaining because everyone is going to decide how important this is or isn't to them. Is the comment that was made earlier true that management has much more ability than they'll admit much earlier in the shift and can be managing if they were working on it from the beginning of the shift and not waiting too long into the shift? Let's say mandated staffing is 12. Federal requirement, your own requirement, that's been determined for safety. You have to have 12, you only have 11, and somebody is walking out of the guardhouse. You're going to have to pull that person because you can't call somebody else that has to drive 90 minutes away because if you do that, you're deliberately endangering the public, the prison population and the remaining guards. NDOC ultimately has to do what they have to do. Barring everything else, do you think there could be greater effort by management earlier in the shift that would help them get a better handle on this and not have to lead to as many last minute attempts?

Cameron Vandenberg: Replied somebody mentioned NDOC does go through the voluntary list first and that is often occurring throughout that shift before they get to the mandatory list. Unfortunately what happens then, based on her understanding of that testimony, is that when they get to the mandatory list they're usually pretty close towards the end of it because they've exhausted the volunteers. But every single shift is different, and it would be better to defer to the higher-ups. High Desert has made some changes, so they are staffing the next shift earlier rather than an hour before. They have shift lieutenants and sergeants coming in earlier to start that process. There is a list that the officers initial when they come on duty so they can see where their name is on the list, so employees have an idea how likely they are to be mandated. Some conversations could potentially be had at that point during muster.

Deborah Hinds: Department of Health and Human Services employee spoke in support of her fellow brothers and sisters who work for NDOC. Working with adult mental health, there are several instances where officers have to travel with inmates to provide them psychiatric care. She is concerned for their safety, for their families, and for the outpatient and inpatient staff. If this regulation passes it could impact patient care.

Commissioner Mauger: Commented there's no doubt to the magnitude of the issues currently going on at NDOC. There is no doubt this change would further compound the problem and believes the Commission should leave this issue to collective bargaining and stay out of it.

Chairperson Fox: Responded this is best handled via collective bargaining and that process is beginning right now. She hoped that management would listen to the concerns regarding staffing levels and what they need to have happen to find a solution for the situation. Both sides want to get this fixed as it is in everyone's best interest.

MOTION: Moved to reject the proposed regulation changes proposed in Agenda Item VI-C, LCB File No. R019-19, Section 1, NAC 284.242 Overtime: Authorization.
BY: Commissioner Mauger
SECOND: Commissioner McCurdy
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Thanked everyone in the audience in both northern and southern Nevada. This is a passionate issue and she is hopeful with the new Director of Corrections that management and key employee staff can come up with an approach that meets the needs of the Department of Corrections and the interests of the majority of the employee concerns.

VII. REGULATIONS THAT WERE NOT APPROVED BY SUBCOMMITTEE TO REVIEW REGULATIONS OR LEGISLATIVE COMMISSION - Informational Item

VIII. REPORT OF UNCONTESTED CLASSIFICATION PLAN CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160 - Informational Item

Posting: #1-20
9.603 Facility Manager/Supervisor Series
Posting: #2-20
5.222 Educator Licensing Analyst Series (formerly known as Teaching Licensing Analyst)

IX. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Confirmed the next meeting is March 6, 2020. They Commission is still waiting to hear if Governor Sisolak will appoint an alternate Commissioner to be a regular Commissioner, and the three alternate Commissioners should be aware one of them might get bumped up.

X. COMMISSION COMMENTS

Commissioner Mauger: Shared this would be his last meeting. He didn't know what it was that allowed him to be appointed to the Board, but whatever it was, it has since passed. He is just a blue-collar guy in a white-collar position. He thanked Peter Long and his staff along with his fellow Commissioners for all their professionalism and support in helping him during his tenure on the Commission. He thanked Governor Sandoval and the State for allowing him to give back to the great people of Nevada.

Chairperson Fox: Thanked Commissioner Mauger and said they will miss his perspective. He kept members aware of employee concerns and labor issues. She wished him all the best in his next chapter.

Commissioner Spurlock: Added he and Commissioner Mauger were polar opposites; Commissioner Mauger was on the union side of the table and Commissioner Spurlock was on the HR side, but no matter what, Commissioner Mauger was always 100% respectful of different viewpoints. There was much they had in common on basic rights of the employees and due process and will always admire him for sticking up for the employee that way.

XI. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. She asked if there were any public comments; there were none.

XII. ADJOURNMENT

Chairperson Fox: Thanked everyone, wished them a healthy, happy, and safe holiday season, and adjourned the meeting.

Personnel Commission Meeting
March 6, 2020

FOR DISCUSSION AND POSSIBLE ACTION

The Hearing Officer Rules of Procedure that are currently in effect were reviewed and approved by the Personnel Commission on December 6, 2019. The Division of Human Resource Management recommends additional amendments to these Rules for review and approval at the March 6, 2020, meeting of the Personnel Commission.

At the request of the Personnel Commission Chairperson at the December 6, 2019, meeting, changes were made to the Personnel Hearing Officer Appointments section. Other minor changes were made to maintain consistency with formatting, structure and verbiage.

**NEVADA PERSONNEL COMMISSION
HEARING OFFICER RULES OF PROCEDURE**

1. GENERAL PROVISIONS

1.1. Applicability

- a) These rules shall be known and may be cited as Hearing Officer Rules of Procedure.
- b) Scope: Hearings related to dismissals, suspensions, demotions, and involuntary transfers
 - 1. NAC 284.774 to 284.818, inclusive, govern hearings in all cases relating to dismissals, suspensions, demotions, and involuntary transfers before the hearing officer and hearings for a written appeal filed pursuant to NRS 281.641.
 - 2. Except as otherwise provided in this document, the hearing officer shall use the hearings procedures established in NAC 284.774 to 284.818, inclusive and any hearings procedures provided by the Division of Human Resource Management if interested parties have proper notice of any procedural changes or are not prejudiced thereby. A copy of the hearings procedures is available by contacting the Division of Human Resource Management at 100 N. Stewart St., Suite 200, Carson City, Nevada 89701 or on the Division’s website at:
<http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Publications/Hearing%20Officer%20Rules.pdf>
 - 3. Each hearing officer may adopt supplementary rules governing practice ~~before him or her~~ to the extent they are not inconsistent with these rules, NRS **Chapters 281 and 284**, and NAC **Chapters 281 and 284**. The supplementary rules must be made available, in writing, to all parties not less than five business days before a hearing.
- c) Scope: Hearings related to claim of reprisal or retaliatory action for disclosing improper governmental action (“Whistleblower”)
 - 1. NAC 281.305, ~~to~~ 281.315 and NAC 284.774 to 284.818~~06~~, inclusive, **and** NAC 284.818 govern the procedure for conducting a hearing for a written appeal filed pursuant to NRS 281.641.
 - 2. NRS 281.641–(4): The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

1.2. ~~Organization of Personnel Hearing Officer System Appointments~~

- a) ~~Personnel Hearing Officers are appointed pursuant to NRS Chapter 284 and NRS Chapter 616C. Hearing officers for personnel appeals are appointed by the Personnel Commission pursuant to NRS 284.091.~~

1.3. ~~Governing Statutes and Regulations~~

- a) ~~All hearings conducted before the hearing officer shall be held in accordance with the applicable provisions of NRS 281 and 284, NAC 284, and 233B, Nevada Administrative Procedures Act, to the extent referenced in NRS 284.~~

2. FILING AND SETTING OF CASES

2.1 Filing an Appeal

- a) Within 10 working days after the effective date of the challenged involuntary transfer, suspension, demotion, or dismissal, a permanent classified employee may request a hearing before the hearing officer to determine the reasonableness of the action.
- b) Within 10 working days after the date of an alleged reprisal or retaliation, a State officer or employee who claims such action was taken against him or her for disclosing information concerning improper governmental action may request a hearing before the hearing officer.
- c) A request for a hearing before a hearing officer shall be made in writing and addressed to the Administrator of the Division of Human Resource Management, 100 N. Stewart St., Suite 200, Carson City, Nevada 89701. Requests will also be accepted by fax. Appeals must be filed on an Appeal of “Whistleblower” Retaliation Under the Provisions of NRS 281.641 (~~NPDHR-53~~) or ~~Request for Hearing Regarding Appeal of~~ Dismissal, Suspension, Demotion, or Involuntary Transfer (~~NPDHR-54~~) form and must be signed by the employee. These forms can be found on the Division of Human Resource Management website at <http://hr.nv.gov/Resources/Forms/Hearings/Hearings/>.

2.2 Assignment of Hearing Officers

- a) Method of selection
 1. For each hearing requested in a claim relating to a dismissal, suspension, demotion, involuntary transfer, or reprisal or retaliatory action, the Senior Appeals Officer of the Hearings Division shall provide to each party to the claim a list of three qualified Hearings Division Appeals Officers (referred to herein as hearing officers).

2. Each party may strike one name from the list and shall return the list with the remaining names to the Senior Appeals Officer of the Hearings Division not later than seven working days after receipt of the list.
 3. Except as otherwise provided in ~~subsection~~ paragraph 5, each person whose name is struck from the list pursuant to paragraph 2 is ineligible to serve as a hearing officer in that claim.
 4. Except as otherwise provided in paragraph 5, the Senior Appeals Officer of the Hearings Division shall select a hearing officer for the hearing from among the persons whose names were not struck from the list pursuant to paragraph 2.
 5. If a strike list is not returned from either party within seven working days, the Senior Appeals Officer of the Hearings Division may assign a hearing officer based on the information available.
 6. If, for any reason, all of the hearing officers whose names were not struck from the list pursuant to paragraph 2 are unqualified or otherwise unavailable to serve as a hearing officer for the hearing, the Senior Appeals Officer of the Hearings Division will provide a new list of hearing officers to the parties in the manner provided in this section.
- b) The Senior Appeals Officer of the Hearings Division will notify the selected hearing officer and provide case materials as soon as the determination of assignment is made.
 - c) If a hearing officer finds it necessary to recuse himself or herself from hearing an appeal, the basis for said recusal shall be documented in writing and addressed to the Senior Appeals Officer of the Hearings Division, who will then provide a new list of hearing officers to the parties in accordance with the provisions of 2.2(a).

2.2. Setting of cases

- a) Pursuant to NRS 284.390, the hearing officer shall schedule an employee's hearing within 20 working days after receipt of the employee's written request by the Division of Human Resource Management unless this time period is waived in writing by the employee or there is a conflict with the hearing calendar of the hearing officer. The hearing must be scheduled for the earliest possible date.
- b) Hearings may be scheduled by telephone and thereafter shall be confirmed in writing.

- c) In the interest of convenient, expeditious and complete determination of matters, the Senior Appeals Officer of the Hearings Division may consolidate hearing proceedings involving any number of issues.

3. COMMUNICATION WITH THE HEARING OFFICER

3.1 Communication with the Hearing Officer

- a) Any communication with the hearing officer or the clerk to the hearing officer that is by email, letter, or facsimile must demonstrate that all concerned parties have been copied on the communication.
- b) When responding to an email from counsel or the hearing officer, use the “Reply to All” feature, so that all parties, counsel, and the hearing officer know that everyone has received the communication.

3.2 Filing of Documents

- a) Filing of a document occurs when the original is received by and is in the actual physical custody of the hearing officer.
- b) A document ~~over~~ **more than** five pages in length may not be filed by facsimile unless so ordered or approved in advance by the Hearings Division. If a document which is five pages or less in length is received by facsimile, the document will be accepted and the date of receipt stamped on the document. If a document is received by facsimile and the original of the document is received within 3 business days after it is received by facsimile, the original will be stamped with the date it is received, but shall be deemed filed on the date the facsimile was received.
- c) A document may be filed by electronic mail upon prior written approval of the Hearings Division. A document filed by electronic mail must be:
 - i. Accompanied by an acknowledgment of receipt.
 - ii. Sent to the clerk for the hearing officer and to each party to the proceeding.

4. SUBPOENAS, PLEADINGS AND DOCUMENTS, DISCOVERY

4.1 Subpoenas

- a) The hearing officer, upon application of any party to a hearing, may issue subpoenas. All subpoenas must be served a minimum of fifteen days prior to the hearing date.

- b) Subpoenas issued to the State of Nevada, its public entities and political subdivisions, and their officers and employees, must be served in accordance with N.R.C.P. 4(d).
- c) A request for subpoena shall be either in writing or on the record identifying the witness and stating how the witness' testimony is material and necessary to the proceedings before the hearing officer.
- d) Per diem and travel expenses must be paid by the party at whose request the witness is subpoenaed. However, the hearing officer may award as costs the amount of all such expenses to the prevailing party.

4.2 Pleadings and documents

- a) All pleadings, written motions, and documents prepared for submission to the hearing officer shall be:
 1. In legible type on clean, white paper, 8½ by 11 inches in size, and lined and numbered in the left margin.
 2. Free of any personal ~~identifying~~ identifying information or with such information redacted, in particular any Social Security ~~N~~numbers. All documents must be reviewed, and signed certification required by NRS 239B.030 must be submitted. Evidence packets or documents containing personal identifying information may be rejected by the hearing officer.
 3. Two-hole punched at the top and, if the submission is ~~over~~more than 25 pages, ~~it must be~~ secured with "ACCO"-type fasteners.
- b) Evidence packets:
 1. Must contain a comprehensive index and separately numbered pages.
 2. Must not contain any double-sided documents.
- c) Parties to an action shall furnish copies of any pleadings, documents, or written motions to one another.
- d) The hearing officer shall refuse to file any document or pleading which is not properly signed by all persons, or which does not comply with these rules.
- e) A document or piece of physical evidence sought to be introduced during the hearing must first be identified for the record, and the hearing officer may request the production of such records and the appearance of such persons as he or she requires.

4.3. Discovery

- a) The extent to which discovery is allowed, if at all, is at the discretion of the hearing officer, who must make every effort to ensure that the discovery, if any, is neither costly nor burdensome.
- b) Discovery methods allowed by the hearing officer shall be utilized to assist parties in preparing to meet their responsibilities and protect their rights without unduly delaying, burdening, or complicating the hearing process and with due regard to the rights and responsibilities of other parties and persons affected.
- c) If a party from whom discovery is sought objects to the discovery, the party seeking the discovery may file a motion with the hearing officer to obtain an order compelling discovery. In the disposition of the motion, the party seeking discovery shall have the burden of showing that the discovery is needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues in controversy are significant enough to warrant the discovery. Discovery motions shall include certification by moving counsel that after consultation with opposing counsel they have been unable to resolve the matter.

5. MOTIONS: POINTS AND AUTHORITIES AND DECISIONS, EXTENSION OF TIME

5.1. Motions: Points and authorities and decisions

- a) All motions shall be accompanied by points and authorities and any exhibits or affidavits relied upon.
- b) The responding party shall file and serve upon all parties, within 10 days after service of a motion, answering points and authorities and counter-affidavits.
- c) The moving party may serve and file reply points and authorities within five days after service of the answering points and authorities.
- d) The hearing officer may hold a telephone conference with parties on any motion.
- e) The hearing officer shall render a decision on the motion within 10 days of the moving party's final reply. Notice of the decision shall be provided to all parties at least five days prior to the scheduled hearing.

5.2. Motions: Extension of time

- a) A request to extend the deadline for filing any motion shall be made at least five days prior to the deadline, with notice to all counsel and the hearing officer.

- b) No ex parte application for extension of time will be granted unless a satisfactory showing is made to the hearing officer that a good faith effort has been made to notify opposing counsel of the motion. If the hearing officer finds good cause therefore, he or she may order a temporary extension pending a determination of the motion.

6. PREHEARING CONFERENCES

6.1. The hearing officer may require a prehearing conference upon his or her own motion or upon motion of a party at which both parties and their counsel shall meet with the hearing officer to consider:

- a) Simplification of the issues;
- b) Necessity or desirability of amending documents for the purposes of clarification, simplification, or limitation;
- c) Stipulations as to undisputed facts or contents and authenticity of documents;
- d) Limitation of the number of witnesses;
- e) Such other matters as may tend to expedite the disposition of the proceedings and to ensure a just conclusion.

6.2. Statements of counsel made at a prehearing conference are not admissible in evidence unless so provided by a prehearing order.

7. HEARING STATEMENTS

7.1. Five calendar days before the hearing, each party may serve and file a hearing statement which shall set forth the following matters in the following order:

- a) A concise statement of the claimed facts supporting the party's claims or defenses.
- b) A statement of admitted or undisputed facts.
- c) A statement of issues of law supported by a memorandum of authorities.
- d) Summaries or schedules referring to exhibits, and reasons which clearly reflect the claims, defenses, or evidence of the party, together with references to the records or other sources upon which such summaries or schedules are based.
- e) The names and addresses of all witnesses, except impeaching witnesses.
- f) Any other appropriate comment, suggestion, or information for the assistance of the hearing officer in the hearing of the case.

