

**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 in Las Vegas at the Eureka Building, 7251 Amigo Street, Suite 120.

-----  
**MEETING MINUTES  
September 27, 2024**

**COMMISSIONERS PRESENT:**

Mr. Mark Olson, Chairperson  
Ms. Angela Scurry, Commissioner  
Mr. Andreas Spurlock, Commissioner  
Mr. Rick McCann, Commissioner  
Ms. Patricia Hurley, Commissioner  
Mr. Armen Asherian, Commissioner  
Mr. Greg Ott, Senior Deputy Attorney General

**STAFF PRESENT:**

Ms. Bachera Washington, Administrator, DHRM  
Ms. Michelle Garton, Deputy Administrator, DHRM  
Mr. Brian O'Callaghan, Deputy Administrator, DHRM  
Ms. Carrie Hughes, Supervisory Human Resources Analyst, DHRM

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

**Chairperson Olson:** For announcements this morning, we do have something from Administrator Washington, if you please.

**Bachera Washington:** The Department of Administration, as directed by the 2023 legislative session, through AB 451 is conducting a classification compensation study of both classified and unclassified employees with the executive branch. This is a goal-oriented effort in alignment with the Governor's effort to attract and retain employees, expand our candidate pool and properly align (inaudible) with their job duties by creating statewide standards of classification. This study is being conducted in partnership with the Simmons Group. With the Simmons Group, the Division of Human Resource Management has reviewed approximately 1,800 to 2,000 classification specifications. So the initial drafting of the new classification specifications have been completed, the form has been revised, the final classification study will recommend changes to position titles and the consolidation, compression of various classifications. It may also recommend that certain positions be changed from unclassified to classified or vice versa. Now that the classification study is complete, the compensation study has begun and is not scheduled to be completed until the end of this year. In our next meeting we will go over some of the finalized job classifications in detail and discuss how you would like to move forward with the review of those classifications. We have essentially compressed the 18-to-2,000 job classifications to approximately 500 or so.

**Commissioner McCann:** As you compress this from 1,800 to 2,000 down to about 500, no's going to be left out I'm assuming, correct?

**Bachera Washington:** Yes.

**Commissioner McCann:** Everyone who has a job is going to keep the job?

**Bachera Washington:** Yes.

**Commissioner McCann:** If some job goes from currently classified to unclassified, are they going to lose their collective bargaining rights?

**Bachera Washington:** That is a possibility. The majority of the positions that we have reviewed that would be moving from a classified to unclassified would be higher professional positions.

**Commissioner Spurlock:** Is there an appeal process during this? I mean, how long will the appeal process take on that challenge a the classification?

**Bachera Washington:** We are in the process of creating those procedures. If an appeal process will be created, we will outline that between now and the finalization of the study.

**Chairperson McCann:** There is currently an appeal process in effect is there not?

**Bachera Washington:** Yes.

## II. PUBLIC COMMENT

**Chairperson Olson:** Is there any public comment in the south? Seeing and hearing none, is there anyone in the north for public comment?

## III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

### A. April 5, 2024

**Chairperson Olson:** Are there any changes, updates, corrections? Any comments? I did notice that my name was listed twice. Commissioner Spurlock was not at the meeting, but there's several references to Commissioner Spurlock in the minutes. We were just going to correct that. So with that change, are there

any others? And if not, do I have a motion to approve Item 3A, the minutes from April 5th?

The motion passes.

MOTION: Moved to approve the April 5, 2024 meeting minutes with any changes that may be necessary.  
BY: Commissioner McCann  
SECOND: Commissioner Scurry  
VOTE: Commissioner Spurlock abstained. The motion passed.

#### **B. June 28, 2024**

**Commissioner Olson:** This is the meeting from June 28th. Are there any changes, updates, corrections, comments? Hearing none, if I could get a motion on item 3B, please?

The motion passes unanimously.

