

**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 Grant Sawyer Building, 555 E. Washington Avenue, Room 1400.

**MEETING MINUTES
September 22, 2023**

COMMISSIONERS PRESENT:

Ms. Patricia Hurley, Commissioner
Mr. Andreas Spurlock, Commissioner
Ms. Angela Scurry, Alternate Commissioner
Mr. Rick McCann, Commissioner
Mr. Mark Olson, Commissioner

STAFF PRESENT:

Ms. Mandee Bowsmith, Administrator, DHRM
Ms. Heather Dapice, DHRM
Ms. Carrie Hughes, DHRM

I. DISCUSSION AND APPROVAL OF DHRM ADMINISTRATOR AS MEETING FACILITATOR IN LIEU OF MEMBER CHAIR DUE TO VACANCY FOR THIS MEETING

Mandee Bowsmith: The first item on the agenda is discussion and approval of the DHRM administrator to act as the meeting facilitator in lieu of a member Chair due to a vacancy. May I call a vote of the members?

The motion passes unanimously.

MOTION: Moved to approve the DHRM administrator to act as the meeting facilitator in lieu of a member Chair due to a vacancy.

VOTE: The vote was unanimous in favor of the motion

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

Mandee Bowsmith: I'd like to call the Human Resources Commission meeting for Friday, September 22, 2023 to order. We'll do the roll call.

III. PUBLIC COMMENT

Mandee Bowsmith: No vote or action may be taken upon a matter raised under public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Is there any public comment in the south? Okay. Seeing none, is there any public comment in the north? Okay. Seeing none, we will move on to Item 4.

IV. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

- A. June 24, 2022
- B. August 09, 2022
- C. August 26, 2022
- D. March 03, 2023
- E. June 09, 2023

Mandee Bowsmith: This is for possible action, approval of minutes of previous meetings. These are the meeting minutes for the June 24, 2022; August 9, 2022; August 26, 2022; March 3, 2023; and June 9, 2023 meetings. Are there any questions, comments, or concerns about these meeting minutes?

The motion passes unanimously.

MOTION: Moved to approve the minutes as written for June 24, 2022; August 8, 2022; August 26, 2022; March 3, 2023; and June 9, 2023.

BY: Commissioner McCann

SECOND: Commissioner Hurley

VOTE: The vote was unanimous in favor of the motion

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

- A. LCB File No. R138-22
Sec. 1. NAC 284.589 Administrative Leave with pay

Mandee Bowsmith: We have a representative from DHRM here to present this item.

Carrie Hughes: The proposed amendment to NAC 284.589 will provide administrative leave to veterans to attend medical appointments during the first 12 months of their employment. Specifically, they will be able to use up to 96 hours of paid administrative leave for healthcare provider appointments relating to determining whether the veteran

has a service-connected disability or receiving healthcare services related to a service-connected disability. Additionally, the amendment defines the terms healthcare services and provider of healthcare. This new provision has been proposed in recognition that some newly separated service members are still undergoing medical evaluation by the Department of Veterans Affairs to determine if the individual has a service-connected disability. These evaluations can be time-sensitive, and service members may have to wait months to be scheduled for an evaluation. Delays may cause further medical and/or financial harm. Additionally, there may be a need for medical treatment due to a service-connected disability while they do not yet have sufficient sick leave as a new state employee. Additionally, we're proposing changes to the provided draft language of Subsection 9. This change is being proposed due to the concern that applying these definitions to the entire regulation will impact the application of other provisions or cause confusion. The other proposed change will replace provider of healthcare. This change is being proposed to standardize the definition for most medical-related leave events and to reduce complexity and confusion. Thank you for your consideration of this amendment.

Mandee Bowsmith: Are there any questions or concerns about Item 5A? May I have a motion on Item 5A?

The motion passes unanimously.

MOTION: Moved to approve Item 5a, LCB file number R138-22, Section 1, NAC 284.589, administrative leave with pay
BY: Commissioner Hurley
SECOND: Commissioner Olson
VOTE: The vote was unanimous in favor of the motion

B. LCB File No. R141-22
Sec. 1. NAC 284.524 Reporting for work; workweeks and workdays; periods for meals and rest.

Mandee Bowsmith: We have a DHRM representative here to present this item.

Carrie Hughes: I'm presenting a regulation of amendment to NAC 284.524. This proposed amendment to the regulation is in response to a recent decision out of the First Judicial District Court of the State of Nevada remanding 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. 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. The amendment establishes that the purposes of determining whether an employee is reporting for a 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. Thank you for your consideration of this amendment.

Mandee Bowsmith: Is there any question or concern regarding Item 5B? I am not sure we can take questions from the public.