- g) Certification by counsel that discovery has been completed, unless late discovery has been allowed by order of the hearing officer.

8. CONTINUANCES

8.1. No continuance of a hearing shall be granted except for good cause shown. Continuances shall be denied or granted as determined by the hearing officer and the hearing officer shall put in the file a record of continuances by party. Request for continuance shall be made in the following manner:

- a) A party may request a continuance not later than five business days before the date of the scheduled hearing by filing a written motion or stipulation with the hearing officer. Notice of the motion or stipulation and a copy of the motion or stipulation must be sent to each party to the hearing and to the clerk to the hearing officer.
- b) A party may contest a request for continuance submitted by another party by filing a written motion with the hearing officer not later than two business days after receiving the notice of the request for a continuance. Notice of the motion and a copy of the motion must be sent to each party to the hearing and to the clerk to the hearing officer.
- c) The hearing officer shall not grant a continuance requested on the day of a scheduled hearing unless 1) the hearing officer, any party, the legal counsel for a party, or a primary witness cannot attend because of an emergency; 2) the hearing exceeds the time allotted for the day; or 3) the hearing officer recesses the hearing until a future date.
- d) If the hearing officer recesses a hearing pursuant to a request for a continuance which is filed on the day of the scheduled hearing, the hearing must be held not later than 20 business days after the date of request for a continuance, unless there is a conflict with the schedule of the hearing officer.

8.2. Any and all cases shall have a disposition within a six month period from the date the appeal is filed unless good cause exists.

9. CONDUCT OF HEARINGS

9.1. Authority of Hearing Officer

A hearing officer presiding over a hearing shall have all powers necessary and appropriate to conduct a full, fair, and impartial hearing, including the following:

- a) To administer oaths and affirmations;
- b) To rule upon offers of proof and receive relevant evidence;

- c) To regulate the course of the hearing and the conduct of the parties and their counsel;
- d) To consider and rule upon procedural requests;
- e) To examine witnesses and direct witnesses to testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- f) To conclude the hearing at such time as all relevant testimony has been presented; and
- g) To issue findings and recommendations and render decisions.

9.2. Sanctions for Noncompliance

If a party or attorney/representative fails or refuses to comply with the rules, the hearing officer may make such orders and impose such sanctions as are just, including, but not limited to the following:

- a) Continue any hearing until the disobedient party or attorney/representative has complied with the requirement imposed.
- b) Require the disobedient party to pay the other party his or her expenses, including a reasonable attorney's fee incurred in preparing for and attending such hearing.
- c) Dismiss the case.

9.3. Communications with the Hearing Officer

- a) A party shall not communicate with the hearing officer regarding the merits of a case 1) except in the presence of all parties to the hearing; or 2) unless all parties to the hearing are notified of the communication in advance.
- b) The hearing officer shall not initiate ex parte communications with any interested person or party, directly or indirectly, regarding any matter in connection with a substantive issue.
- c) Nothing shall prevent the hearing officer from communicating about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the communication. The date and type of communication, the persons involved, and the results of such routine communications shall be part of the record.

9.4. Settlement Agreements

- a) When a case is settled prior to the hearing, the parties or their attorney/representative must notify the hearing officer no later than 24 business hours prior to the scheduled hearing; this includes cancellations for hearings scheduled on a Monday.
- b) Unless specifically requested by the parties, the hearing officer may not initiate settlement negotiations on the date scheduled for the hearing.
- c) Unless otherwise agreed upon in writing by all parties, an offer or demand of settlement made by a party must not be disclosed to or proposed by the hearing officer before the issuance of a final decision by the hearing officer.
- d) The hearing officer has no authority to change, amend, or modify any settlement agreement of the parties to the proceeding.

9.5. Hearings

- a) All hearings must be open to the public except on motion of either party for good cause shown. On the motion of either party, the hearing officer shall exclude witnesses not at the time under examination from the hearing room, except the parties to the proceeding.
- b) The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

9.6. The following shall be the order of proceeding of a hearing related to dismissals, suspensions, demotions, and involuntary transfers:

- a) Presentation, argument, and disposition of motions preliminary to the hearing.
- b) Opening statement for the employer.
- c) Opening statement for the employee, unless reserved.
- d) Presentation of the employer's case, followed by cross-examination.
- e) Presentation of the employee's case, followed by cross-examination.
- f) The parties may respectively offer rebutting testimony only, unless the hearing officer permits additional evidence upon the original cause.
- g) Argument for the employer.
- h) Argument for the employee.
- i) Closing argument for the employer.

9.7. The following shall be the order of proceeding of a hearing related to a claim of reprisal or retaliatory action for disclosing information concerning improper governmental action:

- a) Presentation, argument, and disposition of motions preliminary to the hearing.
- b) The opening statement for the State officer or employee.
- c) The opening statement for the employer, unless reserved.
- d) Presentation of the State officer's or employee's case, followed by cross-examination. The State officer or employee must establish that:
 - 1. He or she was a State officer or employee on the date of the alleged reprisal or retaliatory action;
 - 2. He or she disclosed information concerning improper governmental action; and
 - 3. The alleged reprisal or retaliatory action was taken against him or her within two years after the date he or she disclosed the information concerning improper governmental action.
- e) If these facts are established, presentation of the employer's case, followed by cross-examination, to establish that the employer did not engage in reprisal or retaliatory action or that the action was taken for a legitimate business purpose.
- f) If the employer establishes a legitimate business purpose for the action, the State officer or employee may introduce evidence, followed by cross-examination, to demonstrate that the stated business purpose is a pretext for the action.
- g) The parties may respectively offer rebutting testimony only, unless the hearing officer permits additional evidence upon the original cause.
- h) The argument for the State officer or employee.
- i) The argument for the employer.
- j) The closing argument for the State officer or employee.

10. TESTIMONY AND EVIDENCE

10.1. All testimony and exhibits offered at the hearing must be relevant and bear upon the matter in contention. Any testimony or exhibits which are considered by the hearing officer as not meeting this criterion may properly be excluded.

10.2. Testimony

- a) All testimony must be under oath administered by the hearing officer, except that the hearing officer may, for good cause shown, accept the sworn affidavit of a witness in lieu of the witness's appearance.
- b) At the beginning of his or her testimony, each witness who has not previously testified in the hearing shall state his or her name, business address and business/department, and job title or position.
- c) Testimony may be presented in the form of a statement or questions and answers.
- d) The hearing officer may allow testimony by telephone or videoconference in consideration of the cost or feasibility of the witness being present at the hearing, the nature and duration of the expected testimony, or whether there is a good reason the witness is unavailable to testify in person.
- e) Testimony is recorded and may be transcribed when necessary.

10.3. Evidence

- a) The hearing officer shall determine the evidence based upon the charges and specifications set forth by the appointing authority in the appropriate documents. Additional evidence beyond the scope of the charges shall not be considered.
- b) An employer's or employee's past performance by way of an act or a failure to act may be shown by competent evidence.
- c) Reports, evaluations, and other written evidence may be considered only upon a showing that the parties were made aware of the contents of the material.
- d) The hearing officer shall consider the objection of either side to the introduction of evidence. Competence and relevance must be the primary test in ruling on objections.
- e) All documents and exhibits offered into evidence at the hearing must be marked before submission in the following manner: employee/petitioner shall use numbers, employer/respondent shall use letters. Each party to the hearing must bring four complete copies of materials to the hearing.
- f) Any item offered into evidence must be properly authenticated and, if received, must be marked by the hearing officer or clerk with a distinguishing number or letter. The representative for the opposing party is entitled to examine the exhibit when it is offered.

- g) Technical rules of evidence do not apply at the hearing.
- h) The hearing officer shall return all documents and materials related to a case to the clerk within seven business days from the date of the decision.

11. FINDINGS AND DECISION

- 11.1. The hearing officer shall make no assumptions of innocence or guilt but shall be guided in his or her decision by the weight of the evidence as it appears to him or her at the hearing.
- 11.2. At the conclusion of the hearing, the hearing officer shall take the case under submission and shall render his or her decision in writing, including findings of fact and conclusions of law and opinions.
- 11.3. If the hearing officer determines that the dismissal, demotion, or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee reinstated with full pay for the period of dismissal, demotion, or suspension. The hearing officer may determine the reasonableness of the disciplinary actions and recommend appropriate levels of discipline, but only the appointing authority has the power to prescribe the actual discipline imposed on a permanent classified employee.
- 11.4. In a case regarding alleged reprisal or retaliatory action for reporting improper governmental action if the hearing officer determines that the action taken was a reprisal or retaliatory action, he or she may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file a copy of his or her decision with the Governor or any other elected State officer who is responsible for the actions of that person.
- 11.5. The hearing officer shall notify the parties in writing of his or her decision, findings, and recommendations within 30 days from the date of the hearing.
- 11.6. The decision of the hearing officer is binding on the parties.
- 11.7. A petition for rehearing or reconsideration must be filed with the hearing officer within 15 days after the date of service of the hearing officer's decision. An order granting or denying the petition must be served on all parties at least five days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.
- 11.8. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

Personnel Commission Meeting
March 6, 2020

FOR INFORMATION ONLY

Attached are the minutes of the June 25, 2019, August 28, 2019, and December 3, 2019, regulation workshops, and the Small Business Impact Statement, as they are related to the regulations proposed for permanent adoption.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATIONS WORKSHOP

DATE: June 25, 2019

TIME: 9:00 a.m.

PLACE:	State Library and Archives	Grant Sawyer Building
	Room 110	Room 1400
	100 N. Stewart Street	555 E. Washington Avenue
	Carson City, Nevada	Las Vegas, Nevada

Workshop Minutes

Staff present in Carson City:

Peter Long, Administrator, Division of Human Resource Management (DHRM)
Frank Richardson, Deputy Administrator, DHRM
Beverly Ghan, Deputy Administrator, DHRM
Michelle Garton, Supervisory Personnel Analyst, Consultation & Accountability, DHRM
Carrie Hughes, Personnel Analyst, Consultation & Accountability DHRM
Kara Sullivan, Supervisory Personnel Analyst, Recruitment, DHRM
Rachel Baker, Personnel Analyst, Compensation, DHRM
Denise Woo-Seymour, Personnel Analyst, Consultation & Accountability, DHRM
Keyna Jones, Management Analyst, Central Payroll & Records, DHRM
Kristen Anderson, Program Officer, Central Records, DHRM
Stephanie Neill, Personnel Officer, Agency HR Services, DHRM

Others present in Carson City:

Mavis Affo, Personnel Officer, Department of Public Safety (DPS)
Kevin Ranft, American Federation of State, County and Municipal Employees (AFSCME)
Dave Badger, Equal Employment Opportunity Officer, Department of Motor Vehicles (DMV)
Carol Nelson, Personnel Technician, Department of Conservation and Natural Resources
(DCNR)
Kristin Bowling, Personnel Officer, Department of Wildlife
Tonya Sieben, Personnel Officer, Department of Transportation (NDOT)
Bob Leedom, Human Resources Manager, Gaming Control Board
Teri Hack, Personnel Analyst, DCNR
Mary Gordon, Personnel Officer, NDOT

Allison Wall, Personnel Officer, NDOT
Kim Eberly, Personnel Analyst, DMV
Tiffany Davis, Executive Assistant, Silver State Health Insurance Exchange
Emily Kuhlman, Personnel Officer, Health Care Financing & Policy, Department of Health and Human Services (DHHS)
Logan Kuhlman, Personnel Analyst, Public & Behavioral Health, DHHS
Perry Faigin, Deputy Division Administrator, Real Estate Division

Others present in Las Vegas:

Brian Boughter, Personnel Officer, Department of Employment, Training and Rehabilitation (DETR)
Michelle Alanis, Deputy Attorney General, Office of the Attorney General
Jeanine Lake, AFSCME
Allan Gliponeo, Personnel Officer, DMV
Stephanie Lan, Personnel Analyst, DMV
Lisa Alfred, Personnel Analyst, Child & Family Services, DHHS
Michelle Carlson, Personnel Analyst, Child & Family Services, DHHS
Paula Miles, Personnel Technician, DETR

1. Call to Order

DHRM Deputy Administrator Frank Richardson called the workshop to order and explained that based on the feedback received, proposed language may be changed or deleted, and a group of regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed changes and provide time for comments from the audience.

2. Review of proposed changes to NAC 284

284.405 Reassignment of employee with disability who is unable to perform essential functions of position with or without reasonable accommodation.

Carrie Hughes, with DHRM, explained this amendment will require an agency, that is looking for available positions for reassignment of an employee as part of the reasonable accommodation process, to inform the employee of the circumstances and actions outlined in subsection 10 that would forfeit his or her reassignment rights as outlined in this regulation.

The intent is to ensure that an employee will not unknowingly forfeit his or her reassignment rights prior to referral to DHRM for possible statewide reassignment.

Frank Richardson, with DHRM, asked for any feedback or concerns.

Dave Badger, with DMV, asked if oral notification would be sufficient and, if not, is there a specific form to be used. Peter Long, DHRM Administrator, responded that the intent is to ensure an employee is advised and not to make the notification formal.

284.446 Time counted toward completion of probationary period.

284.448 Time not counted toward completion of probationary period.

284.450 Adjustment of probationary period.

Kara Sullivan, with DHRM, explained the changes to these regulations clarify that time counted toward the completion of a probationary period is also time counted toward the completion of a trial period. A trial period is the one-year probationary period a permanent employee who has been promoted to or voluntary transfers to a vacant position must serve. Because a trial period is a type of probation, amendments to NAC 284.446, NAC 284.448 and NAC 284.450 clarify that this is referring to both types of probationary periods.

Frank Richardson, with DHRM, asked for any feedback or concerns.

Dave Badger, with DMV, said the concern is that there is already some confusion in his agency, and he would assume most agencies, regarding probationary periods and trial periods. This regulation change only adds to the confusion by alluding to them as being essentially the same.

A probationary employee is not the same as an employee serving trial period. A probationary employee is serving his or her initial probationary period with State service and does not have the same rights as a permanent employee. A trial period is applied to an employee who has completed his or her initial probationary period, has attained permanent status and has been promoted. This means he or she is trying out the job and the supervisor is working on making the employee successful during the trial period. If the employee fails to meet the job expectations as documented by the supervisor, the employee may request to be reverted back or the supervisor may revert the employee back to his or her former position. Also, if the trial employee does not like the job, he or she can request to be reverted back to his or her former position. A probationary employee, on the other hand, has no rights and he or she can be terminated for any lawful reason. For example, in relation to the confusion this causes, when you look at NAC 284.446, time counted towards completion of the probationary period, subsection 1 says except as otherwise provided in subsection 4, a probationary or trial employee must perform his or her duties continuously in the classified service for either six months or one year, full time equivalency, as required with the class in which he or she is employed to attain permanent status. So, this amendment will apply to the completion of probation or a trial period, when only the completion of the probationary period accomplishes this. So, we believe that this amendment is just adding more confusion because there needs to be a clear distinction between probationary periods and trial periods. So, for that reason, DMV would request that DHRM reconsider the implementation of this proposed regulation amendment.

284.586 Civil leave with pay to vote.

Carrie Hughes, with DHRM, explained the proposed amendment to NAC 284.586, provides an employee with the right to take civil leave for early voting. This amendment will ensure consistency in application between agencies and allow agencies to better manage office coverage during the period of early and regular voting.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.589 Administrative leave with pay.

NEW Required administrative leave with pay.

Carrie Hughes, with DHRM, explained the amendment to NAC 284.589 and a newly proposed regulation regarding required administrative leave with pay. The proposed amendments effectively split NAC 284.589 into two separate regulations. The intent is to better indicate under which circumstances administrative leave is mandatory or permissive and for ease of use. The amendment to NAC 284.589 further removes the requirement for employees to be available by telephone or available to report to work when administrative leave is used for donating blood and attending benefits orientation or education sessions. Finally, the amendment to NAC 284.589 extends administrative leave to employees who are veterans, for up to two hours, to attend veterans and military related events sponsored by the State's Legislature.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.458 Rejection of probationary employees; rejection of permanent employees on trial period; removal of ineligible request for adjustment of grievance or appeal from procedure; notice; satisfactory completion of probation.

NEW Removal of ineligible request for appeal from process; notice.