MOTION: Moved to approve the June 28, 2024 meeting minutes.  
BY: Commissioner Spurlock  
SECOND: Commissioner Hurley  
VOTE: The motion passed unanimously.

### **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. Office of the Chief Information Officer**

**Carrie Hughes:** I am the Supervisory Human Resource Analyst for the Division of Human Resource and Management's Consultation, Accountability, and Regulations group. In accordance with NAC 284.742, an agency shall identify specific activities considered inconsistent, incompatible, or in conflict with employees' duties and identify the penalties for such actions. The Office of the Chief Information Officer has developed new prohibitions and penalties for their office based on the Department of Administration's prohibitions and penalties previously approved and in effect since December 4, 2020. Prior to the submittal of this document, it was provided to their Employee Engagement Committee for comment and suggestions. The document has been reviewed by the Division and the items are in general consistent with those already approved by the Commission. Clarifying changes were made to the forward language, two new items were added to the Use of Alcohol, Controlled Substances or Drugs section to address existing Nevada Administrative Code Chapter 284 requirements. And additionally, item 5 in the Safety and Health section was split to address both negligent and malicious violation of that prohibition. A representative for the Office of the Chief Information Officer is available to answer any questions you may have. Thank you for your consideration of this item.

**Chairperson Olson:** Are there any questions from the Commission? Comments?

**Commissioner McCann:** One question I did have earlier is Chief Information Officer probably reports directly to the governor or one of the Governor's people, wouldn't really make a decision on the final disposition of it if it happens to be the Governor, he works for the Governor in that sense, is there going to be any issues about conflicts or otherwise there?

**Bachera Washington:** There should be no issue. The OCIO is an agency just like all the other agencies within the state, and with the Chief CIO, they would be the final determining factor and the processes that we currently have in place still be in place.

The motion passes unanimously.

MOTION: Moved to approve Item 4a.  
BY: Commissioner Hurley  
SECOND: Commissioner Asherian  
VOTE: The motion passed unanimously.

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

**A. LCB File No. R165-24**

**Carrie Hughes:** Assembly Bill 163 of the 2023 State of Nevada Legislative Session that was signed into law by the Governor in part expanded existing provisions for leave and reasonable accommodation due to domestic violence to include sexual assault. The statutory language provides for employee leave if the employee or a household member of the employee is a victim of sexual assault, an accommodation for an employee if the employee or a household member of the employee is a victim of sexual assault. The amendments in this file proposed by the Division of Human Resource Management will adopt a statutory definition of sexual assault and amend existing employee provisions to conform to these expanded protections.

The motion passes unanimously.

MOTION: Moved to approve Item 5A.  
BY: Commissioner Scurry  
SECOND: Unidentified Commissioner  
VOTE: The motion passed unanimously.

**B. LCB File No. R168-24**

**Carrie Hughes:** The Division of Human Resource Management is proposing the repeal of NAC 284.179 in Section 5 of this LCB File. There are no individuals employed with the state of Nevada to which this regulation would apply since they would've had to have been continuously employed for over 48 years. The amendment to NAC 284.172 in Section 1 is a conforming change based on the proposed repeal. The amendment in Section 2, NAC 284.254, proposed by the Division of Human Resource Management requires the agency an employee is leaving to pay the compensatory time an employee has accrued. This change will result in the payment of compensatory time by the agency in which the hours were actually accrued and not allow the liability to be placed on another agency. The amendment in Section 3, NAC 284.444, proposed by the Division of Human Resource Management allows an appointing authority to waive the probationary period of an employee who transfers from the unclassified or non-classified service. The amendment in Section 4, NAC 284.576, proposed by the Division of Human Resource Management will provide flexibility to work with the upcoming Human Resource Information System implementation while still allowing agencies and employees to utilize the provisions in the regulation. The intent is not to remove the current forms and processes at this time, but to be prepared to transition.

The motion passes unanimously.