Deputy Attorney General Greg Ott: This is an adoption hearing. You can take public comment before the vote.

Rachel Gansburg, DMV: Just a question of clarification. If somebody shows up for work at the entrance to their established, you know, department, they work at say a half an hour early, they're going to be paid at that point or within a reasonable amount of time, 10 to 15 minutes ahead of time?

Carrie Hughes: The regulation reads is for determining whether an employee's in compliance with the requirement that an employee report for a work shift on time. I don't think that this regulation change will change how agencies would handle an employee reporting to work on time.

Mandee Bowsmith: For a point of clarification, this regulation is a direct response to a Supreme Court decision. This decision was concerning corrections officers specifically and because when they get to the gate house and then have to make their way to the post, depending on what facility they are stationed at, that can take as long as 10 minutes or 20 minutes for them to get from the front of the facility to their post, get briefed for the post change, and then start their day.

So this contemplates, for example, a corrections officer being paid the minute they get to the gatehouse because they are on duty and should something occur with an inmate population or an emergency happen, they would have to respond, they would be expected to respond, and therefore it's paid time. This is what we're contemplating. Are there any questions from the Commissioners down south?

Rick McCann: Let me just suggest that there is the employee who decides I dropped the kids off at school this morning about 45 minutes early, I got nothing else to do, I'll just go to work and I show up at the entrance to my physical location and I walk in, and that shows up on their payroll because they're there a half hour early or something before their shift is even designed to begin. How is this not allowing them to be paid for that additional half hour since they did, in fact, their work shift starts when they show up and they just modified their work shift by saying, well, I showed up a half hour early, and again, I'm not trying to be a stick in the mud about this, but there are people who will do that. How are we going to allow this statute, this gauge to not allow that to happen?

Mandee Bowsmith: My thought is that the regulation itself is the wide guardrail and that departments individually will need to institute policies with respect to what is considered work time, and when an employee has the ability to perform work or start performing work versus when they do not.

Rick McCann: I'm just looking at 284.524, Subsection 1. It says: for the purposes of determining whether an employee is in compliance with the requirement that an employee report for a work shift on time. Might I offer one word? The scheduled work shift of an employee who is not working remotely begins when the employee arrives at the entrance. To me, that will make it clear for all divisions and all departments that it is their scheduled work shift we're dealing with.

Deputy Attorney General Greg Ott: The way this is intended is not to confer an unlimited right of overtime for anyone who just happens to be at the location, it is intended to start the work shift and to prevent discipline for people who are in that transitory time. I don't know whether the scheduled revision that Mr. McCann proposed is going to be sufficient. I'm a little hesitant that if the Commission is concerned about the language, fixing it here on the fly is appropriate. I will note that 233(b) does require 30 days posting for an adoption hearing. For a second adoption hearing, you only need three days. So if you want to pull this, you could bring it back with only three days' notice.

Mandee Bowsmith: Then why don't we pull item 5B and continue to work on tightening up this language to address the concerns raised in terms of the shift by Commissioner McCann and also by Ms. Gansburg so that we can at least feel comfortable that we're not putting something out that is so loosely worded.

VI. DISCUSSION AND APPROVAL OF ADDITION OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT

A. Fiscal Management & Staff Services

1. Subgroup: Public Information

A. 7.811 Audiovisual Unit Supervisor/Technician Series

B. Mechanical & Construction Trades

1. Subgroup: Aviation

A. 9.357 Aircraft Maintenance Specialist

C. Medical & Health Related Services

1. Subgroup: Health Related Services

A. 10.239 Health Emergency Preparedness Evaluator

Heather Dapice: Beginning with item 6A, 1A, audiovisual supervisor and technician series subgroup, public information analysts within DHRM in consultation with subject matter experts from the Office of the Chief Information Officer, formerly Enterprise IT services determined that the series and class concepts were consistent with current

expectations and required no changes at this time. It is recommended, however, that a minor change be made to the minimum qualifications at every level to maintain consistency with the verbiage, formatting, and structure. In addition, the EEO administrator recommends that the EEO-4 code be changed from G, skilled craft worker, to C, technicians.

Heather Dapice: Moving on to item 6B, 1A, aircraft maintenance specialist, subgroup aviation. Analysts within DHRM in consultation with subject matter experts from the Department of Conservation and Natural Resources, Division of Forestry, and the Department of Wildlife recommend that representative duty statements in the series concepts be amended to remove those tasks no longer being performed and equipment no longer being used. The entry-level knowledge, skills and abilities within the minimal qualifications were amended to reflect these changes. In addition, a minor change was made to the informational notes and the minimal qualifications to clarify the Division of Forestry requires a Class B commercial driver's license with appropriate endorsements within one year of appointment.