Michelle Garton, with DHRM, explained that the next regulation amendments are related to the removal of grievances from the procedure for the adjustment of grievances and the removal of an appeal of disciplinary action from the appeal process.

An employee may not grieve or appeal a rejection from probation or a trial period. Subsection 3 of NAC 284.458 was added in June of 2018, to allow DHRM to remove a grievance or an appeal of disciplinary action from the process when it is filed as a result of a rejection from trial or probation. However, there are additional situations when an employee is not eligible to file a grievance or an appeal and DHRM has not had a regulatory basis to remove grievances and appeals in those situations. The intent of these amendments is to increase efficiency while cutting associated costs associated with the process. The specifics are as follows:

Subsection 3 of NAC 284.458 is proposed to be removed because the ability for DHRM to remove a grievance or an appeal will be expanded, and this subsection will be placed into a new regulation that addresses other situations when either a grievance or an appeal is inappropriately filed.

The next regulation is a new regulation. This regulation essentially includes subsection 3 which is proposed to be removed from NAC 284.458 as it relates to appeals, including DHRM's notification requirements. Also included in this regulation is the ability for DHRM to remove an appeal from the process when it has been filed by an employee who is not in the classified service.

Finally, it's proposed that DHRM be given the ability to remove an appeal because it was not filed in accordance with NAC 284.6562 which includes that the employee must be a permanent employee and he or she must submit the written notification of the appointing authority's decision regarding the

proposed disciplinary action if written notice was provided.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.693 Removal of ineligible request for adjustment of grievance or complaint from procedure; notice; appeal.

Michelle Garton, with DRHM, explained this regulation has been in effect since June of 2016, and currently allows for the removal of a grievance from the process for many more situations of an improperly filed grievance than we currently have with appeals. The exception related to NAC 284.458 has been removed and now includes a reference to that regulation in subparagraph (a) of subsection 1. Also included is the ability for DHRM to remove a grievance related to a report on performance in the event that the employee did not request a review of that report on performance prior to filing a grievance.

Finally, it is proposed that the requirement for an agency to make a request to remove grievance be included in this regulation. The change supports the DHRM's reliance on agencies to request grievance removal to start the process.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.210 Differential rate of pay for qualifying shift.

Rachel Baker, with DHRM, explained this amendment. The amendment intends to clarify that a shift deemed as qualifying meets the criteria outlined in subsection 1(b) of the regulation. Currently, as written and defined, an employee could work a two-hour shift of regular time and six hours of overtime and qualify for shift differential. Historically, the application of qualifying shift must be eight hours or more of regular time. Six hours of overtime is not a qualifying shift. As the amendment is being proposed, an employee working at a 24-hour agency that has had his or her shift reassigned from day to evening would not be excluded from qualifying for shift differential.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.255 Holidays: Holiday pay.

Rachel Baker, with DHRM, explained the amendment to subsection 8 of NAC 284.255 clarifies which agency is responsible for the compensation of a non-exempt employee who transfers from one agency to another on the day before or on the day of a holiday. The revised language outlined in the subsection reverts to the language used prior to 2002.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

284.242 Overtime: Authorization.

Peter Long, Administrator, DHRM, detailed NAC 284.242. The amendment being proposed is intended to make it clearer to agencies and employees when overtime needs to be communicated.

Right now it says it must be communicated four hours in advance. It is being proposed that there be a carve out for agencies that maintain a work week greater than required or that affect the health, safety and welfare of the people of the State of Nevada. Basically, this would include an agency that operates 24-hour a day. In particular, law enforcement, corrections, healthcare, etc., where it's difficult to give four hours advance notification for overtime, when there's nothing in regulations or statute that requires a person to call in within a certain amount of time. So, call in rules are typically a policy of an agency and most agencies have a requirement to call in within an hour before your shift starts.

So, for agencies with mandated manning levels for customer safety or health of the public, it's difficult to give four hours notice. This is simply a proposal and they are hoping for input from agencies with their concerns or if it's all okay. This isn't intended to harm employees or agencies. It's intended to assist both so that an employee knows that they're going to be working overtime. If they're told at the beginning of the shift or if they're told an hour before the end of the shift because someone called in sick, that's the intent.

Peter Long, with DRHM, asked for any feedback or concerns.

Kevin Ranft, with AFSCME, stated that NAC 284.242 has been an issue for a long time. It's really just a policy issue that's internally vague within NDOC and he was going to use NDOC as an example. There is not a consistent breakdown with respect to how the overtime is handled, specifically mandatory overtime. It is often found that it is not applied fairly and consistently.

Earlier this year, there was an EMC hearing which produced an EMC decision that NDOC was not properly providing the four-hour notice as required by NAC 284.242. This changes that. Mr. Ranft said he understands that the agencies want to have this process in place so they can just go up to an employee and say you're working mandatory overtime.

There are some studies done throughout the nation that even in the prison system that an employer figures out how to help employees and their families with childcare needs. Whether it's coming up with a policy on how to get on a voluntary list, get their name off a mandatory list or provide actual childcare. There are numerous different options. NDOC, respectfully, has yet to come up with a policy. Instead, they want to parade a Nevada Administrative Code to really just give them an out. AFSCME is wholeheartedly opposed to that.

This is a matter of respect and dignity, trust and appreciation. This goes a long way with creating an environment that is healthy to work in. In essence, creating a prison environment that has the elements of security that NDOC is looking for, and Highway Patrol and mental health and other 24-hour facilities. Often, this is a case really just to staff their facilities.

Those agencies need to seriously review how officers and staff are respected. If they're provided that dignity, given the trust to do their job and appreciated this would go a long way with retainment of officers and getting them to just simply volunteer overtime, but that's not always the case. They feel disrespected.

NAC 284.242 already provides for a process if there's an unpredictable emergency necessitating officers to work overtime. There are a lot of good supervisors and a lot of good lieutenants, but we

find often that it's simply easier for a supervisor to select officers for mandatory overtime versus just picking up the phone and calling officers or staff that are on their days off to come in and work that voluntary shift.

During the EMC hearing earlier this year mentioned previously, there was a motion made that a recommendation was sent to the Governor's Office suggesting that a climate study to be done with NDOC to evaluate staffing and other concerns. We are strongly opposed to this NAC regulation.

Mr. Long, with DHRM, asked Mr. Ranft, with AFSCME, if he had any recommendations as to how this could be changed to address his concerns. Mr. Long said DHRM wants to try to ensure consistency across departments, and they don't have the authority to tell an agency what policy they must set. So how can they do something in regulation to help the employee and the agency address the concerns raised.

Mr. Ranft, with AFSCME, summed up his views by saying that going forward, instead of changing the NAC, it should be up to the agencies to work together to see what's working and what's not working to ensure something that works for them on the overtime and to apply some of those things that he talked about in his testimony in regard to a fair and consistent policy. Second, they need to ensure that officers are respected and appreciated. It's currently not there. Mr. Ranft said he wished he had a suggestion to fix all agencies, but he thinks it's a two-way street.

Mr. Long, with DHRM, asked Mr. Ranft, with AFSCME, a follow-up question. Mr. Ranft said that NAC 284.242 already allows an agency to assign overtime without the four hours notice. In subsection (b), where it refers to an unpredictable emergency prevents prior approval—in Mr. Ranft's example, what if NDOC simply started using that and said that someone calling in is an unpredictable emergency because we have shifts scheduled with the correct number of people and someone called in sick. That's unpredictable, we don't know when someone is going to call in sick and what if they started utilizing that section of the statute or regulation. "Unpredictable emergency" is not defined anywhere.

Mr. Ranft, with AFSCME, replied that NDOC knows on a continual basis that they're short staffed. AFSCME feels that over the years they have created their own problem on having short staff. On a daily basis they know that they're going to have a large call out. On a daily basis, they're going to know that they have people on leave. The only emergency situation that's typically like an escape, a large amount of inmates that have gone to the hospital. What they find though is NDOC doesn't declare this an emergency. Therefore, they feel by them not saying this is an emergency, we're going to mandate you on overtime without any notice, they have never truly done that. They either say, you're my buddy, I'm going to let you not work mandatory overtime or you're a younger officer, I'm going to nab you for mandatory overtime. There's no consistency. It's either you're my buddy, or you're a young officer and you have to work the mandatory overtime. If there was a true emergency, it wouldn't matter at that point. All officers would be willing to step up and say I'm going to be here to protect the citizens of Nevada and do my job that I signed up to do. But you're right, there is no clear definition of that. That's something that they could work with the agency on to ensure what that definition is. It's going to take awhile to get some of the things in place, but Mr. Ranft thinks that this NAC would give them an out.

Mr. Long, with DHRM, had one final question for Mr. Ranft, with AFSCME. He asked in his position

as the Labor Rep for AFSCME, is his concern specifically for Corrections or is it for all agencies that maintain a work week greater than required and affect the safety and welfare of the State.

Mr. Ranft, with AFSCME, replied they see this specifically in behavioral health, specifically mental health. Lakes Crossing, NAMHS, Stein and SNAMHS down in Las Vegas. And maybe some of the Summit and maybe the Nevada Youth Camp in Elko.

Deputy Attorney General Michelle Alanis stated that for the record, she was the attorney present at the EMC hearing for the decision that was previously referenced, as well as the attorney of record in two appeals cases related to this overtime issue, where suspensions were upheld. Ms. Alanis said she would agree with Mr. Ranft that this is a common occurrence with NDOC, but she disagrees with some of the statements he made.

Deputy Attorney General Alanis, said her Division in the Attorney General's Office, is in favor of an amendment being made to this regulation because what they see is that NDOC has a policy in place that they are trying to consistently apply, but what they have is a situation where employees then are refusing to work the overtime. The policy is there's an overtime scheduling sheet presented to the employee at the start of their shift, which would be about eight hours before the next shift. On that sheet, at the very top is the voluntary overtime list. Below that is the mandatory overtime list and it's numbered from one to, however long they make the list that day. The officers are required to initial next to their name, their location on the mandatory overtime sheet which signifies you will be first to be called, second, third, as we go down the list, as the needs require. So, it's not that they are approaching employees two minutes before the next shift. There is a procedure and a policy in place. The problem is it an unpredictable emergency where staff has called off. This is the problem because the EMC clearly didn't believe that falling below minimum staffing was not an unpredictable emergency. So now there are inconsistent decisions. What we have is a scenario where the Legislature has created this minimum staffing for NDOC. That's not optimal staffing, that's bare bones minimum staffing. When the officers are not working mandatory overtime, it's creating this situation where we're falling below minimum staffing. What this amendment is trying to do is to alleviate the situation that we're facing.

Jeanine Lake, with AFSCME, was next to speak. She said in her 24 years of working as a Labor Representative, the staffing and maintaining of employees in many of the public safety, 24-hour facilities has been an issue. Turnover has been very high at times. At what point does it stop being an emergency when the agency is consistently understaffed? At what point does an agency consider the impact to an employee with forced overtime? State employees have lives too. They have families, they have spouses who must work and mandatory overtime can disrupt their schedules, their family lives, especially when it comes to childcare, transportation to and from school, doctor's appointments and more. It's difficult enough to work in those agencies without the forced overtime being a very consistent issue. It's troublesome for some of these 24-hour facilities that understaffing and turnover continue to be a problem and year after year, not enough has been done to maintain those employees. In some cases, employees are treated with little to no regard and in many instances, if they refuse the overtime or simply cannot remain on the job due to prior commitments they can be and many times are disciplined. DHRM should not proceed with this regulation change and should allow the agencies and the employee unions to determine such matters through the collective bargaining process which was just passed in the legislature. That would be the most fair and equitable way to address those

concerns for all sides. Employees have good suggestions. They have input. They would like that opportunity.

284.498 Training of supervisory and managerial employees.

Carrie Hughes, with DRHM, said the proposed amendment to NAC 284.498 will add a requirement for supervisors to receive training on the Americans with Disabilities Act, the ADA and the Family and Medical Leave Act, the FMLA; as well as training on the developing and revising of documented essential functions of positions. The intent is to ensure that supervisors are prepared to fulfill their responsibilities under these laws. Additionally, this amendment will provide for an additional component regarding sexual harassment and discrimination to be added to the existing Equal Employment Opportunity Class for managers and supervisors. This additional component will not replace the employee required sexual harassment and discrimination class, but instead provide additional supervisor specific training.

Frank Richardson, with DHRM, asked for any feedback or concerns.

Allan Gliponeo, with DMV, had some comments on NAC 284.498. He said his department is very pleased and they agree with the addition of the subparagraph (b)(6) of subsection 1, Title 1 of the ADA, FMLA and the essential functions and development of that. The addition of the sexual harassment and discrimination component to the Equal Employment Opportunity section is also a plus.

284.726 Access to confidential records.

Michelle Garton, with DHRM, explained the final regulation for the workshop, regarding access to confidential records. Recently, this regulation and NAC 284.718, confidential records, were amended to expand access to confidential records because the State of Nevada is seen as one employer under state and federal law. Subsection 5 of NAC 284.718 makes various items related to sexual harassment and/or discrimination investigation confidential. The amendment to this regulation, NAC 284.726 will include access to some of the various items related to these types of investigations between agencies. Again, as currently is the case, agencies have the ability to limit access to confidential information by staff using protocols currently in place.

Frank Richardson, with DHRM, asked for any feedback or concerns. There was none.

3. Adjournment

After thanking everyone for attending and participating, Mr. Richardson adjourned the workshop.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

REGULATIONS WORKSHOP

DATE: August 28, 2019
TIME: 9:00 a.m.
PLACE: State Library and Archives Grant Sawyer Building
Room 110 Room 1400
100 N. Stewart Street 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Workshop Minutes

Staff present in Carson City:

Peter Long, Administrator, Division of Human Resource Management, DHRM
Frank Richardson, Deputy Administrator, DHRM
Beverly Ghan, Deputy Administrator, DHRM
Carrie Hughes, Personnel Analyst, Consultation & Accountability DHRM
Kara Sullivan, Supervisory Personnel Analyst, Recruitment, DHRM

Others present in Carson City:

Michelle Garton, Supervisory Personnel Analyst, Consultation & Accountability, DHRM
Kristin Bowling, Personnel Officer, DOW
Tonya Sieben, Personnel Officer, Personnel Officer, Agency HR Services, DHRM
Teri Hack, Personnel Analyst, DCNR
Mary Gordon, Personnel Officer, NDOT
Kim Eberly, Personnel Analyst, DMV
Rosana Woomer Personnel Analyst, DHRM
Jennifer Kauble, Personnel Analyst, DMV
Alys Dobel, Personnel Officer, DMV
Gayle Jonte, Management Analyst, DMV
Rick Kabele, Deputy Administrator, SPWD
Suzanne Webb, Personnel Analyst, DHHS-ADSD

Others present in Las Vegas:

Jennifer DeRose, Deputy Administrator, B&I-NTA
Stephanie Lan, Personnel Analyst, DMV
James Ferber, Correctional Lieutenant, NDOC
Jerry Howell, Warden, NDOC
Brian Williams, Warden, NDOC
James Scally, Associate Warden, NDOC
Jeremy Bean, Associate Warden, NDOC
Monique Hubbard-Pickett, NDOC
Michelle Carlson, Personnel Analyst, DHHS-DCFS
Maria Langley, UNLV
Mary Jo Scott, Personnel Officer, DHHS-ADSD
Lori Gaston, Personnel Analyst, DHHS-ADSD
Sharon Williams, Personnel Officer, DPS

1. Call to Order

DHRM Deputy Administrator Frank Richardson called the workshop to order and explained that based on the feedback received, proposed language may be changed or deleted, and a group of regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed changes and provide time for comments from the audience.

2. Review of proposed changes to NAC 284

284.444 Waive trial period for a permanent employee who voluntarily transfers.

284.446 Time counted toward completion of probationary period.

284.448 Time not counted toward completion of probationary period.

284.450 Adjustment of probationary period.

Kara Sullivan, with DHRM, explained the proposed changes to NAC 284.444 will allow an appointing authority to waive a trial period for a permanent employee who voluntarily transfers. This allows more flexibility in the appointment process. In addition, for consistency purposes subsection 3 has been moved to the end on the regulation and subsections 11 and 12 have been moved up.

Kara Sullivan, with DHRM, explained the proposed changes to NAC 284.446 will clarify the time counted toward a probationary period and time counted toward completion of a trial period. The changes clarify that a new employee serves an initial probationary period of six months or one year. A permanent employee who is promoted serves a one-year trial period in the new class. A permanent employee who transfers may be required to serve a trial period if it is not waived by the appointing authority.

