

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held in Carson City at the Gaming Control Board, 1919 College Parkway; and via video conference in Las Vegas at the Grant Sawyer State Building, 555 East Washington Avenue, Room 2450, upon adjournment of the 9:00 a.m. Regular Meeting

**MEETING MINUTES
Friday, June 23, 2017**

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Gary Mauger, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)
Ms. Shelley Blotter, Deputy Administrator, DHRM
Ms. Dawn Buoncristiani, Deputy Attorney General, Office of the Attorney General
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Carrie Lee, Executive Assistant, DHRM

**STAFF PRESENT IN
LAS VEGAS:**

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM
Mr. Adrian Foster, Personnel Analyst, DHRM

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

Chairperson Fox: Opened the meeting at approximately 10:34 a.m. A quorum was established.

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. She asked if there were any public comments. There were none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED EMERGENCY REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 – Action Item

Sec. 1. NEW Reasonable break times and place to express milk.

Sec. 2. NEW Request for break times and place to express milk.

Sec. 3. NEW “Complaint” defined.

Sec. 4. NEW Submission of complaint to Employee-Management Committee.

Sec. 5. NAC 284.0735 “Organizational climate study” defined.

Sec. 6. NAC 284.112 “Working day” defined.

Sec. 7. NAC 284.589 Administrative leave with pay.

Sec. 8. Section 1 of LCB File No. R076-15 Removal of ineligible grievance or complaint from procedure.

Sec. 9. NAC 284.662 Providing assistance to employee.

Sec. 10. NAC 284.680 Date of receipt of grievance or complaint.

Sec. 11. NAC 284.692 Agreement for extension of time to file grievance or complaint, or take required action.

Sec. 12. NAC 284.6952 Request for resolution conference; appointment of facilitator; effect of request for resolution conference on jurisdiction of Employee-Management Committee.

Sec. 13. NAC 284.6955 Hearing before Employee-Management Committee: Procedure.

Sec. 14. NAC 284.6957 Hearing before Employee-Management Committee: Continuance.

Sec. 15. NAC 284.696 Unlawful discrimination.

Sec. 16. NAC 284.697 When resolution of grievance or complaint becomes binding.

Carrie Hughes: Introduced herself as a Personnel Analyst for the Division of Human Resource Management (DHRM or Division) and explained DHRM is proposing emergency new sections and amendments. The new and amended regulations address the provisions of Assembly Bill 113

of the 2017 Legislative Session which was signed into law by the Governor on June 1, 2017, and become effective July 1, 2017. DHRM is proposing the new sections and amendments as Emergency Regulations, as it allows the regulations to be adopted quickly and with few procedural requirements as the permanent regulation process would delay the implementation of the statutory changes the regulations reflect. However, as emergency regulations are effective for only 120 days, it is DHRM's intention to bring these regulations back to the Commission as permanent new sections and amendments at the September 29th meeting.

Section 1 provides an employee with a child of under 1 year of age with reasonable break times and a place to express breast milk. It also provides that an employee may use leave or flex her schedule if she determines her rest periods are not sufficient to express breast milk.

Section 2 requires agencies to develop a procedure for requesting reasonable break times and a place to express milk. It also encourages communication between an agency and the employee regarding the employee's needs and also establishes when an employee's request for break time, and/or a private place to express milk, is deemed to be received.

Section 4 provides employees a means to address an agency's lack of response, or unsatisfactory response, to a request for a reasonable break time and/or a place to express milk by requesting a complaint to be heard by the Employee-Management Committee (Committee). Additionally, an employee who alleges retaliation for the use of break times or a place to express milk, as well as for taking any action to ensure compliance with these requirements, may file a complaint with the Employee-Management Committee. The section further outlines how and when a complaint shall be submitted to the Committee and the Committee's responsibilities and priorities in scheduling a hearing to address the complaint.

Section 3 establishes "complaint" as a defined term in regulation. Section 5 adds "complaint" to the list of types of communication that may be considered in an organizational climate study. Section 6 applies the definition of working day in NAC 284.112 to the complaint process. Section 7 provides an employee with administrative leave for appearing as a complainant at a hearing of the Employee-Management Committee.

Ms. Hughes continued, in sections 8, 9, 10, 11, 12, 13, 14 and 16, the complaint process is inserted into existing provisions of the grievance process. Section 11 also removes the requirement that a request for an extension of time to file or edit any step in the process be made on a form prescribed by the Division allowing for requests to be submitted by email.

Section 12 clarifies that if either party to a grievance or a complaint requests a resolution conference, both parties must participate. It also provides that the Division will attempt to schedule a requested resolution conference to a complaint prior to a scheduled hearing. Section 13 allows for a complaint to be held in abeyance if good cause is shown. In Section 15, the word "complaint" is replaced with the word "charge," as "complaint" will now become a defined term.

Chairperson Fox: Asked if there were any questions. There were none. She asked if there were any Public Comments regarding the item. There were none.

MOTION: Moved for the approval of Emergency Regulations to Nevada Administrative Code Chapter 284 that specifically provide changes for the NRS that goes into law July 1st related to break times and places to express breast milk.

BY: Chairperson Fox
SECOND: Commissioner Read
VOTE: Motion passed unanimously.

IV. COMMISSION COMMENTS

Chairperson Fox: Asked if there were any comments from the Commission. There were none.

V. PUBLIC COMMENT

Chairperson Fox: Advised 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. She asked if there were any public comments. There were none.

VI. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.