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 September 20, 2019

COMMISSIONERS PRESENT

IN CARSON CITY: Ms. Katherine Fox, Chairperson

Ms. Patricia Hurley, Commissioner Ms. Mary Day, Commissioner

Ms. Priscilla Maloney, Alternate Commissioner, non-voting

COMMISSIONERS PRESENT

IN LAS VEGAS: Mr. Gary Mauger, Commissioner

Mr. Andreas Spurlock, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Peter Long, Administrator, Division of Human Resource Management (DHRM)

Ms. Beverly Ghan, Deputy Administrator, DHRM Mr. Frank Richardson, Deputy Administrator, DHRM Ms. Michelle Garton, Supervisory Personnel Analyst, DHRM

Ms. Carrie Hughes, Personnel Analyst, DHRM Ms. Keisha Harris, 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 Mr. Paul Trepanier, Information Systems Specialist, 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, September 20, 2019, at 9:30 a.m. and welcomed everyone, including the Commission's newly assigned Deputy Attorney General, Tori Sundheim.

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

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED JUNE 21, 2019 – Action Item

Chairperson Fox: Asked if there were any corrections or changes to be made on the minutes from June 21, 2019. There were none.

MOTION: Moved to approve minutes of the June 21, 2019 meeting.

BY: Commissioner Mauger SECOND: Commissioner Hurley

VOTE: The vote was in favor of the motion with Commissioner Day abstaining.

IV. PRESENTATION OF HEARING OFFICER CASE HANDLING STATISTICS - Informational Item

Michelle Garton: Introduced herself as the Supervisory Personnel Analyst with the Division of Human Resource Management. She presented the Hearing Officer Case Handling Statistics covering Fiscal Years 2016 through 2019. The statistics included the average number of days from appeal to outcome and the average cost per appeal. The Hearings Division has experienced several large cases that required petitions and motions, so costs were increased; the types of outcomes are charted and broken out by the Hearings Division and Charles Cockerill and by fiscal year.

Michelle Morgando: Introduced herself as the Senior Appeals Officer with the Department of Administration Hearings Division and would be happy to answer any questions the Commissioners might have regarding the Performance Survey Results.

Paul Trepanier: Introduced himself as the Information Systems Specialist with the Hearings Division and was also available to answer questions.

Commissioner Mauger: Stated he appreciated getting this report and had wanted to know how this was working although he was disappointed in the number of responses from the survey. Was there a process in place to oversee performance evaluations and whether the Division would want to continue to use the hearing officer or not? Michelle Morgando: Replied the hearing officers are designated by statute as Special Appeals Officers and are appointed by the sitting Governor for two-year terms. Their performance is reviewed based on these surveys because the positions are unclassified and formal evaluations are not conducted. When considered for reappointment, the performance of the hearing officers is discussed with the Director and recommendations are made as to whether to retain a hearing officer or not; it is ultimately the decision of the Governor.

Commissioner Mauger: Stated that until those reappointments are made, the hearing officers would fall in line with the selection process, like everyone else does. In the past, the Commission Members were the ones that would extend the contract, or not extend the contract, and that has been changed. What happens when the Division gets someone that is not favorable? Michelle Morgando: Replied that the Governor is the only one who can appoint or unappoint hearing officers; the Governor can unappoint them for very specific reasons in the two-year term. The usual process is if they are not going to be continued in that position they are not reappointed, and someone is appointed in their place.

Commissioner Mauger: Stated he was concerned about one individual who has been around for a while; the individual's review is not a good one and he was uneasy about continually using that individual in hearings. Michelle Morgando: Stated the Division did reach out this year and expanded the base of the possible pool of individuals who would receive a survey in hopes that we would have a bigger return. The survey was opened up to individual employees who had filed their hearings before DHRM and were not represented by an attorney. Previously, we sent it to attorneys or authorized representatives who appeared on behalf of the Division. So we did receive more responses this year, but the comments that Commissioner Mauger was referring to came from an individual who represented himself at the hearing. The rest of the responses came from either attorneys who represented the employee or the Deputy Attorney General on behalf of an agency.

Commissioner Mauger: Asked if the surveys regarding the unnamed individual were from an individual that was not represented by an attorney. Michelle Morgando: Answered in the affirmative. Commissioner Mauger: Indicated the bottom line was he appreciated this information; the overall response was disappointing, but maybe the Division can work on that. Michelle Morgando: Stated the Division is doing their best and was sending the results to all of the hearing officers and would talk individually with each one and review the comments, ratings and concerns and see if they can identify a particular issue or a problem that they can address going forward.

