

**STATE OF NEVADA
HUMAN RESOURCES
COMMISSION**

Held at the Nevada State Library and Archives Building, 100 N. Carson Street, Room 110, Carson City; and via video conference to the Eureka Building, 7251 Amigo Street, Room 120, Las Vegas.

MEETING MINUTES

April 5, 2024

COMMISSIONERS PRESENT:

Mr. Mark Olson, Commissioner
Ms. Angela Scurry, Commissioner
Mr. Rick McCann, Commissioner
Ms. Christine Santiago, Alternate Commissioner
Mr. Armen Asherian, Alternate Commissioner

STAFF PRESENT:

Ms. Bachera Washington, Administrator, DHRM
Ms. Michelle Garton, Deputy Administrator, DHRM
Mr. Brian O'Callaghan, Deputy Administrator, DHRM
Ms. Keisha Harris, Deputy Administrator, DHRM
Ms. Kim Smith, EEO Administrator DHRM
Ms. Carrie Hughes, Supervisory HR Analyst, DHRM
Ms. Nora Johnson, HR Analyst, DHRM
Ms. Heather Dapice, Supervisory HR Analyst, DHRM

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

Mark Olson: Commissioner Olson called the meeting to order and began roll call and established a quorum.

Michelle Garton: Ms. Garton recognized that Mark Olson had been appointed as Chair of the Committee and Angela Scurry, previously an Alternate Commissioner, had become a Commissioner. Ms. Garton then welcomed Brian O'Callaghan, Keisha Harris, Kimberly Smith, and Bachera Washington to DHRM.

II. PUBLIC COMMENT

Mark Olson: Commissioner Olson opened the floor for public comment, stating that no vote or action may be taken upon a matter related under this item of the agenda until the matter has been specifically included in the agenda as an item upon which action may be taken. Commissioner Olson noted that there were no comments in the North or South.

III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

A. September 22, 2023

Mark Olson: Commissioner McCann moved to approval of the minutes for the September 22, 2023, meeting. Commissioner asked if there were any comments, changes, updates, corrections, or anything of note to put in the record about these meeting minutes.

The motion passes unanimously.

MOTION:	Moved to approve the minutes as written for September 22, 2023.
BY:	Commissioner McCann
SECOND:	Commissioner Scurry
VOTE:	The vote was unanimous in favor of the motion

IV. PROHIBITIONS AND PENALTIES: DISCUSSION AND APPROVAL OR DENIAL OF SPECIFIC ACTIVITIES CONSIDERED INCONSISTENT, INCOMPATIBLE, OR IN CONFLICT WITH EMPLOYEE'S DUTIES AND THE PROCESS OF PROGRESSIVE DISCIPLINE.

A. Business and Industry

Mark Olson: Commissioner Olson turned the floor to Nora Johnson, Human Resource Analyst for DHRM Consultation, Accountability, and Regulations Unit.

Nora Johnson: Nora Johnson stated that in accordance with NAC 284.742 an agency shall identify specific activities considered inconsistent, incompatible or in conflict with employee's duties and identify the penalties for such activities. Ms. Johnson noted these prohibitions and penalties are subject to the approval of the Human Resources Commission. Ms. Johnson explained that the Department of Business and Industry has updated their prohibitions and penalties previously approved by the Human Resources Commission and in effect since December 7th, 2012. Prior to the submitted revised version, Department employees were requested to submit comments and suggestions. Ms. Johnson noted the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission. Ms. Johnson referenced that the revisions have been tracked with new matter in blue or red underlined font and deletions in blue or red strikethroughs. Ms. Johnson stated that prohibitions that were relocated from a section to a more appropriate section were not noted since language had already been previously approved by the Commission. Ms. Johnson informed the Commission that representatives from the agency were present to answer any questions.

Rick McCann: Commissioner McCann asked about the disciplinary step during that employment process noting that if an employee were to appeal suspensions, motions, or dismissals they must go through a hearing officer, stating that other options may be available that had been negotiated in the collective bargaining agreement.

Nora Johnson: Nora Johnson replied that those particular positions, should they want to appeal, can either choose the processes afforded in the collective bargaining agreement, or they can choose the hearing officer's process. She noted, however, that once that choice has been made, they do have to remain in that path not switching because they are not pleased with the process.

The motion passes unanimously.