Kara Sullivan, with DHRM, explained the proposed changes to NAC 284.448 will clarify the time not counted toward a probationary period and time not counted toward completion of a trial period. The

changes clarify that exemptions made for time not counted toward a probationary period would also not count toward a trial period.

Kara Sullivan, with DHRM, explained the proposed changes to NAC 284.450 will clarify when an adjustment can be made toward the length of a probationary period or trial period. The changes clarify that exemptions made for time not counted toward a probationary period would also not count toward a trial period. An employee must complete the required number of months/full time equivalency as established for the probation or trial period being served.

Kara Sullivan stated as these are the proposed changes to these regulations, DHRM would welcome any discussions or thoughts that the audience may have.

Frank Richardson, with DHRM, asked for any feedback or concerns.

There were no comments in Carson City or in Las Vegas.

284.892 Duties of employee who is referred to employee assistance program.

284.893 Return to work of employee who tests positive for alcohol or controlled substance while on duty.

Carrie Hughes, with DRHM, stated as part of a mandatory referral to an employee assistance program due to a positive result on an alcohol and/or controlled substance screening test, an employee is required to provide documentation demonstrating participation in and completion of the referral. The amendments in these regulations will clarify that an agency can act upon documentation provided directly by the employee assistance program as well as the employee, similar to a health care provider directly submitting documentation related to sick leave or the Family and Medical Leave Act.

Frank Richardson, with DHRM, asked for any feedback or concerns.

There were no comments in Carson City or in Las Vegas.

3. Adjournment

After thanking everyone for attending and participating, Mr. Richardson adjourned the workshop.

Steve Sisolak
Governor



Peter Long
Interim Director

Robin Hager
Deputy Director

Frank Richardson
Interim Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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REGULATIONS WORKSHOP

DATE: December 3, 2019
TIME: 9:00 a.m.
PLACE: Legislative Counsel Bureau Grant Sawyer Building
Room 2135 Room 4412E
401 S. Carson Street 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Workshop Minutes

Staff present in Carson City:

Frank Richardson, Interim Administrator, Division of Human Resource Management, DHRM
Michelle Garton, Supervisory Personnel Analyst, Consultation & Accountability, DHRM
Beverly Ghan, Deputy Administrator, DHRM
Carrie Hughes, Personnel Analyst, Consultation & Accountability DHRM

Others present in Carson City:

Lisa Kreskey, Environmental Scientist, DCNR
Matt Donaldson, Environmental Scientist, DCNR
Teri Hack, Personnel Analyst, DCNR
Mary Gordon, Personnel Officer, NDOT
Kim Eberly, Personnel Analyst, DMV
Kara Sullivan, Supervisory Personnel Analyst, Recruitment, DHRM
Rosana Woomer Personnel Analyst, DHRM
Sandy Finley, Personnel Analyst, DHRM
Katie Holmberg, Personnel Officer, OPM
Emily Kuhlman, Personnel Officer, DHHS-DPBH
Logan Kuhlman, Personnel Officer, DHHS-DHCFP

Others present in Las Vegas:

Stephanie Lan, Personnel Analyst, DMV

Angela Santos, Personnel Officer, DMV

Heather Dapice, Supervisory Personnel Analyst, DHRM

Chris Walsh, Personnel Officer, DHRM

1. Call to Order

DHRM Supervisory Personnel Analyst Michelle Garton called the workshop to order and explained that based on the feedback received, proposed language may be changed or deleted, and a group of regulations may be affected. If the regulations are submitted to the Personnel Commission for adoption, amendment or repeal, the minutes from the workshop and any other comments received will be provided to the Personnel Commission when the regulation is presented for their consideration. Staff will provide an explanation of the proposed changes and provide time for comments from the audience.

2. Review of proposed changes to NAC 284

284.650 Causes for disciplinary or corrective action.

Carrie Hughes, Personnel Analyst with DHRM, explained the amendment will remove the ability to discipline employees, who have no business reason to carry a firearm but hold a permit to concealed carry, for carrying a concealed firearm on the premises of the public building in which they are employed.

This amendment is the result of employees petitioning the Division of Human Resource Management to align the provisions of NRS 202.3673 and NAC 284.650, due to their security concerns.

Carrie Hughes stated as these are the proposed changes to these regulations, DHRM would welcome any discussions or thoughts that the audience may have.

Ms. Lisa Kreskey, an Employee with the State of Nevada stated she and her coworker submitted a petition due to the increase in mass shootings in the country over the last couple of years as well as the limited security in their building.

Ms. Kreskey stated they had requested the one regulation and the one statute be more in alignment with each other.

Ms. Kreskey stated she submitted the memo to Administrator Long and asked to read the memo and stated the memo had been slightly altered since she first submitted it

Matt Donaldson, an Employee with the State of Nevada clarified that he and Ms. Kreskey were on leave and not representing their Division.

Ms. Lisa Kreskey stated on July 10, 2017 the Administrator of her Division announced they had been issued metal door bars to assist in building security.

Ms. Kreskey stated the bars were to block out access to employees from an active shooter by wedging the door.

Ms. Kreskey stated the number of mass shootings has tragically increased in the last 20 years primarily since the horrific episode in Colorado at Columbine High School.

Ms. Kreskey stated many such tragedies had taken place including in Carson City in September of 2011 when a mentally disturbed individual walked in to the IHOP and gunned down 5 people and wounded many more.

Ms. Kreskey stated her building has limited physical security and anyone can enter the elevators during normal business hours, go to any floor and cause any manner of trouble they wished.

Ms. Kreskey stated as a public employee with a background in municipal law enforcement, she was deeply concerned by the poor security in her building.

Ms. Kreskey stated the nation-wide increase in mass shootings has been terrifying.

Ms. Kreskey stated when the door bars were issued, she was struck by the fact the bars would not prevent an active shooter from simply firing through a door or wall neither of which is very thick.

Ms. Kreskey stated on May 31, 2019, a disgruntled employee of the Virginia Beach Municipal Center entered his place of work and opened fire on his coworkers.

Ms. Kreskey stated not one of those people could defend themselves due to the building being a posted 'gun free' zone and an associated 'gun free' policy at the workplace; 12 people were killed.

Ms. Kreskey stated in 2011, she along with several other public employees were threatened with shooting by a member of the regulated community.

Ms. Kreskey stated anytime they entered this man's property, they had to be surrounded by armed police officers.

Ms. Kreskey stated with signs on the doors that declare the building a 'gun free' zone, her offices are potential targets for mentally ill persons seeking to do great harm.

Ms. Kreskey stated according to the Crime Prevention Research Center, 98.4 percent of mass shootings are conducted with a posted 'gun free' policy and that such zones are nothing more than 'murder magnets'.

Ms. Kreskey stated according to the Bureau of Justice statistics, only 28 percent of calls for violent crime are answered by police within 5 minutes or less.

Ms. Kreskey stated one active shooter can do incredible damage and take many lives by the time police can respond.

Ms. Kreskey stated she and her coworker approached their Bureau Chief to request that eligible, permitted employees be allowed to carry concealed firearms to defend themselves and their coworkers in the event of an active shooter.

Ms. Kreskey stated they had several meetings with upper management between April 2018 and 2019 but ran into a problem with the interpretation of NAC 284.650 as it directly contradicts NRS 202.3673.

Ms. Kreskey stated the latter, paraphrased, allows persons with a CCW (Carrying a Concealed Weapons permit) to carry their firearm in a public building which they work as long as it is not the type of building where such weapons are banned such as airports, courthouses, schools and other facilities.

Ms. Kreskey stated NAC 284.650(20) stated if a weapon is not needed for the execution of the State employee's duty, he or she can be punished for carrying it.

Ms. Kreskey stated NAC 284.650 stated appropriate disciplinary action may be taken for any of the following causes: subsection 20, carrying while on the premises of a workplace any firearm which is not required for the performance of the employee's current job duties or authorized by his or her appointing authority.

Ms. Kreskey stated she and her coworker had initially requested that subsection 20 be stricken entirely from the regulation, however, the Division of Human Resource Management proposed not deleting the clause but adding language to it.

Ms. Kreskey stated that language was 'this subsection does not apply when an employee who is authorized to carry a concealed firearm does so in the public building in which he or she is employed'.

Ms. Kreskey stated she and her coworker greatly appreciate the consideration given to their request but feel the word 'authorized' in the proposed language is open to interpretation.

Ms. Kreskey asked if the word 'authorized' referred to authorization given to the issuance of a CCW permit, or does it refer to authorization given by the Department Administrator.

Ms. Kreskey stated when employees as field inspectors are in State vehicles, that car or truck is their building and for the period of time in the field it is their office, their place of employment.

Ms. Kreskey stated on many occasions, she had broken down and was stranded in remote locations with no law enforcement and no means of defending herself while waiting for a tow truck.

Ms. Kreskey stated the ability to carry personal protection while stranded in a State vehicle is crucial to personal safety.

Ms. Kreskey stated there are no provisions in NRS 202.3673 prohibiting this act, therefore they are asking the proposed language in NAC 284.650 be amended to ‘this subsection does not apply when an employee who is authorized by a CCW permit to carry a concealed firearm does so in the public building in which he or she is employed or a State vehicle in which he or she is assigned’.

Ms. Kreskey thanked the panel for the opportunity to air their concerns.

Michelle Garton, with DHRM, thanked Ms. Kreskey for the memo and for the specific proposed language.

Michelle Garton, with DHRM, asked for any feedback or concerns.

There were no comments in Carson City or in Las Vegas.

284.726 Access to confidential records.

Michelle Garton, with DRHM, stated the amendment to this regulation will require the release by an appointing authority of records requested by the Division of Human Resource Management in the course a sexual harassment or discrimination investigation.

In the past, the Division has experienced difficulties obtaining such relevant records and the intent of the amendment to this regulation is to resolve this challenge.

Michelle Garton, with DHRM, asked for any feedback or concerns.

There were no comments in Carson City or in Las Vegas.

Michelle Garton, with DHRM, stated items that move forward will be sent to the Legislative Counsel Bureau for pre-adoption review and potentially discussed at an upcoming Personnel Commission meeting either in March or June of 2020, depending on the length of the pre-adoption review process.

3. Adjournment

After thanking everyone for attending and participating, Ms. Garton adjourned the workshop at approximately 9:12 am.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. These regulations only impact employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Peter Long

Peter Long, Administrator

January 28, 2020

Date

FOR DISCUSSION AND POSSIBLE ACTION

The following regulation has been proposed for permanent adoption. A brief explanation precedes the regulation and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R018-19

The Division of Human Resource Management recommends the regulation amendments contained in LCB File No. R018-19.

The intent of the amendment to NAC 284.498 in Section 1 of this LCB File is to help supervisory and managerial employees become more comfortable handling issues related to unlawful discrimination and sexual harassment, the American with Disabilities Act, the ADA Amendments Act, the development of essential functions of positions, and the Family and Medical Leave Act.

The first amendment to NAC 284.726 will provide access to any appointing authority of an agency, in addition to the other individuals listed, to information related to a sexual harassment or discrimination investigation. The intent of this amendment is to expand access to an employee's record of employment to appointing authorities across the State of Nevada.

The amendment to the new subsection 8 of NAC 284.726 brings the regulation into alignment with the requirement that an employee must have filed an appeal of disciplinary action in order to access any notes, records, recordings, findings or other information obtained from an internal administrative investigation related to the disciplinary action.

At the June 25, 2019, regulation workshop, a representative of the Nevada Department of Motor Vehicles expressed support for the additional training components to be required of supervisory and managerial employees in NAC 284.498. No comments were received regarding the amendments to NAC 284.726 at the regulation workshop.

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R018-19

Section 1: NAC 284.498 Training of supervisory and managerial employees.

This amendment, proposed by the Division of Human Resource Management, will include training classes for supervisory and managerial employees regarding the Americans with Disabilities Act (ADA), the ADA Amendments Act, developing essential functions of positions, and the Family and Medical Leave Act. Also included in the amendment is the addition of a component regarding sexual harassment and discrimination to the equal employment opportunity course.

Section 2: NAC 284.726 Access to confidential records.

This amendment, proposed by the Division of Human Resource Management, will ease the sharing of information related to sexual harassment and discrimination investigations between agencies. Included in this new subsection are the individuals to which such information is limited.

Paragraph (a) of the new subsection 8 is amended to clarify that in order for an employee access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387, he or she must have filed an appeal of the disciplinary action as prescribed by NRS 284.390.

**REVISED PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R018-19

December 16, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 284.065, 284.155 and 284.343; §2, NRS 284.065, 284.155, 284.335, 284.4068 and 284.407.

A REGULATION relating to state employees; revising provisions relating to the training of supervisory and managerial personnel; revising provisions relating to access to certain confidential personnel records; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Personnel Commission to adopt regulations to carry out the provisions relating to the State Personnel System. (NRS 284.065) Existing law additionally requires the Commission to adopt a code of regulations for the classified service of this State. (NRS 284.155)

Existing law requires the Commission to adopt regulations for training certain employees in the state service. (NRS 284.343) Existing regulations require an employee who has been appointed to a supervisory position or managerial position to attend training classes in the following areas: (1) equal employment opportunity; (2) interviewing and hiring; (3) alcohol and drug testing; (4) progressive disciplinary procedures; and (5) handling grievances. (NAC 284.498) **Section 1** of this regulation requires an employee who has been appointed to a supervisory position or managerial position to also attend training classes in the following areas: (1) unlawful discrimination and sexual harassment; and (2) certain federal acts and the development of essential functions of positions.

Existing regulations provide that any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management of the Department of Administration relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential. (NAC 284.718) **Section 2** of this regulation authorizes certain persons to access such information.

Existing law provides that an employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Commission within 10 working days after the effective date of the employee’s dismissal, demotion or suspension. Upon verification that such a request for a hearing has been made, the appointing authority of the employee shall produce and allow the employee or his or her representative to inspect or receive

a copy of any document concerning the internal administrative investigation of the employee. (NRS 284.390) **Section 2** amends existing regulations to comply with existing law.

Section 1. NAC 284.498 is hereby amended to read as follows:

284.498 1. Except as otherwise provided in this section:

(a) Within 6 months after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning work performance standards and the evaluation of the performance of employees.

(b) Within 12 months after an agency appoints an employee to a supervisory position or managerial position, the employee shall attend at least one training class which has been approved by the Division of Human Resource Management in each of the following areas:

(1) *The following:*

(I) Equal employment opportunity; and

(II) Unlawful discrimination and sexual harassment;

(2) Interviewing and hiring;

(3) Alcohol and drug testing;

(4) Progressive disciplinary procedures; ~~and~~

(5) Handling grievances ~~+~~; *and*

(6) The following:

(I) Title I of the American with Disabilities Act of 1990, 42 U.S.C. §§ 12111-12117;

(II) The ADA Amendments Act of 2008, Public Law 110-325;

(III) The development of essential functions of positions that are described to each candidate and considered by the appointing authority pursuant to NAC 284.441; and

(IV) The Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. Every 3 years, a supervisor or managerial employee shall complete training which is approved by the Division of Human Resource Management in each of the topic areas described in subsection 1.

3. The appointing authority, at its discretion, may accept, in lieu of the training required by subsection 1, supervisory or managerial training classes in each of the topic areas described in subsection 1 which are approved by the Division of Human Resource Management and taken by the employee during the 3 years immediately preceding the employee's appointment.

4. In addition to the training otherwise required by this section, the Division of Human Resource Management or an appointing authority may require a supervisor or managerial employee to retake any part or all of the training required by this section, or to participate in any additional training or other classes deemed necessary by the Division of Human Resource Management or appointing authority.

5. As used in this section:

(a) "Managerial position" means a position which is held by an employee who:

- (1) Formally evaluates supervisors;
- (2) Is involved in the hiring and firing of subordinate staff;
- (3) Determines organizational structure within a component of the organization; and
- (4) Develops, monitors and implements policies to accomplish long-range goals.

(b) "Supervisory position" means a position which is held by an employee who:

- (1) Formally evaluates staff;
- (2) Is involved in the hiring and firing of subordinate staff; and
- (3) Establishes policies which affect the performance or behavior of subordinate staff.

Sec. 2. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection and subsections 2 and ~~H0~~ **II**, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection ~~H0~~ **II** and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in subsection ~~H0~~ **II**, access to an employee's record of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his or her record of employment.
- (c) An appointing authority or his or her designated representative.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.

(f) Persons who are involved in processing records for the transaction of business within and between state agencies.

(g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection ~~H0~~ **11**, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The Administrator or a designated representative of the Administrator.
- (c) The appointing authority or a designated representative of the agency with which the employee is employed.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The Governor or a designated representative of the Governor.