Chairperson Fox: Asked if there were any further questions and there were none. She thanked DHRM and the Hearings Division for their hard work. As Commissioner Mauger indicated, it is a work in progress, and the more they can get both the labor side and the management side to complete the surveys, the better the hearing officer process will be with job-related objective information about performance. She recommended that the surveys continue and liked being able to see the three-year window.

V. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS – Action Item

A. The Department of Public Safety requests the addition of the following positions to the list approved for preemployment screening for controlled substances:

- 2.210 Administrative Assistant IV, PCN: 3743-1111, 3743-1112
- 2.211 Administrative Assistant III, PCN: 3743-1100, 3743-1101, 3743-1102, 3743-1103, 3743-1104, 3743-1105, 3743-1106, 3743-1107, 3743-1108, 3743-1109
- 7.216 Administrative Services Officer III, PCN: 4709-0023
- 7.655 Business Process Analyst III, PCN: 4709-7005, 4709-7014
- 7.656 Business Process Analyst II, PCN: 4709-7013
- 7.657 Business Process Analyst I, PCN: 4709-7010, 4709-7011, 4709-7012, 4709-7015

Carrie Hughes: Introduced herself as a Personnel Analyst with the Division of Human Resource Management. The Department of Public Safety is requesting the addition of the requirement of pre-employment screening for controlled substances for the positions listed in Agenda Item V-A. The Department is requesting the addition of the requirement to the Administrative Assistant positions because the positions are responsible for receiving, assessing and disseminating reports of dangerous, violent and/or unlawful activity threatened, conducted at, or related to a school while maintaining the anonymity of those making those reports. The Department is requesting the addition of the requirement to the Business Process Analyst positions due to their having access to criminal history, personally identifiable and victim information. The Department is also requesting the addition of the requirement to the Administrative Services Officer position as it was previously required prior to reclassification due to access to criminal history, personally identifiable and victim information. A representative from the Department of Public Safety was available to answer any questions Commissioners might have.

Chairperson Fox: The Administrative Assistant III and IV mentions unlawful activity conducted in relation to a school. Is the Department referring to a university or community college setting? **Desiree Mattice:** Introduced herself as a Sergeant with the Department of Public Safety Investigation Division/Safe Voice program. Safe Voice is the school safety tip line that was initiated back in 2017 which involves all K-12 public, charter, and private schools within the State of Nevada.

Commissioner Spurlock: Stated the Commission is looking at pre-employment drug testing based on conditions that are written in NRS 284.4066 regarding the wording "affecting public safety." He wants to be absolutely sure on what affects public safety. This is a new program that covers across the board and reaches down into the individual school districts. Administrative Assistants are to receive, assess, and disseminate reports of dangerous, violent or unlawful activity conducted in relation to a school while maintaining the anonymity of reporting parties and confidentiality of the report information. But the bottom line is they are not really making decisions and the information they are handling cannot be immediately converted to someone's advantage for financial gain or misuse, such as a Social Security number or bank information. Administrative Assistants are merely gathering statistics. What is the need to have this considered such important information that they would have to be drug tested on a pre-employment basis? If it was up to me, I would have everybody pre-employment drug tested, but if you are going to pick and choose, and you're going to have criteria, I want to make sure that that criteria is being followed consistently.

Peter Long: Introduced himself as the Administrator of the Division of Human Resource Management and said NRS 284.4066 is about as broad as a statute could be. Section One reads, "Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety." That's the criteria needed to determine whether or not the position should be subject to pre-employment drug screening. Safe Voice was implemented a few years ago and is a hotline that anyone can call into and report bullying. He thought one of the main intentions was for safety reasons with all the unfortunate, terrible incidents at schools with shootings; a lot of those incidents were not being reported or were being reported and no one payed attention to it. The Department of Public Safety administers this hotline and part of the information that is being maintained as confidential is the identity of the people that are reporting because they may be fearful of the person that they are reporting.

Desiree Mattice: Explained Safe Voice receives tips from students as well as parents, guardians, school personnel and community members who can report directly to Safe Voice either through a telephone call, a mobile app, or through the web. Safe Voice monitors in live time with personnel discussing things with the students or the tipsters. These tipsters have an opportunity to report dangerous activities that are occurring or that they are made aware of. They could see a snapshot on a

