

**STATE OF NEVADA  
PERSONNEL 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.

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**MEETING MINUTES  
Friday, June 24, 2022**

**COMMISSIONERS PRESENT:** Katherine Fox, Chairperson  
Armen Asherian, Commissioner  
Mark Olson, Commissioner  
Andreas Spurlock, Commissioner  
Rick McCann, Commissioner  
Angela Scurry, Alternate Commissioner  
Christine Santiago, Alternate Commissioner

**STAFF PRESENT:** Frank Richardson, Administrator, DHRM  
Michelle Garton, Deputy Administrator, DHRM  
Beverly Ghan, Deputy Administrator, DHRM  
Mandee Bowsmith, Deputy Administrator, DHRM  
Nathan Holland, Deputy Attorney General

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

**Chairperson Fox:** Called the meeting to order on Friday, June 24, 2022, at approximately 9:00 a.m. She welcomed everyone.

**II. PUBLIC COMMENT**

**Chairperson Fox:** Indicated that there was no public comment.

**III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS DATED March 25, 2022 – Action Item**

**Chairperson Fox:** The first item on the agenda is the approval of the minutes previously held, we will approve item 3a for the Personnel Commission meeting held March 25, 2022. Commissioners are there any additions or revisions to post minutes.

**Chairperson Fox:** One minor typographical error on page four needs to be added to the record as a revision.

**Commissioner McCann:** Moved that the Commission approve the minutes of the March 25, 2022, meeting with the correction as discussed.

**Commissioner Olson:** Seconded the motion.

**Chairperson Fox:** All those in favor of approving the minutes from the March 25, 2022, Personnel Commission Meeting, signify by saying aye.

**Commissioner Asherian:** Abstained from the vote as he was not present for the meeting.

The motion passes unanimously.

MOTION: Moved to approve minutes of March 25, 2022, with the corrections as discussed.  
BY: Commissioner McCann  
SECOND: Commissioner Olson  
VOTE: Commissioner Asherian abstained from the vote. The vote was unanimous in favor of the motion.

**Chairperson Fox:** Moving to the next item 4, for possible action, discussion and approval of addition of classes or positions for pre-employment screen for controlled substances.

**IV. Discussion and Approval of Addition of Classes or Positions for Pre-Employment Screening for Controlled Substances**

- A. The Department of Public Safety requests the addition of the following positions to the list approved for pre-employment screening for controlled substances:
1. Classes and positions requested for approval of preemployment screening for controlled substances:
    - A. 2.212 Administrative Assistant II, PCN 4709-09022 and 4709-09023
    - B. 7.624 Management Analyst III, PCN 4709-09025
    - C. 7.649 Program Officer I, PCN 4702-11140 and 4709-09026

**Carrie Hughes:** Personnel Analyst with DHRM, indicated that 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 4. Ms. Hughes explained that as a basis for the request, the department has indicated that incumbents, any identified administrative assistant II, and program officer I positions have access to personally identifiable information as well as criminal histories and victim information. Ms. Hughes indicated the Commission has previously approved pre-employment screening for controlled substances for Department of Public Safety positions in these classes.

**Chairperson Fox:** Asked Commissioners if they had any questions.

**Commissioner McCann:** Asked if it could be presumed that if the person has been subject to pre-employment testing at some point in time in their career, they would not be subjected to another pre-employment testing just because they've moved into one of the categories where one is required, or if this would be required with each promotion.

**Carrie Hughes:** Explained that this issue is addressed in NAC 284.886, which says an applicant for a position that is designated by the Personnel Commission as affecting public safety must submit to a screening test to detect the general presence of a controlled substance unless he or she is employed by the state in a position that is also designated as affecting public safety at the time he or she applies.

**Chairperson Fox:** Asked what the Spillman Program is.

**Eric Souza:** Division Administrator for the Records, Communications, and Compliance Division, explained that the Spillman Program is the Department's records management system used to track internal cases for the Division of Investigation and Highway Patrol as well as some personnel matters.