6. ***Except as otherwise provided in subsection 11, access to any notes, records, recordings or findings of an investigation conducted by the Division of Human Resource Management relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority is limited to:***

- (a) An appointing authority.***
- (b) A designated representative of the agency with which the employee is employed.***
- (c) Persons who are authorized pursuant to any state or federal law or an order of a court.***

(d) The Governor or a designated representative of the Governor.

7. Except as otherwise provided in subsection ~~10~~ **11**, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

(a) The employee.

(b) The appointing authority or a designated representative of the agency ~~by~~ **with** which the employee is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

~~7~~ **8**. Except as otherwise provided in subsection ~~10~~ **11**, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:

(a) The employee who is the subject of the internal administrative investigation ~~+~~ **and who requests a hearing pursuant to NRS 284.390.**

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

~~8~~ **9**. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

~~9~~ **10**. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the

employee's record of employment to the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

~~10.~~ *11.* The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission, the United States Equal Employment Opportunity Commission or a court.

Personnel Commission Meeting
March 6, 2020

FOR DISCUSSION AND POSSIBLE ACTION

The following regulation has been proposed for permanent adoption. A brief explanation precedes the regulation and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R068-19

The Division of Human Resource Management recommends the regulation amendments contained in LCB File No. R068-19.

The intent of the regulation amendments included in this LCB File is to incorporate ‘trial period’ into regulations related to probationary period. Pursuant to NAC 284.108, ‘trial period’ is defined as the 6-month or 1-year probationary period served by a permanent employee who has been promoted to or, if required, who voluntarily transferred to a vacant position. Including ‘trial period’ in the various regulations will apply to a ‘trial period’ the provisions regarding the length, application, time not counted and the adjustment of the time required to be served by an employee.

Additionally, the amendment to NAC 284.444 in Section 2 of the LCB File is intended to allow an appointing authority greater flexibility in the appointment process similar to other subsections of the regulation.

No comments were received regarding these amendments at the regulation workshop on August 28, 2019.

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R068-19

Section 1: NAC 284.442 Length of probationary period.

This amendment, proposed by the Legislative Counsel Bureau, will update the language to include the term ‘trial period’ in relation to the duration of time required to be served depending on the grade of the job class of the position.

Section 2: NAC 284.444 Application of probationary period.

This amendment, proposed by the Division of Human Resource Management, will allow an appointing authority to waive a trial period in writing for a permanent employee who voluntarily transfers. In addition, the regulation has been reorganized for ease of administration.

Section 3: NAC 284.448 Time not counted toward completion of probationary period.

This amendment, proposed by the Division of Human Resource Management, incorporates ‘trial period’ into the regulation to clarify that the types of leave, status or service that do not count towards the completion of a probationary period also apply to the period required to be served by an employee who is promoted or, if required, voluntarily transfers.

Section 4: NAC 284.450 Adjustment of probationary period.

This amendment, proposed by the Division of Human Resource Management, incorporates ‘trial period’ into the provisions regarding adjustments to probationary periods so that they will also apply to the period required to be served by an employee is who is promoted or, if required, voluntarily transfers.

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R068-19

January 15, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 4, NRS 284.065, 284.155 and 284.290; §2, NRS 284.065, 284.155, 284.290 and 284.300; §3, NRS 281.145, 284.065, 284.155, 284.290 and 284.345.

A REGULATION relating to the State Personnel System; revising provisions relating to the probationary period or trial period for employees in the State Personnel System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employee in the State Personnel System to complete a fixed probationary period before receiving the status of a permanent employee. (NRS 284.290) Existing regulations prescribe: (1) the length of this probationary period; and (2) the manner in which requirements concerning this probationary period apply to employees. (NAC 284.442, 284.444) Existing regulations require a permanent employee to serve a trial period if the employee has been promoted to or voluntarily transfers to a vacant position. (NAC 284.108, 284.444) **Section 1** of this regulation specifies the duration of the trial period based on classes. **Section 2** of this regulation authorizes the appointing authority to waive the trial period required for a permanent employee who voluntarily transfers within the same class or from one class to another comparable class. **Section 2** requires this waiver to be in writing and provides that if such a waiver is granted, the employee is entitled to the status of appointment held at the time he or she transferred. **Section 2** also makes a non-substantive change to the order of the provisions relating to the application of a probationary period.

Existing regulations specify the manner in which certain types of leave, status or service count toward the completion of any probationary period for an employee in the State Personnel System. (NAC 284.448) **Section 3** of this regulation clarifies the manner in which such leave, status or service count toward the completion of a trial period for an employee in the State Personnel System.

Existing regulations prescribe criteria for the adjustment of a probationary period if a probationary employee: (1) has not, during his or her prescribed probationary period, worked the required number of months established for the probationary period; or (2) changes from working full-time to part-time or the reverse. (NAC 284.450) **Section 4** of this regulation applies the same rules to a permanent employee serving a trial period.

Section 1. NAC 284.442 is hereby amended to read as follows:

284.442 All classes at grade 20 or higher must be assigned a 1-year (full-time equivalent) probationary period ~~+~~ *or trial period*. All classes lower than grade 20 will be assigned a 6-month (full-time equivalent) probationary period ~~+~~ *or trial period*.

Sec. 2. NAC 284.444 is hereby amended to read as follows:

284.444 1. A probationary employee who transfers:

- (a) Within the same class must serve the remaining portion of the probationary period.
- (b) From one class to another class must serve a new probationary period.

2. A permanent employee must serve a trial period if he or she voluntarily transfers:

- (a) Within the same class; or
- (b) From one class to another class and such classes are comparable classes ~~+~~,

↪ unless the trial period is waived in writing by the appointing authority. If the appointing authority waives the trial period, the employee is entitled to the status of appointment held at the time he or she transferred.

3. ~~{An employee who transfers from the unclassified or nonclassified service to the classified service must serve}~~ *Promotion to a vacant position requires* a new probationary period ~~{. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.}~~ *or trial period. A promotion that results from a reclassification is governed by NAC 284.134 and 284.138.*

4. *Except as otherwise provided in subsection 11:*

- (a) *No probationary period will be required if a permanent employee is demoted.*
- (b) *A new probationary period will be required if a probationary employee is demoted.*

5. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.

~~15.1~~ 6. A probationary employee who is reappointed must serve a new probationary period.

~~16.1~~ 7. A permanent employee who is reappointed to a class:

(a) At a higher grade level must serve a trial period unless it is waived *in writing* by the appointing authority.

(b) At the same grade level or a lower grade level is not required to serve a trial period.

~~17.1~~ 8. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if reemployed in a different class or in a different department than that from which he or she was laid off, and the employee is subject to the provisions of subsection 8 of NAC 284.630.

~~18.1~~ 9. A person with a permanent disability arising from a work-related injury or occupational disease who is reemployed in a different class or option than his or her regular position must serve a new probationary period as required by NAC 284.6018.

~~19.1~~ 10. A person who is on a military leave of absence pursuant to NRS 284.359 is entitled to return to the status of appointment held at the time he or she commenced the military leave of absence. If the employee did not complete the probationary period, he or she will only be required to complete the remaining portion thereof. Upon successful completion of the probationary period, permanent status must be granted to the employee as of the date on which permanent status would have been granted if the employee had not taken a military leave of absence.

~~{10. Promotion to a vacant position requires a new probationary or trial period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.~~

~~—11. Except as otherwise provided in subsection 12:~~

~~—(a) No probationary period will be required if a permanent employee is demoted.~~

~~—(b) A new probationary period will be required if a probationary employee is demoted.~~

~~—12.} **11.** An employee who is restored to his or her former position or class pursuant to NAC 284.462 following a promotional appointment must serve the portion of the trial period which was remaining at the time of the promotion. No probationary period is required if, pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 284.462, an employee is placed in a position in a class equal to or lower than the class held by the employee immediately before the promotion.~~

12. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.

Sec. 3. NAC 284.448 is hereby amended to read as follows:

284.448 The following types of leave or temporary status do not count toward the completion of any probationary period ~~{~~ *or trial period:*

1. Authorized military leave for active service, as set forth in subsection ~~{9} 10~~ of NAC 284.444.

2. Authorized military leave for training beyond the 15 paid working days authorized by NRS 281.145 during a 12-month period, as prescribed in NAC 284.5875.

3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, in a year if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his or her regular work schedule exceeds 80 hours biweekly. As used in this subsection, “year” means a period equal to 12 months of full-time equivalent service measured backward from the employee’s pay progression date.

4. Time which is served in a temporary position pursuant to NAC 284.414.

5. Any hours worked which exceed 40 in a week.

Sec. 4. NAC 284.450 is hereby amended to read as follows:

284.450 1. Except as otherwise provided in NAC 284.448, if a probationary employee *or a permanent employee serving a trial period* has not, during his or her prescribed probationary period ~~or~~ *or trial period*, worked the required number of months (full-time equivalent) which are established for the probationary period *or trial period* for the class, his or her probationary period *or trial period* must be extended until he or she has worked the required number of months.

2. An employee who changes from working full-time to part-time or the reverse will have his or her probationary period *or trial period* adjusted to equal the required number of months of service which are applicable to the probationary period *or trial period* of the class.

Personnel Commission Meeting
March 6, 2020

FOR DISCUSSION AND POSSIBLE ACTION

The following regulation has been proposed for permanent adoption. A brief explanation precedes the regulation and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R069-19

The Division of Human Resource Management recommends the regulation amendments contained in LCB File No. R069-19.

The intent of the regulation amendments included in this LCB File is to broaden the ability to share information related to a mandatory referral or related to an employee's return to work. This will make the documentation process consistent with other documentation required from providers of health care processes such as documentation from a provider of health care of the need to use sick leave.

Additionally, the amendment to NAC 284.892 in Section 1 of the LCB File will ensure that an employee will only be subject to disciplinary action if the failure to submit required documentation related to a mandatory referral is determined by the appointing authority to be the fault of the employee.

No comments were received regarding these amendments at the regulation workshop on August 28, 2019.

EXPLANATIONS OF PROPOSED CHANGES
LCB File No. R069-19

Section 1: NAC 284.892 Duties of employee who is referred to employee assistance program.

This amendment, proposed by the Division of Human Resource Management, will allow for an employee assistance program (EAP) provider to provide an agency with the documentation required as part of a mandatory referral due to a positive result on an alcohol and/or drug screening test. The amendment also allows that an employee may be subject to disciplinary action only if it is determined by the appointing authority that the failure to submit the required documentation was the fault of the employee.

Section 2: NAC 284.893 Return to work of employee who tests positive for alcohol or controlled substance while on duty.

This amendment, proposed by the Division of Human Resource Management, will allow for an EAP to provide documentation verifying that an employee is able to return to work and perform the essential functions of the position.

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R069-19

November 25, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-2, NRS 284.065, 284.155 and 284.407.

A REGULATION relating to state personnel; revising provisions concerning employees who test positive for the presence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, an employee who consumes or is under the influence of alcohol or drugs while on duty or possesses a controlled substance while on duty is subject to disciplinary action by an appointing authority. Except in certain circumstances, existing law requires a state agency to refer to an employee assistance program an employee who: (1) tests positive for the first time in a screening test; and (2) has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test. (NRS 284.4062) Existing regulations require an employee who is referred to an employee assistance program to provide certain evidence and recommendations to the appointing authority and provides that an employee who fails to provide such evidence is subject to disciplinary action. (NAC 284.892) **Section 1** of this regulation authorizes an employee assistance program to provide the required evidence and recommendations to the appointing authority instead of the employee. **Section 1** further provides that an employee is only subject to disciplinary action for failure to provide the required evidence if the appointing authority determines that the failure to provide the required evidence is the fault of the employee. Existing regulations require an employee who is subject to disciplinary action but is not terminated to provide to the appointing authority certain documentation from a counselor which verifies that the employee is able to return to work. (NAC 284.893) **Section 2** of this regulation authorizes an employee assistance program to provide this documentation instead of the employee.

Section 1. NAC 284.892 is hereby amended to read as follows:

284.892 1. If an employee is referred to an employee assistance program as a result of a positive result on a screening test or pursuant to NAC 284.653, ~~he~~ *the employee* or ~~she~~ *the*

employee assistance program to which the employee was referred shall provide to the appointing authority:

(a) Evidence of ~~his or her~~ *the employee's* consultation with a counselor employed by ~~an~~ *the* employee assistance program; and

(b) Any recommendation of the counselor with respect to ~~his or her~~ *the employee's* rehabilitation,

↳ within 5 working days after the date of the initial consultation.

2. The employee *or the employee assistance program to which the employee was referred* shall provide to the appointing authority on a monthly basis all recommendations of the counselor with respect to ~~his or her~~ *the employee's* rehabilitation.

3. The employee *or the employee assistance program to which the employee was referred* shall provide to the appointing authority evidence of ~~his or her~~ *the employee's* completion of any rehabilitation program recommended by the counselor within 5 working days after completing the program.

4. An employee ~~who fails to provide evidence~~ *is subject to disciplinary action if:*

(a) *Evidence* of ~~his or her~~ *the employee's* consultation with a counselor or successful completion of a rehabilitation program is ~~subject to disciplinary action.~~ *not provided to the appointing authority in accordance with this section; and*

(b) *The appointing authority determines that the failure to provide the evidence is the fault of the employee.*

Sec. 2. NAC 284.893 is hereby amended to read as follows:

284.893 1. The appointing authority of an employee who tests positive for the presence of alcohol or a controlled substance while on duty and who, as a result, is subject to disciplinary

action pursuant to NAC 284.646 or 284.650 but is not terminated shall, before allowing the employee to return to work, require ~~the~~ :

(a) *The employee or the employee assistance program to which the employee was referred* to ~~the~~

~~(a) Provide~~ *provide* to the appointing authority documentation from a counselor who is licensed or certified pursuant to chapter 641C of NRS or another health care provider who has training or experience in counseling persons with an alcohol or other substance use disorder which verifies that the employee is able to return to duty and perform the essential functions of his or her job.

(b) ~~Submit~~ *The employee to submit* to a screening test.

2. The employee is responsible for the cost of any:

(a) Counseling services the employee receives to verify that the employee is able to return to duty and perform the essential functions of his or her job and any documentation of those services; and

(b) Screening test,

↪ required pursuant to subsection 1.

3. An employee who fails or refuses to submit to a screening test required pursuant to subsection 1 is subject to disciplinary action, including, without limitation, termination, at the discretion of the employee's appointing authority.

Personnel Commission Meeting
March 6, 2020

FOR DISCUSSION AND POSSIBLE ACTION

The following regulation has been proposed for permanent adoption. A brief explanation precedes the regulation and summarizes the intent of the regulation change. **NOTE:** Language in *italics* is new, and language in brackets ~~omitted material~~ is to be omitted.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action.

LCB File No. R124-19

The Division of Human Resource Management recommends the regulation amendment contained in LCB File No. R124-19.

The intent of the amendment to NAC 284.726 in Section 1 of this LCB File is to ensure that the Division of Human Resource Management can conduct thorough sexual harassment and discrimination investigations by requiring an appointing authority of an agency to produce requested documents. There is currently no such requirement which can make it challenging for the Division to receive all requested records when conducting these types of investigations, and this amendment is intended to resolve this issue.

No comments were received regarding this amendment at the regulation workshop on December 3, 2019.

EXPLANATION OF PROPOSED CHANGES
LCB File No. R124-19

Section 1: NAC 284.726 Access to confidential records.

This amendment, proposed by the Division of Human Resource Management, will require an appointing authority or designated representative to release to the Division of Human Resource Management any confidential records requested in the course of a sexual harassment or discrimination investigation.

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R124-19

January 16, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 284.065, 284.155, 284.335, 284.4066, 284.4068 and 284.407.

A REGULATION relating to state employees; revising provisions relating to the confidentiality of certain employee information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations: (1) provide that certain information concerning employees and applicants for employment is confidential; and (2) enumerate the persons that are entitled to have access to various categories of such information. (NAC 284.718, 284.726) Existing regulations require the Administrator of the Division of Human Resource Management of the Department of Administration or the appointing authority, or a designated representative, to authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Personnel Commission, the Committee on Catastrophic Leave, the Nevada Equal Rights Commission, the United States Equal Employment Opportunity Commission or a court. (NAC 284.726) This regulation additionally requires the appointing authority, or a designated representative, to authorize the release of any confidential records under his or her control which are requested by the Division for the purpose of conducting a sexual harassment or other discrimination investigation.

Section 1. NAC 284.726 is hereby amended to read as follows:

284.726 1. Except as otherwise provided in this subsection and subsections 2 and 10, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his or her designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an

applicant may be made available to any affected applicant, employee or the designated representative of either.