MOTION: Moved to approve Item 5B.  
BY: Commissioner McCann  
SECOND: Commissioner Asherian  
VOTE: The motion passed unanimously.

**C. LCB File No. R171-24**

**Carrie Hughes:** The amendments in this LCB File make changes to various regulations in Nevada Administrative Code Chapter 284 based on Senate Bill 431 of the 2023 State of Nevada Legislative Session that was signed into law by the Governor. Sections 1 through 8 of this file make conforming changes to terminology for conformity with the Nevada Revised Statutes, specifically replacing personnel management with the human resources management system, personnel office of a department or agency with a human resources office of a department or agency, personnel file of an employee with a human resources file of an employee, personnel action with a human resources action, personnel representative with a human resources representative, and personnel documents with human resource documents.

**Commissioner Asherian:** Looking at section 7 of the LCB File, NAC 284.696. I'm the Title IX Coordinator. Technically the Title IX Coordinator is not an HR position, its own separate department. Without appointing authorities, I don't have that disciplinary power. Some of the institutions may call them equal employ opportunity officers. I'm not. Does this regulation include people coming to the Title IX Coordinator at Institution of Higher Education?

**Michelle Garton:** The language that you're referring to is current language in the regulation, there's no change there, but I can let someone with our EEO office or Administrator Washington speak to that in case there may be consideration for another change in future.

**Bachera Washington:** There was no change to the current language other than the Section or Subsection V, which replaces personnel with human resources. Is it your comment that you would like us to review NAC 284.696 to ensure that proper language is included for NSHE representatives?

**Commissioner Asherian:** Let's give it one more eyeball and look at it.

**Chairperson Olson:** As I understand in number 6, the office charged with the Affirmative Action, Commissioner doesn't believe or is questioning does that apply to your organization?

**Commissioner Asherian:** To me it does as I'm the Affirmative Action officer at College of Southern Nevada. I don't know if that's the case for the other institutions, they also have that responsibility. If that's the case, then everyone should become affirmative action officers. I just don't know that answer.

**Chairperson Olson:** Since that is outside the scope of this particular item, I believe we are okay to move forward with the provision that the administrator will follow up. Any other questions on Item 5C? Okay. Do I hear a motion on 5C?

The motion passes unanimously.

MOTION: Moved to approve Item 5C.  
BY: Commissioner Asherian  
SECOND: Commissioner Scurry  
VOTE: The motion passed unanimously.

## **VI. REVIEW AND POSSBLE ADOPTION OF LANGUAGE ACCESS PLAN TO ADDRESS BARRIERS TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY PURSUANT TO NRS 232.0081**

**Millicent Thomas:** I'm the EEO officer in the Division of Human Resources Management. You have before you for action adoption of the Language Access Plan. In the 2021 session, Senate Bill 318 requires that all state agencies prepare a Language Access Plan. The Language Access Plan is a plan that identifies how we provide services for individuals with limited English proficiency. This Plan mirrors the Division of Human Resource Management's Plan. The Plan outlines that if an individual has a limited English proficiency, we, the Human Resource Commission will provide interpreters or translational materials, their English sign language interpreters, so that they can understand the content materials. The Plan identifies your commitment to having a Language Access Plan, your commitment to writing access to services. It identifies that the responsibility rests with the Human Resource Commission to provide the services of cost to the individual requesting them, and to provide those services in the preferred language of the individual. It also identifies myself, I'm the EEO Officer, and Kimberly Smith, the EEO Administrator, as the language access coordinators. And then it also identifies that we will access bilingual safety employees who have bilingual skills; or we may reach out for contracted vendors that provide these services to the state.

**Chairperson Olson:** Should I assume all the Boards and Commissions throughout the state have the same program?

**Millicent Thomas:** That is an accurate assumption.

**Commissioner Scurry:** So, you identified that you're going to access other employees that actually have the ability to speak the language or understand language. Is there some levels of confidentiality associated to those employees in regards to what the conversations are, what the questions could be going on? What is this about? I mean, how do you ensure that that's going to happen when someone has another employee for the state that's going to be participating in that conversation? So that is a fresh reminder of the services that they're going to go.