social media page that there's going to be a shooting at their school. They notify Safe Voice and the communication specialist, the Administrative Assistant IIIs and IVs in question, gathers what information they can: the who, what, when, where, why and how. That is vital because they are trying to ensure that when they pass this information off to the law enforcement agencies, as well as to the schools, they have the information to follow up and/or investigate. Safe Voice gets information on things like weapons, reports of a school shootings, bullying, suicide threats and reports of self-harm. So, the AA IIIs and IVs might be talking to somebody who is contemplating suicide. Sometimes they receive reports from parents who don't know what to do when their child is struggling with depression, self-harm and threatening suicide as well. It is vital to make sure that these AAs are of sound mind on the communication specialist side because they are communicating with that tipster in real time. Safe Voice personnel forward the information to law enforcement; Safe Voice does not obtain criminal history, unless that criminal history is provided to them, and do not investigate. The sensitive information that the Administrative Assistant IIIs and IVs will be viewing is the school information, which comes from Infinite Campus; that information would be provided to them from the school districts. They provide that information and it's very similar to HIPAA, but it's called FERPA. Sensitive, personal identification information is housed within the system. Nobody else has access to that, unless they have access to the system. The main portion as far as statistics are kept is if a suicide threat is received. Was there a follow up? Yes, law enforcement was involved. What was their procedure of involvement? Was the school involved? What was their procedure of involvement? As far as the Administrative Assistant IIIs and IVs, they're not following up other than making sure that somebody received the information, that they're doing their proper follow up to ensure the safety of those children.

Commissioner Spurlock: Asked if Safe Voice was the repository for everything? Are there things down at the school district level, at the school police level, that may not ever get to Safe Voice? **Desiree Mattice:** Stated they receive the information from tipsters so the tipster would have to provide them that information. If a report is received from a tipster, that information does get funneled to law enforcement, if warranted, and then gets sent to the school district, or the school's superintendent's office, depending on the event type. If law enforcement receives a direct report, they do not receive that information. If a tipster or a student or a parent complains directly to the school regarding a bullying incident or complaint, that information does not come to them. They do not house any information unless the tipster reaches out to them.

Commissioner Spurlock: Asked what information they may have on a minor student; what is the most confidential information that their staff at this job classification would consistently see since they are not seeing criminal histories or juvenile criminal histories. Desiree Mattice: Indicated they see the FERPA information. The information that comes in is usually when it's a life safety concern regarding a particular student. That information would be the FERPA information, which is synonymous to the HIPAA information, or PII. If law enforcement does make contact with a particular student, and they have to take this child to the hospital, that information is considered HIPAA, but they are being advised because it's follow up based on information that they received. The reason why that is important is because if law enforcement receives information regarding a student self-reporting that they're suicidal, they receive the information directly from the school district advising what the person's residence address is; maybe it's an after-hours tip. They then notify law enforcement and law enforcement does their follow up. They do make contact with that student to do a welfare check, and they then go into the Safe Voice system and ensure that they provide the details of their contact. So when the student goes back to school, there are resources to follow up with the student. It is the school's responsibility to do that and that is where that information sharing comes in, and sometimes there is detailed information regarding behavioral and mental health.

Commissioner Spurlock: Asked was it possible to make a motion to vote on the individual position classifications, or do they have to vote the entire section A as a group?

Chairperson Fox: Stated she had originally asked that they take section A as a block vote, but if they need to separate them out, she would entertain that motion at that time. When making the motion, the Commissioner could ask that it be done differently. She asked if Safe Voice operated 24/7? **Desiree Mattice:** Replied yes. **Chairperson Fox:** Asked if the Administrative Assistant IIIs and IVs perform like 9-11 operators or dispatchers, why didn't DPS use that job classification to staff Safe Voice for the call takers?

Mavis Affo: Personnel Officer 3 with the Department of Public Safety, replied these are brand new positions received during the legislative session that are currently filled with temporary employees; the intent was to try to get positions that can be easily classified and filled. In terms of a working title, they are referred to as Communication Specialists.

Commissioner Spurlock: Requested that they vote on 2.210 and 2.211, all of the Administrative Assistant IIIs and IVs as a separate vote, and then the remaining items under A, which are 7.216, 7.655, 7.656 and 7.657.

Chairperson Fox: Before entertaining a motion asked were there additional questions regarding Item V-A from the Commissioners? There were none. The Chair asked if there were any public comments related to Item V-A? There were none. The Chair said she would entertain a motion related to Item V-A, specifically class titles 2.210 Administrative Assistant IV, and 2.211 Administrative III with the appropriate PCNs.

MOTION: Moved to approve Agenda Item V-A, class titles 2.210 and 2.211 Administrative Assistant IV

PCN 3743-1111, 3743-1112, 3743-1100, 3743-1101, 3743-1102, 3743-1103, 3743-1104, 3743-

1105, 3743-1106, 3743-1107, 3743-1108, 3743-1109.