2. Except as otherwise provided in subsection 10 and NRS 284.4068, access to information concerning the results of an applicant's screening test which indicate the presence of a controlled substance is limited to an appointing authority or his or her designated representative and the Administrator or his or her designated representative.

3. Except as otherwise provided in ~~subsection~~ *subsections* 10 ~~and~~ *and 11*, access to an employee's record of employment containing any of the items listed in paragraphs (g) to (j), inclusive, of subsection 1 of NAC 284.718 is limited to:

- (a) The employee.
- (b) The employee's representative when a signed authorization from the employee is presented or is in his or her record of employment.
- (c) An appointing authority or his or her designated representative.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.
- (f) Persons who are involved in processing records for the transaction of business within and between state agencies.
- (g) Persons who are involved in processing records for the transaction of business that is authorized by the employee.

4. The portion of an employee's record of employment that concerns the health, medical condition or disability of the employee or a member of his or her immediate family must be kept in a locked cabinet, separate from any other portion of the employee's record of employment.

5. Except as otherwise provided in subsection 10, access to any notes, records, recordings, findings or other information obtained from an organizational climate study that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The Administrator or a designated representative of the Administrator.
- (c) The appointing authority or a designated representative of the agency with which the employee is employed.
- (d) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (e) The Governor or a designated representative of the Governor.

6. Except as otherwise provided in ~~subsection~~ *subsections* 10 ~~+~~ *and 11*, access to any notes, records, recordings, findings or other information obtained from an internal study conducted by an agency that directly relate to an employee's performance or conduct is limited to:

- (a) The employee.
- (b) The appointing authority or a designated representative of the agency by which the employee is employed.
- (c) Persons who are authorized pursuant to any state or federal law or an order of a court.
- (d) The Governor or a designated representative of the Governor.

7. Except as otherwise provided in ~~subsection~~ *subsections* 10 ~~+~~ *and 11*, access to any notes, records, recordings, findings or other information obtained from an internal administrative investigation conducted pursuant to NRS 284.387 is limited to:

- (a) The employee who is the subject of the internal administrative investigation.

(b) The appointing authority or a designated representative of the agency by which the employee who is the subject of the internal administrative investigation is employed.

(c) Persons who are authorized pursuant to any state or federal law or an order of a court.

(d) The Governor or a designated representative of the Governor.

8. Except as otherwise provided by specific statute, records maintained by an employee assistance program offered by the State of Nevada must not be released without written permission signed by the employee to whom the records pertain.

9. Upon request, the Division of Human Resource Management will provide the home address of any employee maintained by the Division of Human Resource Management in the employee's record of employment to the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Department of Employment, Training and Rehabilitation and the Internal Revenue Service.

10. The Administrator or the appointing authority, or a designated representative, shall authorize the release of any confidential records under his or her control which are requested by the Employee-Management Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission, the United States Equal Employment Opportunity Commission or a court.

11. The appointing authority or a designated representative of the agency with which the employee is employed shall authorize the release of any confidential records under his or her control which are requested by the Division of Human Resource Management for the purpose of conducting a sexual harassment or other discrimination investigation.

Personnel Commission Meeting
March 6, 2020

FOR INFORMATION ONLY

Attached is a list of classes and positions which have previously been approved for pre-employment testing. This list has been provided for you to use as a reference when determining which classes and/or positions the Commission may wish to approve at this meeting.

STATE OF NEVADA

POSITIONS/CLASSES APPROVED FOR PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING CHANGES EFFECTIVE SEPTEMBER 20, 2019

(All positions in each class have been approved for pre-employment controlled substance testing, unless otherwise noted (*) for a specific agency(s) and/or position(s). Classes in *bold/italics* are new to the list.)

<u>CLASS/TITLE CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
<i>1.401</i>	<i>WEIGHTS AND MEASURES INSPECTOR IV</i>	
<i>1.404</i>	<i>WEIGHTS AND MEASURES INSPECTOR III</i>	
<i>1.407</i>	<i>WEIGHTS AND MEASURES INSPECTOR II</i>	
<i>1.410</i>	<i>WEIGHTS AND MEASURES INSPECTOR I</i>	
<i>1.413</i>	<i>WEIGHTS AND MEASURES ASSISTANT (SEASONAL)</i>	
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.770	WILDLIFE AREA SUPERVISOR II	
1.771	WILDLIFE AREA SUPERVISOR I	
1.772	FISH HATCHERY SUPERVISOR II	
1.774	FISH HATCHERY SUPERVISOR I	
1.776	FISH HATCHERY TECHNICIAN III	
1.778	FISH HATCHERY TECHNICIAN II	
1.780	FISH HATCHERY TECHNICIAN I	
1.785	WILDLIFE AREA TECHNICIAN III	
1.786	WILDLIFE AREA TECHNICIAN II	
1.787	WILDLIFE AREA TECHNICIAN I	
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER II	
1.813	FORESTER II	
1.814	FIRE MANAGEMENT OFFICER I	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS

1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.835	HELITACK SUPERVISOR	
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.912	PARK INTERPRETER	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS
2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.153	LEGAL SECRETARY II*	TAXI - PCN 0038
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 3743-1111, 3743-1112 , 4701-0106, 4701-0155, 4701-0706, 4701-0805, 4701-0870, 4709-42, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-1009, 4709-8004, 4709-8018, 4709-8031, 4709-8038, 4709-8039, 4709-8040, 4709-8041, 4709-8042, 4709-8043, 4709-9013, 4709-9018, 4709-9019, 4713-0706, 4713-155, 4713-805; TAXI - PCN 0023
2.211	ADMINISTRATIVE ASSISTANT III*	DMV - PCNS RE7015, WF7047; DPS - PCNS 3740-1412, 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3743-1011, 3743-1014, 3743-1017, 3743-1020, 3743-1100, 3743-1101, 3743-1102, 3743-1103, 3743-1104, 3743-1105, 3743-1106, 3743-1107, 3743-1108, 3743-1109 , 3744-10, 3744-13, 3744-16, 3744-19, 4702-51, 4702-147, 4702-315, 4702-328, 4702-648, 4702-705, 4702-871, 4702-11033, 4702-11034, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011, 4709-8016, 4709-8017, 4709-8019, 4709-8020, 4709-8021, 4709-9001, 4709-9002, 4709-9011, 4709-9012, 4709-9016, 4709-9017; TAXI - PCNS 0011, 0061

2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 3743-1021, 4702-32, 4709-2, 4709-8044, 4709-8045, 4709-8046, 4709-8048, 4709-9003, 4709-9004, 4709-9005, 4709-9006, 4709-9007, 4709-9008, 4709-9009, 4709-9010, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8006, 4709-8008, 4709-8009, 4713-0870; TAXI - PCNS 0003, 0013, 0020, 0043, 0046, 0066, 0074, 0075, 0092, 0095
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38, 4709-8022
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029; BCN - ALL PCNS
2.827	SUPPLY ASSISTANT*	BCN - ALL PCNS
2.836	SUPPLY TECHNICIAN I*	BCN - ALL PCNS
3.203	FOOD SERVICE COOK/SUPERVISOR II*	BCN - ALL PCNS
3.206	FOOD SERVICE COOK/SUPERVISOR I*	BCN - ALL PCNS
3.213	FOOD SERVICE WORKER II*	BCN - ALL PCNS
3.218	FOOD SERVICE WORKER I*	BCN - ALL PCNS
3.504	DRIVER – SHUTTLE BUS II*	BCN – ALL PCNS
3.505	DRIVER - SHUTTLE BUS I	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
3.530	TRANSPORTATION AND SAFETY ATTENDANT III*	NDVS – ALL PCNS
3.535	TRANSPORTATION AND SAFETY ATTENDANT II*	NDVS – ALL PCNS
3.540	TRANSPORTATION AND SAFETY ATTENDANT I*	NDVS – ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, 018-037, ALL PCNS BEGINNING W/ 930
6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOT - PCNS 027006, 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT -PCNS 017021, 017034, 017048, 028008, ALL PCNS BEGINNING W/ 930
6.223	ADMINISTRATOR I, PROFESSIONAL ENGINEER*	NDOT - PCN 301012
6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930
6.228	STAFF II, ASSOCIATE ENGINEER*	NDOT - PCNS 018024, 018025, 018036, 018037, 018046, 018047

6.229	STAFF I, ASSOCIATE ENGINEER*	NDOT - PCNS 020014, 034001, 255002, 080001, 080002, 080005, 080006, 080007, 080010
6.305	ENGINEERING TECHNICIAN V*	NDOT - PCN 028015
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 027023, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017038, 017039, 017040, 017041, 017042, 017050, 017051, 017052, 027019, 027022, 028010, 028011, 028013, 028016, 028021, 028022, 028030, 101342, 255003, ALL PCNS BEGINNING W/ 930
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS; D of A - ALL PCNS
6.755	BUILDING CONSTRUCTION INSPECTOR IV*	D of A - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.966	DEVELOPMENT TECHNICIAN IV*	BCN - ALL PCNS
6.978	DEVELOPMENT TECHNICIAN III*	BCN - ALL PCNS
6.979	DEVELOPMENT TECHNICIAN II*	BCN - ALL PCNS
6.980	DEVELOPMENT TECHNICIAN I*	BCN - ALL PCNS
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.143	ACCOUNTANT TECHNICIAN I*	DPS - PCN 4702-30
7.154	AUDITOR II*	DHHS PBH - PCNS 0031, 0033, 0041
7.216	ADMINISTRATIVE SERVICES OFFICER III*	DPS - PCN 4709-0023
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCN 3743-6
7.519	TRAINING OFFICER I*	NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	DPS - NHP - HAZARDOUS MATERIALS - PCN 5
7.624	MANAGEMENT ANALYST III*	DPS - PCNS 4709-3, 4709-200, 4709-9015
7.625	MANAGEMENT ANALYST II*	DPS - PCN 4709-39; TAXI - PCNS 0002, 0078
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-9, 3743-79, 4709-40
7.643	PROGRAM OFFICER III*	DHHS PBH - PCN 0038; DPS - PCN 4702-0086
7.647	PROGRAM OFFICER II*	BCN - PCN 41234; DPS- PCNS 3743-1022, 4701-0950, 4709-19, 4709-24, 4709-35, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82, 4702-322, 4709-8030, 4709-8036, 4709-8037; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202; BCN - PCNS 41672, 41673
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940

7.655	BUSINESS PROCESS ANALYST III*	DPS - PCN 4709-7005, 4709-7014, 4709-8023
7.656	BUSINESS PROCESS ANALYST II*	DPS - PCNS 4702-0046, 4709-7013, 4709-8024, 4709-8025
7.657	BUSINESS PROCESS ANALYST I*	DPS - PCNS 4709-7010, 4709-7011, 4709-7012, 4709-7015
7.665	PUBLIC SERVICE INTERN I*	MIN - PCNS 09015, 09016, 09017, 09018, 09019, 09020, 09022, 09023
7.713	TRANSPORTATION TECHNICIAN III*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.714	TRANSPORTATION TECHNICIAN IV*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.715	TRANSPORTATION TECHNICIAN II*	NDOT - ALL PCNS BEGINNING W/ 805 & 813
7.722	TRAFFIC CENTER TECHNICIAN SUPERVISOR	
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	NDOT - PCN 016060
7.902	IT MANAGER III*	DPS - PCN 4709-0207
7.904	IT MANAGER I*	NDOT - PCN 016065; BCN UNR - PCN 42286
7.921	IT PROFESSIONAL IV*	DPS - PCN 4709-8032; NDOT - PCNS 016061, 016063
7.925	IT PROFESSIONAL III*	DPS - PCNS 4709-0150, 4709-8033; NDOT - PCNS 016062, 016064, 91001, 92001, 93002; BCN UNR - ALL FACILITIES SERVICES PCNS
7.926	IT PROFESSIONAL II*	NDOT - PCNS 91005, 92002, 93001, 93003, 95001, 96001, 92003, 93005, 94003; BCN UNR - ALL FACILITIES SERVICES PCNS
7.929	IT PROFESSIONAL I*	BCN UNR - ALL FACILITIES SERVICES PCNS
7.951	IT PROFESSIONAL TRAINEE*	BCN UNR - ALL FACILITIES SERVICES PCNS
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUND EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.205	SEASONAL FORESTRY EQUIPMENT OPERATOR	
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUND EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	

9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL PCNS
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOT - ALL PCNS
9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOT - ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOT - ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOT - ALL PCNS
9.353	AVIATION SERVICES OFFICER	
9.354	CHIEF PILOT	
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOT I	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOC - ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOC - ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS
9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOC - ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOC - ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOT - ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCNS
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.434	EVENTS CENTER TECHNICIAN II*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.437	EVENTS CENTER TECHNICIAN I*	BCN - ALL LAWLOR EVENTS CENTER PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NDVS - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS

9.459	PAINTER II*	BCN - ALL PCNS
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.470	THEATER TECHNICIAN I*	BCN - ALL PCNS
9.471	THEATER TECHNICIAN II*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NDVS - ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NDVS - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.514	RANCH MANAGER*	BCN UNR - PCN 41154
9.534	RESEARCH AID II*	BCN - ALL WOLF PACK MEATS PCNS
9.555	RESEARCH AID I*	BCN - ALL WOLF PACK MEATS PCNS
9.580	RESEARCH TECHNICIAN*	BCN - ALL WOLF PACK MEATS PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS, NDOT - PCN 302001
9.610	GROUNDS SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS
9.635	GROUNDS MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN - ALL PCNS
9.639	GROUNDS MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUNDS MAINTENANCE WORKER I*	BCN - ALL PCNS
10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS

10.146	TREATMENT HOME SUPERVISOR	
10.148	TREATMENT HOME PROVIDER	
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.217	HEALTH PROGRAM MANAGER II*	DHHS PBH - PCN 0037
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOC - ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NDVS - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NDVS - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NDVS - ALL PCNS
10.354	REGISTERED NURSE IV*	NDVS - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	DHHS, NDOC, NDVS - ALL PCNS
10.359	REGISTERED NURSE II*	NDVS - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NDVS - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS, NDVS - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS, NDVS - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.368	CERTIFIED NURSING ASSISTANT III*	NDVS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT II*	NDOC, NDVS - ALL PCNS
10.370	NURSING ASSISTANT TRAINEE*	NDVS - ALL PCNS
10.371	CERTIFIED NURSING ASSISTANT I*	NDVS - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS
10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.536	ENVIRONMENTAL SCIENTIST II*	NDOT - PCNS 018012, 018013
10.540	MARIJUANA PROGRAM SUPERVISOR	
10.541	MARIJUANA PROGRAM INSPECTOR II	
10.542	MARIJUANA PROGRAM INSPECTOR I	
10.545	ENVIRONMENTAL SCIENTIST IV*	NDOT - PCN 018011
10.707	CHEMIST V*	BCN - ALL PCNS

10.708	CHEMIST IV*	BCN - ALL PCNS
10.710	MICROBIOLOGIST V*	BCN - ALL PCNS
10.711	MICROBIOLOGIST IV*	BCN - ALL PCNS
10.712	CHEMIST III*	BCN - ALL PCNS
10.713	CHEMIST II*	BCN - ALL PCNS
10.715	MICROBIOLOGIST III*	BCN - ALL PCNS
10.717	MICROBIOLOGIST II*	BCN - ALL PCNS
10.721	MICROBIOLOGIST I*	BCN - ALL PCNS
10.724	CHEMIST I*	BCN - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC- ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.117	PUBLIC SAFETY DISPATCHER VI	
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCNS 4709-13, 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-41, 4709-63, 4709-74, 4709-600, 4709-615, 4709-650, 4709-680, 4709-1005
11.130	N.C.J.I.S. PROGRAM SPECIALIST TRAINEE	
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-7, 4709-33, 4709-59, 4709-61, 4709-202, 4709-590, 4709-8014
11.135	FINGERPRINT/RECORDS EXAMINER I	
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN
11.263	SECURITY OFFICER*	BCN, MILITARY
11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.424	DMV SERVICES TECHNICIAN III*	DMV - PCNS RE5324, RE5328
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
11.513	SAFETY REPRESENTATIVE, RAILWAY	
11.515	SAFETY SPECIALIST, RAILWAY	

11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MANUFACTURED HOUSING INSPECTOR II	
11.561	MANUFACTURED HOUSING INSPECTOR I	
11.565	AGENCY LOSS CONTROL COORDINATOR*	NDOT - PCN 078002
12.466	SUBSTANCE ABUSE COUNSELOR III	
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	
12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
12.616	PAROLE & PROBATION SPECIALIST III*	DPS - PCNS 3740-0564, 3740-1251, 3740-1439, 3740-1440, 3740-1441, 3740-1442
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	