**Millicent Thomas:** We have a confidentiality form that serves as a fresh reminder that the services they provide are confidential.

**Chairperson Olson:** You having experienced this before, when you use this on a state employee, is there any consideration of compensation at all?

**Bachera Washington:** We currently have a list of employees who are receiving bilingual pay. Those employees on that list are aware that in receiving that compensation, they can be called to provide and utilize the services that they have throughout the state.

**Commissioner Asherian:** So the bilingual contact list includes right now, Spanish, Arabic, French, Chinese, Mandarin, Filipino, Korean, Serbian, Croatian, along with American Sign Language. Although I'm guessing that right now, those are the dominant languages that exist, how are we going to keep up with what's the profile of languages needs?

**Millicent Thomas:** Commissioner, those are the languages of the employees that are currently on the bilingual list. We have access to vendors for any other languages.

**Commissioner Asherian:** And this is part of our ADA plan as well?

**Millicent Thomas:** It addresses an ADA requirement to have accessibility for our interpreters, it addresses the federal laws of Title IV, and addresses Senate Bill 318.

**Chairperson Olson:** Any other questions for Ms. Thomas? Hearing none, may we have a motion on this item, please?

The motion passes unanimously.

MOTION:	Moved to Approve Item VI
BY:	Commissioner Asherian
SECOND:	Commissioner Hurley
VOTE:	The vote was unanimous in favor of the motion

## VII. REPORT OF SUCCESSION PLAN DATA

**Michele Garton:** We are happy to report a successful, largely successful, outcome of the succession plan program so far. We have reported 83 percent positive rate and that removes a termination that left state service for the private sector. So that's not something we would consider a failure at a succession plan. The transfer moved agencies by no fault of her own. So, if we look at that, then what's remaining is the 83 percent positive rate. The Division, in working with the agencies, it's the mission to set employees up for success. The program remains to be a very good tool for agencies to use, considering all I just described. What I will say, one final comment is just that I will let everybody know one note: all succession plans that have been approved under this new administration have either been successful or are ongoing.

**Commissioner Asherian:** You said, by and large successful. This is successful. You also mentioned in the back of this in thinking initiative like this is tremendous. People get into a position they feel lost and demoralizes folks and there's so much

there, so much potential there that most employers miss out on. So, yeah, you know, marching band and (inaudible) trial place and celebrating.

**Chairperson Olson:** Thank you for that, Commissioner. Excellent comment. And those of who've been around a little bit know the long road this particular program has taken to get to where we are today is particularly significant in my opinion. Given the state's hiring challenges, should we assume that there's widespread knowledge throughout the agencies pertaining to this availability of this program?

**Bachera Washington:** Yes, Chair there is, and we are currently reviewing our procedures and processes and even the form to make it more efficient for agencies as well as the employees to be able to complete and participate.

#### **VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES NOT REQUIRING HUMAN RESOURCES COMMISSION APPROVAL PER NRS 284.160**

**Chairperson Olson:** Any pending comments or questions? Okay, very good. That makes it easy.

#### **IX. DISCUSSION OF DATES FOR UPCOMING MEETINGS**

**Chairperson Olson:** Item Number IX, upcoming date, think we proposed December 13.

**Bachera Washington:** Friday, December 13 is the proposed date for the next HR Commission meeting.

**Chairperson Olson:** Any issues with that, please reach out to staff.

#### **X. COMMISSION COMMENTS**

**Chairperson Olson:** Any comments from any Commissioners?

#### **XI. PUBLIC COMMENT**

**Chairperson Olson:** Any comment by the public down south? Hearing none, up north, any public comment?

#### **XII. ADJOURNMENT**

**Chairperson Olson:** Very good. And with that, we will adjourn.