BY: Commissioner Mauger SECOND: Commissioner Hurley

VOTE: The vote was in favor of the motion with Commissioner Spurlock voting in the negative.

Chairperson Fox: Stated she had to go on record to say, coming from her law enforcement background, she was concerned that DPS wouldn't use a more specific job class title such as Communication Specialist for managing a 24/7 hotline like this. "Administrative Assistant" is more an administrative clerical office support job class and that it was important to have a more specific public safety job class for this tip line. **Mavis Affo:** Responded she appreciated the feedback and it will definitely be taken into consideration for possible reclassification in the future.

Chairperson Fox: Stated she would accept a motion under V-A regarding class title 7.216 Administrative Services Officer III, PCN 4709-0023. This Administrative Services Officer III position was on the drug test roster prior to the reclassification, therefore, this is simply an update to reflect the new title. The position accesses criminal history information, fiscal and budget information, personally identifiable information, and victim information using a computer that has direct access to various databases.

MOTION: Moved to approve Agenda Item V-A, 7.216 Administrative Services Officer, PCN 4709-0023.

BY: Commissioner Hurley SECOND: Commissioner Day

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

Chairperson Fox: Stated she would entertain a motion regarding the Business Process Analyst III, II, I, positions, class titles 7.655, 7.656, and 7.657. These positions are new and will access criminal history information, personally identifiable information, and victim information using a computer that has direct access to various databases and by receiving hard copies.

MOTION: Approve Agenda Item V-A, 7.655, 7.656 & 7.657 Business Process Analyst III, II, I PCN

4709-7005, 4709-7014, 4709-7013, 4709-7010, 4709-7011, 4709-7012, 4709-7015.

BY: Commissioner Spurlock SECOND: Commissioner Hurley

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

- V-B. The Department of Agriculture requests the addition of the following positions to the list approved for pre-employment screening for controlled substances and requests approval of class specification amendments to include pre-employment screening for controlled substances:
 - 1. Classes and positions requested for approval of pre-employment screening for controlled substances:

1.401 Weights and Measures Inspector IV; PCN: All

1.404 Weights and Measures Inspector III; PCN: All

1.407 Weights and Measures Inspector II; PCN: All

1.410 Weights and Measures Inspector I; PCN: All

1.413 Weights and Measures Assistant (Seasonal); PCN: All

Carrie Hughes: Explained the Department of Agriculture is requesting the addition of the requirement of pre-employment screening for controlled substances for the classes listed in Agenda Item V-B-1. The Federal Motor Carrier Safety Administration requires pre-employment screening for controlled substances of positions that operate commercial motor vehicles and are subject to the requirement of a commercial driver's license. The positions in these classes are required to obtain and maintain a commercial driver's license due to driving commercial motor vehicles.

MOTION: Moved to approve Agenda Item V-B-1.

BY: Chairperson Fox SECOND: Commissioner Hurley

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

V-B-2. Request for approval of class specification changes to include pre-employment screening for controlled substances for some positions:

1.401 Weights and Measures Inspector IV; PCN: All
1.404 Weights and Measures Inspector III; PCN: All
1.407 Weights and Measures Inspector II; PCN: All
1.410 Weights and Measures Inspector I; PCN: All

1.413 Weights and Measures Assistant (Seasonal); PCN: All

Carrie Hughes: Stated as the pre-employment screening for controlled substances was approved for these classes, the Department of Agriculture is requesting a change to the class specifications to reflect the approval of the requirement for pre-employment screening for controlled substances for these classes. The Department requests that approval be effective with today's revision date.

Chairperson Fox: Clarified the class specification indicates the requirement of a Nevada commercial driver's license at the time of employment and as a condition of continuing employment; she would entertain a motion.

MOTION: Moved to approve Agenda Item V-B-2.

BY: Chairperson Day SECOND: Commissioner Hurley

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

VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS – Action Item

- A. Fiscal Management & Staff Services
 - 1. Subgroup: Financial a. 7.175 Loan Officer
 - 2. Subgroup: Revenue Collections & Management
 - a. 7.232 Tax Program Supervisor Series
 - 3. Subgroup: Personnel & Training
 - a. 7.513 Employee Development Manager/Training Officer Series
 - 4. Subgroup: Actuarial/Research/Grants Analysis
 - a. 7.736 Maintenance Management Coordinator Series
 - b. 7.745 Statistician Series
 - c. 7.752 Legal Research Assistant Series
 - d. 7.761 Biostatistician Series
 - 5. Subgroup: Public Information
 - a. 7.848 Audiovisual Assistant Series

Chairperson Fox: Indicated the Commissioners would hear all the subgroups of VI-A at once, unless the Commissioners wanted to entertain motions separately for each subgroup. **Commissioner Spurlock:** Stated he and Commissioner Mauger would prefer to consider them all at once. **Commissioner Day:** Added with the exception of language in 4-c.