13.223	UNIVERSITY POLICE OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.237	AG CYBERCRIME INVESTIGATOR II	
13.238	AG CYBERCRIME INVESTIGATOR I	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR*	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR*	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II*	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I*	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT INVESTIGATOR	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	YOUTH PAROLE COUNSELOR III	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.301	INSPECTOR GENERAL	
13.309	CORRECTIONAL CAPTAIN	
13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U3720	DIVISION ADMINISTRATOR, RECORDS & TECHNOLOGY*	DPS - PCN 4709-1
U3916	PROGRAM MANAGER, OIL/GAS/GEOTHERMAL	MIN - PCN 0002
U3918	DEPUTY ADMINISTRATOR, MINERALS	MIN - PCN 0006
U3919	CHIEF FOR DANGEROUS MINES	MIN - PCN 0007
U3930	CHIEF FOR MINE REGULATION	MIN - PCN 0009
U3932	FIELD SPECIALIST, MINERALS	MIN - PCNS 0011, 0021, 0031
U4102	BUREAU CHIEF, YOUTH PAROLE	
U4103	DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4141	DEPUTY DIVISION ADMINISTRATOR, TAXICAB AUTHORITY	
U4706	ADMINISTRATOR, MINERALS	MIN - PCN 0001
U9005	DEPUTY ADMINISTRATOR, COMPLIANCE ENFORCEMENT DIVISION*	DMV – PCNS RE2013, WF2014
U9010	CHIEF, NEVADA HIGHWAY PATROL	

U9021	DIVISION ADMINISTRATOR, COMPLIANCE ENFORCEMENT DIVISION	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2*	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3*	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)*	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)*	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)*	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)*	DHHS, NDOC - ALL PCNS

ACRONYMS

Acronym	Agency
AG	Office of the Attorney General
AGR	Department of Agriculture
BCN	(Nevada System of Higher Education) Business Center North
BCN UNR	(Nevada System of Higher Education) Business Center North, University of Nevada Reno
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DHHS PBH	Department of Health & Human Services, Division of Public & Behavioral Health
DMV	Department of Motor Vehicles
D of A	Department of Administration
DPS	Department of Public Safety
ESD	Department of Employment, Training & Rehabilitation, Employment Security Division
MIN	Commission on Mineral Resources, Division of Minerals
NHP	Department of Public Safety, Nevada Highway Patrol
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NDVS	Nevada Department of Veterans Services
SOS	Secretary of State
TAXI	Department of Business & Industry, Nevada Taxicab Authority
UNLV	(Nevada System of Higher Education) University of Nevada Las Vegas

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Nevada System of Higher Education, Business Center North (BCN) has requested the following class codes be added to the classes/positions approved for pre-employment screening for controlled substances for the provided reason(s):

CLASS/TITLE CODE	TITLE	POSITION CONTROL NUMBER	AGENCY’S BASIS FOR REQUEST
9.549	Meat Plant Manager	All positions	Responsibility for humane slaughter, harvesting, and processing of animals for research and human consumption
9.548	Meat Plant Supervisor	All positions	Responsibility for humane slaughter, harvesting, and processing of animals for research and human consumption
9.547	Meat Plant Technician II	All positions	Humane animal actions, personal safety, and harvesting, processing, and packaging meat for research and human consumption
9.546	Meat Plant Technician I	All positions	Humane animal actions, personal safety, and harvesting, processing, and packaging meat for research and human consumption
9.545	Meat Plant Technician Trainee	All positions	Humane animal actions, personal safety, and harvesting, processing, and packaging meat for research and human consumption

As stated in BCN’s request, “Incumbents are responsible for the slaughter, harvest and processing of animals for research and human consumption per Federal USDA standards. Positions must ensure humane animal actions along with personal safety and consumer safety in all activities.” However, the manager and supervisor positions will not spend a “preponderance of time” on the production floor.

If any of the above classes are approved for pre-employment screening for controlled substances, the class specification for the new class series will need to be revised to reflect the requirement of

pre-employment screening for controlled substances for the approved classes/positions. Please note that the new class series specification was published for comment as a change in classification on January 27, 2020.

Additionally, BCN has informed the Division that the Nevada System of Higher Education's implementation of a new enterprise human resource system has necessitated a change to their position control numbers. BCN is requesting that the list of positions approved for pre-employment screening for controlled substances be updated with the new position numbers. As there is no substantive change to be approved, the Division plans to administratively update the list as requested at the next update of the list.

A representative of BCN has indicated that she will be available at the meeting to answer Commissioners' questions.

Nevada System of Higher Education
BUSINESS CENTER NORTH
Human Resources/0240
Reno, Nevada 89557-0240
(775) 784-6844 TDD #784-1706 FAX (775) 784-1146



Date: November 26, 2019

TO: Peter Long, Administrator
Division of Human Resources Management

CC: Carrie Hughes, Personnel Analyst 3
Division of Human Resource Management

FROM: Tim McFarling, AVP Human Resources
Janine Nelson, Manager, Job Evaluation
Business Center North Human Resources

SUBJECT: Request for Classifications for Pre-Employment Drug Testing

Business Center North requests approval from DHRM and the Personnel Commission to administer pre-employment drug testing for a new class series.

Meat Plant Series – All levels

Meat Plant Manager - 9.549

Meat Plant Supervisor - 9.548

Meat Plant Technician II - 9.547

Meant Plant Technician I - 9.546

Meat Plant Trainee - 9.545

Incumbents are responsible for the slaughter, harvest and processing of animals for research and human consumption per Federal USDA standards. Positions must ensure humane animal actions along with personal safety and consumer safety in all activities. While the supervisor and manager levels may not be on the production floor as a preponderance of time, they will be skilled in harvest and processing may need to stop onto the slaughter and production floor at any time. Meat improperly harvested, processed, packaged and sold to consumers poses a significant risk to public health and safety if completed outside of USDA standards. Wolf Pack Meats harvests 10,000 pounds of beef, pork and sheep for consumption weekly.

Please note, with the approval of the new class specification, we will be moving some positons from Research Aid 2 to the new classifications. Those positons, along with other safety sensitive Research Aid 2s, are already approved for pre-employment drug testing. Approval of this request is consistent with prior approvals.

Update to existing approved positon numbers due to Workday implementation

On October 1, 2017, Business Center North and NSHE implemented a new enterprise human resource system. Through the conversion all position numbers changed to match the new system requirements. We are requesting the positons be updated on the pre-approved drug testing list to identify the appropriate positon numbers.

Business Center North:

We are requesting the positions be updated on the pre-approved drug testing list to identify the appropriate position numbers.

Class Code	Title	Legacy Position Number	Workday Position Number
7.647	PROGRAM OFFICER II	41234	P0000505
7.649	PROGRAM OFFICER I	41672	P0002816
7.649	PROGRAM OFFICER I	41673	P0000588
7.904	IT MANAGER I	42286	P0005682
9.514	RANCH MANAGER	41154	P0001268

Thank you for your consideration.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
MEAT PLANT MANAGER	35	B	9.549
MEAT PLANT SUPERVISOR	33	B	9.548
MEAT PLANT TECHNICIAN II	31	C	9.547
MEAT PLANT TECHNICIAN I	29	C	9.546
MEAT PLANT TECHNICIAN TRAINEE	27	C	9.545

SERIES CONCEPT

Meat Plant Technicians participate in the slaughter of livestock and processing of carcasses for instructional, experimental, community service and retail purposes at the Agricultural Experiment Station of the University of Nevada.

Slaughter animals including bovine, ovine, caprine and swine from local farmers or reared for research, instruction and retail projects involving breeding, nutrition, meat yield and physiology; process carcasses into wholesale and retail cuts in accordance with United States Department of Agriculture (USDA) regulations and standards.

Collect specimens such as fluids and tissue samples; preserve and store specimens for research analysis and/or instructional purposes; identify, measure and record requested information including breed, age, estimated fat content, specific gravity and other data specified by research and instructional staff; prepare bovine, ovine, caprine and swine carcasses and/or cuts of meat to be prefabricated for classroom (meat lab) instruction

Prepare cured and smoked products, ground meats, sausage, fermented items and other processed products; prepare packages for retail sales ensuring proper labeling and presentation.

Ensure livestock are treated humanely and meats and processed products are maintained according to sanitation standards; observe proper handling, packaging and cold storage procedures; supply meats and bones to restaurants and consumers; properly dispose of diseased, contaminated and nonedible meat; transfer hides to tanneries and by-products to rendering plants or landfill; ensure that condemned products do not enter commerce.

Maintain and control regulatory records from slaughter and processing activities to ensure that the meat plant is in compliance with USDA Food Safety and Inspection Services (FSIS) regulations; maintain and update Hazard Analysis and Critical Control Points (HACCP) plans as well as its prerequisite programs such as Sanitation Standard Operating Procedures (SSOP), food defense, animal welfare, supplier lists and pest control.

Perform light maintenance to equipment including hoists, splitting saws, grinders, mixers, dicers, stuffers and related equipment; sharpen knives and saws as necessary; operate laundry equipment to provide clean apparel for students and others; clean equipment and the premises.

Demonstrate proper techniques to slaughter and process bovine, ovine, caprine and swine; provide tours of the facility to interested groups, interns, and academic students upon request.

Coordinate carcass and meat cut displays for educational events such as 4-H clubs and Future Farmers of America (FFA) statewide contests.

Perform related duties as assigned.

MEAT PLANT MANAGER	35	B	9.549
MEAT PLANT SUPERVISOR	33	B	9.548
MEAT PLANT TECHNICIAN II	31	H	9.547
MEAT PLANT TECHNICIAN I	29	H	9.546
MEAT PLANT TECHNICIAN TRAINEE	27	H	9.545

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CLASS CONCEPTS

Meat Plant Manager: Under administrative direction, the incumbent plans, organizes and manages operations at the Wolf Pack Meats facility. The incumbent directs slaughter, processing and packaging processes and operations to ensure compliance with USDA, FSIS, HACCP, SSOP, Occupational Safety and Health Administration (OSHA), Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC), Institutional Meat Purchase Specifications (IMPS), and National Association of Meat Purveyors (NAMP) rules, regulations, policies, procedures, protocols and guides; is responsible for quality assurance, food safety and sanitation for the facility; ensures all safety and security standards are properly implemented; inspects facilities to identify any hazardous conditions, reports findings to management and ensures proper remediation; ensures staff is trained in safety and security protocols and procedures; serves as the primary contact for USDA inspectors.

Participate in the development and implementation of best service practices; assist in the development and implementation of long- and short-range planning; develop, review, revise and implement operational policies and procedures.

Participate in the development, monitoring and maintenance of the biennial budget and/or program budget by estimating future expenditure levels based on historical data; making projections for future costs; monitoring fiscal transactions to ensure expenditures are in conformance with State, NSHE and department policies, regulations and budgetary limits; manage, monitor, purchase and ensure proper storage of inventory, supplies, equipment and materials necessary for continued operations; prepare comprehensive narrative and financial reports for presentation to stakeholders.

Coordinate business operations to include negotiating prices for meat products; market products and services; participate in new product development; ensure facility is properly staffed; maintain accurate and compliant records related to all business operations; complete analytical, narrative and statistical reports regarding business activities and operations as required.

Monitor all harvest and meat processing activities; coordinate with faculty and staff regarding research needs and student instruction; ensure facility is properly prepared for research trials; ensure proper collection and maintenance of harvest and processing data of each animal slaughtered; coordinate extension activities such as workshops, 4-H and FFA statewide contests.

Supervise Meat Plant Supervisors to include performance evaluations, work performance standards, scheduling, work assignment and review, training, and discipline; may supervise technical and administrative staff, students and/or volunteers as needed. This is the managerial level in the series.

Meat Plant Supervisor: Under general direction, and in addition to performing the full range of duties described in the series concept, the incumbent supervises the day-to-day activities of lower level Meat Plant Technicians assigned to a specialty area such as harvesting or processing to include performance evaluations, work performance standards, work assignment and review, scheduling, training and discipline; may supervise administrative staff, student workers, laborers and/or volunteers as needed. The incumbent will participate and assist management in teaching, research, and business-related activities as required. This is the supervisory level in the series.

Meat Plant Technician II: Under general supervision, and in addition to performing the full range of duties described in the series concept, the incumbent functions as a lead worker over lower-level Meat Plant Technicians and/or student employees assigned to harvest and/or processing functions to include work assignment and review and training; and may oversee student workers and/or laborers as assigned. The incumbent functions as a technical expert in their assigned area and may engage in teaching, research, and other business-related activities as assigned. This is the advanced journey level in the series and is distinguished from lower level Meat Plant Technicians by its technical expertise and lead worker responsibilities.

MEAT PLANT MANAGER	35	B	9.549
MEAT PLANT SUPERVISOR	33	B	9.548
MEAT PLANT TECHNICIAN II	31	H	9.547
MEAT PLANT TECHNICIAN I	29	H	9.546
MEAT PLANT TECHNICIAN TRAINEE	27	H	9.545

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CLASS CONCEPTS (cont'd)

Meat Plant Technician I: Under general supervision, incumbents perform the full range of duties as described in the series concept. This is the journey level in the series.

Meat Plant Technician Trainee: Under close supervision, incumbents receive training in performing the duties described in the series concept. This is the trainee level in the series and progression to the next level may occur upon meeting the minimum qualifications, satisfactory performance and with the recommendation of the appointing authority.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Some positions require a valid driver’s license or evidence of equivalent mobility at the time of appointment and as a condition of continuing employment.
- * Some positions may require Hazard Analysis and Critical Control Points (HACCP) certification which will be identified at the time of recruitment.
- * *Pursuant to NRS 284.4066 positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a preemployment screening for controlled substances.*

INFORMATIONAL NOTES:

- * A degree in animal science or closely related field at the Meat Plant Technician I is only equivalent to a maximum of 6 months experience.
- * A degree in animal science or closely related field at the Meat Plant Technician II is only equivalent to a maximum of one year of experience.

MEAT PLANT MANAGER

EDUCATION AND EXPERIENCE: Bachelor’s degree from an accredited college or university in animal science or closely related field and two years of experience in animal slaughter, meat inspection and meat processing, one year which included supervision; OR graduation from high school or equivalent education and four years of experience as described above, one year which included supervision; OR one year of experience as a Meat Plant Supervisor in Nevada State service; OR an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
 Working knowledge of: all applicable rules, regulations, policies, procedures, and practices related to the handling, slaughter, processing, inspection and storage of meat and meat products; supervisory principles and practices. General knowledge of: business operations and practices; quality assurance; budgeting; accounting; marketing and sales. Ability to: develop, review, revise and implement operational policies, procedures, short- and long-range business plans, and best practices; prepare detailed analytical, narrative and statistical reports regarding business activities and operations; coordinate business operations to include negotiating prices for meat products; market products and services; build effective partnerships with faculty, staff, State, county, local and federal agencies, and the business community; *all knowledge, skills and abilities required at the lower levels.*

MEAT PLANT MANAGER	35	B	9.549
MEAT PLANT SUPERVISOR	33	B	9.548
MEAT PLANT TECHNICIAN II	31	H	9.547
MEAT PLANT TECHNICIAN I	29	H	9.546
MEAT PLANT TECHNICIAN TRAINEE	27	H	9.545

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MINIMUM QUALIFICATIONS (cont'd)

MEAT PLANT MANAGER (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: State and federal rules, regulations, policies, procedures and protocols regarding handling, slaughter, processing, inspection, storage and safety of meat and meat products. Working knowledge of: State and NSHE regulations and requirements related to budget development and maintenance, purchasing and personnel administration; university principles and practices related to research trials and proper collection and maintenance of samples and data.

MEAT PLANT SUPERVISOR

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in animal science or closely related field and one year of lead work experience in animal slaughter, meat inspection and meat processing; OR graduation from high school or equivalent education and three years of experience in animal slaughter, meat inspection and meat processing, one year which was in a lead worker capacity; OR one year of experience as a Meat Plant Technician II in Nevada State service; OR an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: USDA, FSIS, HACCP, OSHA and SSOP rules, regulations, policies, procedures and practices. General knowledge of: supervisory principles and practices. Ability to: supervise and direct employees; prepare reports regarding activities of the meat plant; communicate effectively both verbally and in writing; *all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
(These are identical to the Entry Level Knowledge, Skills and Abilities for Meat Plant Supervisor.)