MOTION: Moved to accept the information in IV-A.
BY: Commissioner Santiago
SECOND: Commissioner Asherian
VOTE: The vote was unanimous in favor of the motion

V. DISCUSSION AND APPROVAL OR DENIAL OF ADDITION OF PROPOSED PERMANENT REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284

A. LCB File No. R046-22

- Sec. 1. Amends Chapter 284 to add sections 2 and 3.**
- Sec. 2. NEW Succession plan; appointments.**
- Sec. 3. NEW Certification of employees who prepare succession plans.**
- Sec. 4. NAC 284.058 "Eligible person" defined.**
- Sec. 5. NAC 284.313 Limitation of competition in recruitment; applications.**

B. LCB File No. R134-22

- Sec. 1. NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class.**
- Sec. 2. NAC 284.3745 Refusal to examine applicant or certify eligible person: Review of action; appeal.**

C. LCB File No. R141-22

- Sec. 1. NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest.**

Carrie Hughes: Ms. Hughes stated amendments to Chapter 284 in agenda item V-A will allow an agency to submit a request for the approval of the succession plan and approval of a current State employee to a position identified in an approved succession plan by the Division of Human Resource Management's Administrator. Ms. Hughes explained that the intent is to provide an opportunity to develop career progression and support agencies that have identified high achieving, engaged employees that may not qualify for positions at a certain progression in their career with the State. Ms. Hughes noted that the Division of Human Resource Management's Administrator will ensure that succession plans include safeguards to maintain fairness and equity and are not discriminatory, and that the establishment of a succession plan will be a collaborative exercise between an agency and the Division of Human Resource Management. Ms. Hughes also added that new language and amendments providing for the use of succession plans have been previously adopted as emergency and temporary regulations.

Rick McCann: Commissioner McCann thanked HR for putting this together, making some changes wanted, and creating a good succession plan in the State system to allow people to move up the ranks even if they're not entirely qualified on paper, because the State needs people in good places.

Angela Scurry: Commissioner Scurry asked if it would be possible to see some type of ROI from the start of the program up until now.

Bachera Washington: Ms. Washington agreed to provide that at the next meeting.

The motion passes unanimously.

MOTION: Moved to accept item V-A as presented.

BY: Commissioner McCann
SECOND: Commissioner Scurry
VOTE: The vote was unanimous in favor of the motion

Heather Dapice: Heather Dapice began with item V-B, stating section one will amend NAC 284.126 to include verbiage for the reclassification of a position if the incumbent can meet their qualifications of the class within one year of the effective date of the classification decision. Ms. Dapice stated that in addition, this will create subsection 8 of NAC 284.126 and will allow for the reclassification of the position after significant change from the determination of the Division of Human Resource Management if the position is incorrectly classified or the duties and responsibilities assigned to the position are more consistent with those of a different class. Ms. Dapice then moved to section two of LCB file, R134-22, which amends NAC 284.3745 to clarify, identify timeframes to be calendar days rather than working days which will allow for continued consistency throughout regulation.

Rick McCann: Commissioner McCann asked if the Commission had not previously approved the changes on reclassification, clarifying that this would remove that.

Heather Dapice: Ms. Dapice noted that previously if an incumbent did not meet minimum qualifications, the position could not be reclassified, and duties would have to be removed which left the agency in a tough bind because then they wouldn't have a position to do those duties. Ms. Dapice noted that this will allow for the reclassification if that incumbent can meet those MQs within the year, basically giving more time to meet those minimum requirements.

Christine Santiago: Commissioner Santiago asked for clarification between the succession plan and this amendment.

Heather Dapice: Ms. Dapice explained every classification is when a position itself has undergone some type of change where they feel that those duties and responsibilities should be reclassified upwardly/downwardly to a new series whereas a succession plan is a current vacant position where an employee can succession plan into that position and learn the job at that time.

The motion passes unanimously.

MOTION: Moved to accept item V-B as presented.
BY: Commissioner Santiago
SECOND: Commissioner Asherian
VOTE: The vote was unanimous in favor of the motion

Carrie Hughes: Ms. Hughes presented LCB file number R141-22 regarding NAC 284.524. Ms. Hughes noted this previously presented proposed amendment to the regulation is in response to a relatively recent decision out of the first judicial district court of the State of Nevada demanding a decision to the Employee-Management Committee to determine a compensation standard regarding which activities performed before or after a regularly scheduled shift are compensable. Ms. Hughes explained that while the Committee does not have the jurisdiction to create standards for compensation, the administrative regulation making process is appropriate to address this judicial decision, and the amendment establishes that, for purposes of determining whether an employee is reporting for work shift on time, the work shift of an employee who is not working remotely begins when the employee arrives at the entrance to the physical location at which the employee performs his or her duties or responsibilities. Ms. Hughes went on to note that when this amendment was presented at the September 2023 Commission meeting, a concern was raised regarding employees showing up early for their shift and whether that would entitle them to overtime based upon the then proposed language. Ms. Hughes stated that the amendment was pulled from consideration to address this concern, and the amendment language has been revised to address that concern, clarifying that an employee would not be entitled to overtime unless approved by their appointing authority.

The motion passes unanimously.