Heather Dapice: Introduced herself as the Supervisory Personnel Analyst with the Compensation, Classification and Recruitment section of the Division of Human Resource Management. Regarding Items VI-A-1-a and VI-A-2-a, Fiscal Management & Staff Services, Subgroup: Financial, Loan Officer, and Subgroup: Revenue Collections & Management, Tax Program Supervisor Series, a minor revision be made to the Loan Officer series to include general knowledge of Freddie Mac mortgage lending requirements. It is also recommended that minor revisions be made to both series to maintain consistency with verbiage, formatting and structure.

Keisha Harris: Introduced herself as a Personnel Analyst with the Division of Human Resource Management, Compensation, Classification and Recruitment section. Item VI-A-3-a on the agenda was reviewed as part of the biennial class specification maintenance review process. DHRM is recommending revision to the series and class concepts, as well as the minimum qualifications in each level of the respective series, to update occupational language, clarify respective duties, reflect current methods and practices being used, and maintain consistency with verbiage and formatting, as well as structure. Additionally, in regard to Item VI-A-4-b, Statistician Series, it is recommended that an Informational Note for applicants meeting the education requirement with an Associate's degree be added. In regard to Item VI-A-4-c, Legal Research Assistant Series, it is recommended that revisions be made to the series concept to remove the comparison of an abolished class, and to the minimum qualifications, education and experience, to enhance recruitment efforts in both class levels of these series. Also, within the minimum qualifications, education and experience section of both levels, DHRM would like to fix a typographical error to read, "experience which included," instead of "experience which includes."

Heather Dapice: Item VI-A-5-a, Audiovisual Assistant Series from the Public Information Subgroup. In coordination with subject matter experts from the Nevada System of Higher Education, it was determined that the class concept, minimum qualifications and knowledge, skills and abilities are consistent with current expectations. It is recommended, however, that minor revisions be made to the series to maintain consistency with verbiage, formatting and structure. DHRM respectfully requests the Personnel Commission approve the recommended changes as presented, effective this date, to include the amendment to the Legal Research Assistant I and II, that it changes "includes" to "included" in the education and experience section of the minimum qualifications of Agenda Item VI-A-4-c.

MOTION: Moved to approve Agenda Item VI-A, Fiscal Management & Staff Services, revisions to class

specifications Subgroups: number one Financial, number two Revenue Collections & Management, number three Personnel & Training, number four Actuarial/Research/Grants Analysis with the clerical correction to the Legal Research Assistant Series, as identified by the Division, and number

five Public Information.

BY: Chairperson Fox SECOND: Commissioner Day

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

VI-B Mechanical & Construction Trades

- 1. Subgroup: Semi-Skilled General Labor
- a. 9.493 Exhibit Technician Series
- 2. Subgroup: Graphics, Printing & Reproduction
- a. 9.741 Sign Writer Series

Heather Dapice: Occupational Group Mechanical & Construction Trades, Subgroup: Semi-Skilled General Labor for the Exhibit Technician Series, and Subgroup: Graphics, Printing and Reproduction for the Sign Writer Series, are Items VI-B-1-a and VI-B-2-a on the agenda. Regarding the Exhibit Technician Series, it is recommended that minor changes be made to the minimum qualifications to clarify experience required and to maintain consistency with formatting and structure. Regarding the Sign Writer Series, it is recommended that a change be made to the series concept to account for technological changes and to the minimum qualifications to maintain consistency with formatting and structure.

MOTION: Moved to approve Agenda Item VI-B-1 and VI-B-2, the review of classes and recommended

revisions for Mechanical & Construction Trades.

BY: Commissioner Mauger SECOND: Commissioner Hurley

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

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

Posting: #27-19

11.380 Background Investigation Technician Series

Posting: #28-19

1.817 Conservation Crew Supervisor Series

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Stated the next meeting is December 6, 2019, and the meeting after that will be March 13, 2020. The Commissioners will plan for their June meeting at the December meeting.

IX. COMMISSION COMMENTS

Peter Long: Reported that he had an answer to a question asked by Chairperson Fox at the June meeting regarding AB530 about prospective employees needing to undergo a background check every five years upon being hired. DAG Tori Sundheim confirmed and agreed that a background check is required under AB530 every five years.

X. 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.

XI. ADJOURNMENT

Chairperson Fox: Thanked everyone and adjourned the meeting.