Heather Dapice: Lastly, item 6C, 1A, health emergency preparedness evaluation, subgroup health related services analysts. Analysts within the Department of Human Resource Management, in consultation with subject-matter experts in the Department of Health and Human Services Division of Public and Behavioral Health, recommend that a minor change be made to the duty statements to include responsibility for federal reporting. Additionally, due to the nature of the position, fingerprinting and a criminal history check are required and are reflected in a new special requirement. Informational notes were also added related to the position being subject to callback during times of public health incidents and emergencies, and specific certifications are required to be obtained within six months of employment.

Commissioner Spurlock: Is it my understanding that the state does not operate any regular airplanes and just helicopters?

Chris Clark: The two agencies that specifically were mentioned by Heather are NDF and NDOW, so Department of Wildlife. Both the DCNR and the Nevada Division of Forestry, we only operate rotorcraft aircraft. Now my understanding is that this is directly related to those two agencies. I don't know if the class spec goes beyond that because in your question, yes, the state does operate more than rotorcraft. There are fixed wing aircraft that are operated by Department of Transportation. Obviously the governor has two aircraft that he flies in and that the state operates.

Commissioner Spurlock: So the specialist doesn't maintain those particular aircraft then?

Chris Clark: No.

Heather Dapice: At this time, the only agencies that utilize this class classification are Division of Forestry and the Department of Wildlife.

Mandee Bowsmith: Are there any further questions on items 6A, B, or C? Hearing none, may I have a motion?

The motion passes unanimously.

MOTION: Moved to approve the approval of the proposed class specifications set forth in Agenda Item 6, Sub A, B, and C.
BY: Commissioner McCann
SECOND: Alternate Commissioner Scurry
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: #15-23
13.205 DPS Sergeant/Officer Series
Posting: #16-23
05.174 Child Care Worker Series
Posting: #17-23

05.223 School/Community Nutrition Supervisor/Specialist
Posting: #18-23
13.312 Correctional Officer Series
Posting: #19-23
07.634 Executive Branch Budget Officer Series
Posting: #20-23
12.274 Family Services Specialist Series

Mandee Bowsmith: This item is an informational item. This is reports of uncontested classification changes not requiring the Human Resources Commission's approval per Nevada advised Statutes 284.160, and this discusses the postings of changes to DPS Sergeant Officer Series, the Childcare Worker Series, the School Community Nutrition Supervisor specialist series, the Correctional Officer series, the Executive Branch Budget Officer series, and the Family Services Specialist series.

VIII. DISCUSSION OF DATES FOR UPCOMING MEETING

Mandee Bowsmith: Moving on to Item Number 8, discussion of dates for an upcoming meeting, we have slated December 15 for the next Human Resources Commission meeting. Okay. Does that work for the Commissioners in the South?

Commissioner Olson: Yes.

Commissioner Hurley: Works for me.

Commissioner Spurlock: Yes.

Mandee Bowsmith: So the next meeting of the Human Resources Commission will be December 15, 2023. One item of note for our Southern Nevada Commissioners, we will likely be holding that meeting in our new location and we will send you the information about that, but you may have seen recently that the state has purchased a couple of buildings, and the DHRM team down south is going to be moving into one of those buildings here in the next month or so, and so there will be a new location where we will hold the meeting in the South.

Commissioner Olson: I am just looking at our agenda, it says Human Resources Commission and remembering back to June, said Personnel Commission. I'm wondering did it change?

Mandee Bowsmith: Yes, sir. The state is very forward thinking and so in 2023, this legislative session, we were able to accomplish a change and any reference to personnel in Nevada Revised Statutes 284 has been changed to Human Resources to include that you are now the Human Resources Commission versus the Personnel Commission. Do we have any further Commissioner comments?

IX. COMMISSION COMMENTS

Mandee Bowsmith: Are there any comments that Commissioner wish to make at this time?

Commissioner Olson: I am just looking at our agenda, it says Human Resources Commission and remembering back to June, said Personnel Commission. I'm wondering did it change?

Mandee Bowsmith: Yes, sir. The state is very forward thinking and so in 2023, this legislative session, we were able to accomplish a change and any reference to personnel in Nevada Revised Statutes 284 has been changed to Human Resources to include that you are now the Human Resources Commission versus the Personnel Commission. Do we have any further Commissioner comments?

X. PUBLIC COMMENT

Mandee Bowsmith: 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. Is there any public comment at this time? None heard or seen.

XI. Adjournment

Mandee Bowsmith: This meeting is adjourned.