MOTION: Moved to approve R141-22.
BY: Commissioner Scurry
SECOND: Commissioner Santiago
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 AND ABOLISHMENTS

A. Engineering & Allied

1. Subgroup: Engineering

A. 6.417 Chief, Hearings Section

B. Mechanical & Construction

1. Subgroup: Road Construction & Maintenance

A. 9.106 Highway Maintenance Supervisor Series

2. Subgroup: Equipment Management, Maintenance Repair

A. 9.327 Auto Body Worker

Heather Dapice: Engineering & Allied occupational group subgroup Engineering for the Chief, Hearing Section, item VI-A-1-A. As part of the biennial class specification maintenance review process and in coordination with subject matter experts from the Division of Water Resources, Department of Conservation and Natural Resources, it was determined that this class is currently not being utilized and will not be utilized in the future, is therefore recommended that this class be abolished effective this date. Moving on to the recommendation for the Mechanical & Construction Trades Occupational Group, subgroup Road Construction & Maintenance for the Highway Maintenance Supervisor series. This is item VI-B-1-A on the agenda. As part of the class specification maintenance review process and upon review by subject matter experts from the Department of Transportation and Analysts within the Division of Human Resource Management, it was determined that class concept of having maintenance supervisor series is consistent with current expectations that do not require revisions at this time. The next item on the agenda, the Auto Body Worker series, which is item VI-B-2-A. Again, as part of the class specification maintenance review process, subject matter experts within the Department of Transportation, it was determined that, um, the class concept be updated to reflect duties currently being performed and to update the tools and methods used for auto body repair. Additionally, references to a Class B license and incumbents having to furnish their own tools were moved under a new section called informational notes within the minimum qualifications. The special requirement for a Class C driver's license was amended to state this is required at the time of application and as a condition of continuing employment. Additional modifications were made to maintain consistency with verbiage, formatting the structure.

The motion passes unanimously.

MOTION: Moved to approve item VI-A and VI-B as submitted.
BY: Commissioner McCann
SECOND: Commissioner Asherian
VOTE: The vote was unanimous in favor of the motion

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES NOT REQUIRING HUMAN RESOURCES COMMISSOIN APPROVAL PER NRS 284.160

Posting: #21-23

09.334 Fleet Service Worker Series

Posting: #22-23

09.117 Highway Maintenance Worker Series

Posting: #23-23

10.237 Health Program Specialist Series

Posting: #01-24

12.345 Social Worker Series

Posting: #02-24

10.124 Corrections Counselor Series

Posting: #03-24

07.610 Governmental Liaison-ABOLISH

Posting: #04-24
 13.201 DPS Lieutenant Colonel-ABOLISH
Posting: #06-24
 07.131 Retirement Examiner Series-ABOLISH
Posting: #07-24
 07.127 Retirement Technician-ABOLISH
Posting: #08-24
 07.117 Division Chief, Retirement-ABOLISH
Posting: #09-24
 10.338 Mental Health Technician Series
Posting: #10-24
 01.112 Plant Industry Regional Manager
Posting: #11-24
 06.715 Chief, Water Planning & Drought Resiliency
Posting: #12-24
 09.401 Building Automation System Series
Posting: #13-24
 01.918 Lifeguard Series
Posting: #14-24
 11.117 Public Safety Dispatcher Series
Posting: #15-24
 06.305 Engineering Technician Series
Posting: #16-24
 09.117 Highway Maintenance Worker Series
Posting: #17-24
 07.773 Skillbridge Trainee
Posting: #18-24
 1.810 Conservation Staff Specialist
 1.804 Forestry Fleet Coordinator
Posting: #19-24
 10.260 Dental Assistant Series
Posting: #21-24
 11.701 Deputy Fire Chief/Firefighter (Air National Guard) Series
Posting: #22-24
 07.868 Deputy Division Administrator, Historical Preservation
Posting: #23-24
 07.500 State Payroll Manager

Heather Dapice: This is an informational item letting the Commission know that these items were posted through the uncontested posting process and went through without objection and therefore were implemented.

VIII. DISCUSSION OF DATES FOR UPCOMING MEETING

Michelle Garton: Ms. Garton gave possible date of the upcoming meeting as Friday, July 12th and the following meeting be either the 13th, 20th, or 27th, to allow time to work with getting the regulations through the process.

Mark Olson: Commissioner Olson noted that everyone was open to all dates, and that he would most likely be out of the country.

IX. COMMISSION COMMENTS

Mark Olson: Commissioner Olson asked if there were any Commissioner comments, and none were heard.

X. PUBLIC COMMENT

Mark Olson: Commissioner Olson opened the floor for public comment, stating that no vote or action may be taken

upon a matter related under this item of the agenda until the matter has been specifically included in the agenda as an item upon which action may be taken. Commissioner Olson noted that there were no comments in the North or South.

XI. Adjournment

Mark Olson: Commissioner Olson adjourned the meeting.