MEAT PLANT TECHNICIAN II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and two years of experience in animal slaughter and meat processing; OR one year of experience as a Meat Plant Technician I in Nevada State service; OR an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: State and federal rules, regulations, policies, procedures and practices related to the program area; safety principles and practices; operation and care of equipment and tools used in animal slaughter and processing; proper techniques in curing and smoking meats. General knowledge of: meat inspection rules, regulations and compliance standards; preparation of wholesale and retail cuts of meat according to USDA requirements and research protocols; IMPS and NAMP specifications. Skill in: the operation and light repair of equipment used in the slaughter, processing and storage of meat and meat products. Ability to: demonstrate and instruct on proper techniques to slaughter and process animals; communicate effectively with interns, academic students, interested groups and the general public; instruct and oversee students assigned to the research meat laboratory in animal slaughter, meat handling and cutting, and processing techniques; work cooperatively with research project leaders; *all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
(These are identical to the Entry Level Knowledge, Skills and Abilities for Meat Plant Supervisor.)

MEAT PLANT MANAGER	35	B	9.549
MEAT PLANT SUPERVISOR	33	B	9.548
MEAT PLANT TECHNICIAN II	31	H	9.547
MEAT PLANT TECHNICIAN I	29	H	9.546
MEAT PLANT TECHNICIAN TRAINEE	27	H	9.545

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MINIMUM QUALIFICATIONS (cont'd)

MEAT PLANT TECHNICIAN I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of experience in animal slaughter and/or meat processing; OR one year of experience as a Meat Plant Technician Trainee in Nevada State service; OR an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
 General knowledge of: USDA rules and regulations; safety rules, regulations, policies, procedures and protocols; principles, practices and techniques in animal slaughter, meat handling and processing; preparation of cured, smoked, ground and fermented products. Skill in: the operation of equipment used in the slaughter, processing and storage of meat and meat products. Ability to: process carcasses into wholesale and retail cuts in accordance with USDA regulations and standards; estimate meat grades according to USDA quality and yield grade standards; obtain and record experimental data; collect specimens such as fluids and tissue samples; identify, measure and record requested information; perform light maintenance and repair of equipment; *all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
(These are identical to the Entry Level Knowledge, Skills and Abilities for Meat Plant Technician II.)

MEAT PLANT TECHNICIAN TRAINEE

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and one year of semi-skilled experience in a ranch, animal slaughter, meat production, or similar environment; OR an equivalent combination of education and experience as described above. *(See Special Requirements and Informational Notes)*

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):
 General knowledge of: livestock handling. Ability to: learn the principles and techniques of animal slaughter, meat handling and processing; follow verbal and written directions; maintain records; read and understand manuals and orders; operate equipment used in the slaughter and processing of meat; operate laundry equipment; clean equipment; provide janitorial services; communicate effectively with coworkers and the general public.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):
(These are identical to the Entry Level Knowledge, Skills and Abilities for Meat Plant Technician I.)

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>9.549</u>	<u>9.548</u>	<u>9.547</u>	<u>9.546</u>	<u>9.545</u>
ESTABLISHED:	2/26/20UC	2/26/20UC	2/26/20UC	2/26/20UC	2/26/20UC
REVISED:	3/6/20PC	3/6/20PC	3/6/20PC	3/6/20PC	3/6/20PC

REPORT OF CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL

Attached is a report of changes made to the classification plan pursuant to NRS 284.160, sections 4 through 6 which reads as follows:

“4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator may make a change in the classification plan without the prior approval of the Commission if:

- (a) The Administrator deems it necessary for the efficiency of the public service;
- (b) The change is not proposed in conjunction with an occupational study; and
- (c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.”

The conditions set forth in these statutes have been met. A copy of the justifications and revised class specifications are on file in the office of the Administrator of the Division of Human Resource Management.

The following changes have been effected:

REPORT OF CLASSIFICATION CHANGES

POSTING#: 3-20
Effective: 11/27/19

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.136	ESD Manager IV	41	A	<i>12.136</i>	<i>ESD Manager IV</i>	<i>41</i>	<i>A</i>
12.137	ESD Manager III	39	A	<i>12.137</i>	<i>ESD Manager III</i>	<i>39</i>	<i>A</i>
12.138	ESD Manager II	37	A	<i>12.138</i>	<i>ESD Manager II</i>	<i>37</i>	<i>A</i>
12.139	ESD Manager I	36	A	<i>12.139</i>	<i>ESD Manager I</i>	<i>36</i>	<i>A</i>

BASIS FOR RECOMMENDATION

At the request of the Department of Employment, Training & Rehabilitation (DETR), Employment Security Division, a review of the minimum qualifications of the ESD Manager series was completed.

In consultation with Subject Matter Experts from DETR and analysts within the Division of Human Resource Management (DHRM), it is recommended that changes be made to the Education & Experience section of the minimum qualifications, at every level in the series, to clarify the education and experience required of each class.

In addition, equivalent education was included, at every level in the series, to account for either a Bachelor's degree or high school or equivalent education. Furthermore, an equivalency was added at the ESD Manager IV to account for experience at the ESD Manager II and at the ESD Manager III to account for experience at the ESD Manager I.

Furthermore, minor changes were made to the Entry Level Knowledge, Skills and Abilities at the ESD Manager II, III and IV to account for these changes.

Lastly, several Informational Notes were added to the minimum qualifications to clarify that some positions may be required to have a pre-employment background investigation, specific experience related to the program area and may be required to travel. These requirements will be identified at the time of recruitment.

These changes will create a more robust pool of both internal and external applicants, as well as, allow for upward progression of internal candidates who otherwise would not be eligible as a result of either geographical location and/or the type of services offered at branch/satellite offices.

Throughout the review, management staff within DETR and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 4-20
Effective: 2/11/20

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.612	Management Analyst IV	39	B	<i>7.612</i>	<i>Management Analyst IV</i>	<i>39</i>	<i>B</i>
7.624	Management Analyst III	37	B	<i>7.624</i>	<i>Management Analyst III</i>	<i>37</i>	<i>B</i>
7.625	Management Analyst II	35	B	<i>7.625</i>	<i>Management Analyst II</i>	<i>35</i>	<i>B</i>
7.637	Management Analyst I	33	B	<i>7.637</i>	<i>Management Analyst I</i>	<i>33</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Division of Human Resource Management (DHRM), Compensation, Classification & Recruitment Section, Recruitment Unit, a review was conducted of the minimum qualifications for the Management Analyst series.

In consultation with Subject Matter Experts from DHRM, it was determined that special requirements be added relative to some positions requiring either a driver’s license or evidence of equivalent mobility due to travel requirements and some positions requiring a background investigation as a condition of appointment and as a condition of continuing employment due to the nature of the duties and the department/division assigned. In addition, it was determined that informational notes be added indicating that some positions may require additional certification(s), education and/or experience and may also require applicants to attach copies of their college or university transcripts at the time of application.

Furthermore, the education and experience portions for every level in the series were amended to clarify experience and include equivalent education. The entry level and full performance knowledge, skills and abilities at the Management Analyst II, III and IV were modified as a result of these changes. Additional changes were made to the Management Analyst I class concept and the minimum qualifications at every level to maintain consistency with formatting and structure.

The recommended changes will allow recruitment analysts to more effectively and efficiently analyze applicants’ qualifications. In addition, these changes will allow for more individuals to qualify thus generating a more robust pool of applicants to choose from.

Throughout the review, both management and analyst staff within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended changes.

POSTING#: 5-20
Effective: 12/20/19

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.263	Contributions Examiner III	33	E	<i>7.263</i>	<i>Contributions Examiner III</i>	<i>33</i>	<i>B</i>
7.265	Contributions Examiner II	30	E	<i>7.265</i>	<i>Contributions Examiner II</i>	<i>30</i>	<i>B</i>
7.266	Contributions Examiner I	28	E		No Change		

BASIS FOR RECOMMENDATION

At the request of the Department of Employment, Training and Rehabilitation, a review of the EEO-4 code was conducted.

In consultation with the Division of Human Resource Management, Equal Employment Opportunity Officer, it is recommended that the EEO-4 code for the Contributions Examiner III and II be changed from “E-Paraprofessional” to “B-Professional” which are occupations requiring specialized and theoretical knowledge usually required through college training or through work experience and other training providing comparable knowledge.

As the duties and responsibilities of the Contributions Examiner series are comparable to those of the Tax Examiner and Revenue Officer series, this change will allow for consistency between classes in the 7.000 Fiscal Management & Staff Services Occupational Group, subgroup C, Revenue Collections and Management.

This change will also allow for individuals currently employed at the Contributions Examiner III and II to use their experience to qualify for positions that require a professional level of experience.

POSTING#: 6-20
Effective: 01/09/20

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>12.442</i>	<i>Rehabilitation Technician III</i>	<i>29</i>	<i>E</i>
12.443	Rehabilitation Technician II	27	E	<i>14.443</i>	<i>Rehabilitation Technician II</i>	<i>27</i>	<i>E</i>
12.444	Rehabilitation Technician I	25	E	<i>12.444</i>	<i>Rehabilitation Technician I</i>	<i>25</i>	<i>E</i>

BASIS FOR RECOMMENDATION

As the result of two Individual Classification Studies (NPD-19) and in partnership with Subject Matter Experts from the Department of Employment, Training & Rehabilitation (DETR) and analysts within the Division of Human Resource Management (DHRM), it was determined that a new level in the Rehabilitation Technician series be created to account for supervisory positions and a training and curriculum coordinator.

Incumbents at the Rehabilitation Technician III, under general supervision, and in addition to performing the full range of duties described in the series concept, either:

- a) Supervise lower-level Rehabilitation Technician positions and may supervise other lower-level technical or clerical support staff as assigned, to include performance evaluations, work performance standards, assigning and reviewing work, scheduling, training and discipline; or
- b) Serve as the training and curriculum coordinator for Rehabilitation Technicians and other lower-level technical or clerical support staff to include establishing, developing, updating and maintaining training curriculum and materials; providing training; creating and utilizing onboarding materials and role-specific documents that conform with State and federal rules, regulations, policies and procedures; creating and maintaining checklists, logs, spreadsheets, databases, records, and/or reports; developing, reviewing, updating and maintaining desk manuals; and utilizing technology to provide training for rural staff and/or for statewide training meetings.

In addition, incumbents assist in developing, reviewing, and implementing policies and procedures; providing input regarding areas of concern, improvement and best practices; and preparing analytical, narrative and statistical reports on activities related to their program area as needed. Incumbents may receive, review and approve Consultative Exams (CE) requested by lower-level Rehabilitation Technicians or other lower-level support staff; confirm requests are within established guidelines; and ensure correct CE codes have been used. Incumbents may monitor the purchase and distribution of bus passes and gas cards, including secure handling and fiscal responsibility; ensure Rehabilitation Technicians are following procedures for distribution and documentation; liaison with staff to ensure adherence to established process and documentation standards to include periodic auditing; report any negligence or possible malfeasance regarding bus passes, gas cards or other process as required.

It is recommended that the Rehabilitation Technician III be allocated at grade 29 which is a two-grade differential between levels in the series and is consistent with most class specifications within State service. The EEO-4 job category assigned will be category “E-Para-Professional” which are occupations where workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. This is consistent with the Rehabilitation Technician I and Rehabilitation Technician II classes.

In addition, an Informational Note was added to the minimum qualifications to indicate that some positions may require program specific experience, which will be identified at the time of recruitment. This will allow for the differences in experience required for a position within disability adjudication and a position within vocational rehabilitation.

Lastly, minor changes were made to the minimum qualifications at the Rehabilitation Technician I and Rehabilitation Technician II to maintain consistency with formatting, structure and verbiage.

Throughout the review, management staff within DETR and analysts within DHRM participated by offering recommendations and reviewing changes throughout the process and they support the recommended changes.

POSTING#: 7-20
Effective: 01/21/20

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
1.805	Forestry Program Manager	39	A	<i>1.805</i>	<i>Forestry Program Manager</i>	<i>39</i>	<i>A</i>

BASIS FOR RECOMMENDATION

At the request of the Nevada Division of Forestry, a review was conducted of the Forestry Program Manager class specification. In consultation with Subject Matter Experts from the Division of Forestry and analysts within the Division of Human Resource Management (DHRM), it was determined that the Support Services Management option be reestablished to replace Option D: Regional Forester. It was also determined that an additional Option E: Safety & Training Management be established.

Option D: Regional Forester had been established effective 02-18-2011, to replace Support Services and was to have regional versus statewide responsibility for duties previously established at the Support Services option, as well as, include additional responsibilities such as dispatch centers, and safety and training.

Incumbents at Option D: Support Services Management will have responsibility for programs to include fleet management; facility management; communication management; shared oversight of information technology; contract management to include writing, reviewing, monitoring and approving contracts; and ensuring cost effective and efficient services and operations to meet State, Department, and Division goals and objectives.

Incumbents at Option E: Safety & Training Management will have responsibility for management and implementation of the Division’s statewide safety and training program to include developing, monitoring, and coordinating safety and training programs for the Division; conducting surveys, training needs assessments, and organizational assessments and interpreting and reporting results. In addition, incumbent will serve as the local cooperator representative and local division spokesperson.

It is also recommended that minor changes be made to Option C: Conservation Camp to include “Management” in the title and clarifying language. Furthermore, the responsibility for dispatch centers, previously allocated to the Regional Forester, was added to this option.

In addition, changes were made to the minimum qualifications for Option A: Resource Management, Option B: Fire Management, and Option C: Conservation Camp Management to include equivalency statements within education and experience and to maintain consistency with formatting, verbiage and structure.

These changes will allow for consistent implementation of services and safety and training requirements throughout the Division. Also, the recommended changes will allow for added upward mobility of existing staff.

Throughout the review, management staff within the Division of Forestry and analysts within DHRM participated by offering recommendations and reviewing changes throughout the process and they support the recommended changes.

POSTING#: 8-20
Effective: 01/21/20

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>11.298</i>	<i>Polygraph/Background Supervisor</i>	<i>37</i>	<i>B</i>
11.299	Polygraph Examiner	35	B	<i>11.299</i>	<i>Polygraph/Background Examiner</i>	<i>35</i>	<i>B</i>
	<i>New</i>			<i>11.297</i>	<i>Polygraph/Background Examiner Trainee</i>	<i>32</i>	<i>B</i>

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
11.380	Background Investigation Technician II	30	E	<i>11.380</i>	<i>Background Investigation Technician II</i>	<i>30</i>	<i>E</i>
11.382	Background Investigation Technician I	28	E		<i>No change</i>		

BASIS FOR RECOMMENDATION

As the result of three Individual Class Specification Studies (NPD-19) and in partnership with Subject Matter Experts from the Department of Public Safety (DPS) and analysts within the Division of Human Resource Management (DHRM), it was determined that both a supervisory and trainee level be added to the Polygraph Examiner class and that the existing class be retitled to Polygraph/Background Examiner.

Polygraph/Background Examiners conduct polygraph examinations of parolees, probationers, and lifetime supervision offenders in criminal cases and/or applicants for employment; conduct preemployment background investigations for sworn employment candidates for the Department of Public Safety.

- a) The Polygraph/Background Examiner Supervisor, under general direction, and in addition to performing the full range of duties described in the series concept, oversees the day-to-day activities of the unit and supervises lower level Polygraph/Background Examiners and may supervise Background Investigation Technicians and administrative staff as assigned. This is the supervisory level in the series.
- b) The Polygraph/Background Examiner, under limited supervision, performs the full range of duties described in the series concept. This is the journey level in the series.
- c) The Polygraph/Background Examiner Trainee, under close supervision, receives training in performing the full range of duties described in the series concept. This is the trainee level in the series.

It is recommended that the Polygraph/Background Supervisor be allocated at a grade 37 which is a two-grade differential between levels in the series and is consistent with most class specifications within State service. It is also recommended that the Polygraph/Background Examiner Trainee be allocated at a grade 32, three grades below the journey level in the series. A three-grade differential is recommended because the trainee will require the necessary certifications to auto-progress to the journey level. The EEO-4 job category assigned will be category “B-Professional” which is consistent with the preexisting class.

As a result of expanding this series, minor changes to the class concept of the Background Investigation Technician II were made to clarify that the primary responsibility of this class was to conduct preemployment background investigations on non-sworn employment candidates and

assist Polygraph/Background Examiners with the more complex sworn background examinations as needed.

These changes will allow for consistent implementation of services, create a more defined career ladder, and will allow for added upward mobility of existing staff.

Throughout the review, management staff within DPS and analysts within DHRM participated by offering recommendations and reviewing changes throughout the process and they support the recommended changes.