**Chairperson Fox:** Asked the Commissioners if they had any questions. Seeing and hearing none, called for a motion.

**Commissioner Olson:** Called for a motion to approve agenda item 4, 1A, B, and C, as presented.

**Commissioner Spurlock:** Seconded the motion

**Chairperson Fox:** It has been so moved and seconded, any public comment, discussion. All those in favor please signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve agenda item 4, 1A, B, and C as presented.

BY: Commissioner Olson  
SECOND: Commissioner Spurlock  
VOTE: The vote was unanimous in favor of the motion.

**Chairperson Fox:** Continuing to item 5, discussion and approval or denial of proposed regulation changes to Nevada Administrative Code, Chapter 284.

**V. Discussion and Approval or Denial of Proposed Permanent Regulation Changes to Nevada Administrative Code, Chapter 284**

**A. LCB File No. R015-21**

Sec. 1. NAC 284.5811 Family and medical leave: Maximum amount in 12-month; eligibility; use.

**Carrie Hughes:** Explained the intent of the amendment is to default the State's Family and Medical Leave Act's eligibility criteria to that outlined in the US Department of Labor's FMLA regulations.

**Chairperson Fox:** Asked for questions from the Commissioners. Chairperson Fox asked for public comment. Hearing none, I will entertain a motion.

**Commissioner Olson:** Move to approve agenda item 5A as presented.

**Chairperson Fox:** I will second that motion.

**Chairperson Fox:** It has been moved and seconded that the Committee approve LCB file number R105-21, Section 1, NAC 284.5811, family medical leave maximum amount in 12-month eligibility and use.

**Chairperson Fox:** Committee discussion.

**Chairperson Fox:** All those in favor signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve LCB file number R105-21, Section 1, NAC 284.5811, family medical leave maximum amount in 12-month eligibility and use.  
BY: Commissioner Olson  
SECOND: Chairperson Fox  
VOTE: The vote was unanimous in favor of the motion.

**B. LCB File No. R016-21**

Sec. 1. NEW "Sex- or gender-based harassment" defined.  
Sec. 2. NAC 284.010 Definitions.  
Sec. 3. NAC 284.496 Classes and training concerning prevention of sex- or gender-based harassment.  
Sec. 4. NAC 284.498 Training of supervisory and managerial employees.  
Sec. 5. NAC 284.650 Causes for disciplinary or corrective action.  
Sec. 6. NAC 284.696 Unlawful discrimination.  
Sec. 7. NAC 284.718 Confidential records.  
Sec. 8. NAC 284.726 Access to confidential records.  
Sec. 9. NAC 284.771 Sec- or gender-based harassment.  
Sec. 10. NAC 284.0995 "Sexual harassment" defined.

**Nora Johnson:** Personnel Analyst for DHRM, Consultation and Accountability unit, explained the regulation amendments stem from Senate Bill 51 of the 2021 legislative session and are based on a June 2019 report from the Governor's task force on sexual harassment and discrimination law and policy. Ms. Johnson indicated that the Commission adopted related regulations at the June 25, 2021, meeting on an emergency basis and that the regulations included in today's agenda item have been through pre-adoption review by the Legislative Council Bureau and are being presented for consideration of adoption on a permanent basis.

**Chairperson Fox:** Asked for questions from the Commissioners.

**Chairperson Fox:** Asked if the training must be completed with 30 days of the employee's initial appointment to a supervisory or managerial position, is the assumption then that a lot of the training is video-based or online.

**Tammy Smith:** EEO Office, confirmed that this is correct.

**Chairperson Fox:** Asked for public comment. Asked for additional questions from the Commissioners. Hearing none, I will entertain a motion.

**Commissioner Olson:** Move to approve agenda item 5B, LCB file number R016-21 as presented.

**Commissioner Spurlock:** I will second that motion.

**Chairperson Fox:** It has been moved and seconded that the Committee moves item 5B, LCB file number R016-21, as presented to the Commission.

**Chairperson Fox:** Committee discussion.

**Chairperson Fox:** All those in favor signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve agenda item 5B, LCB file number R016-21 as presented.  
BY: Commissioner Olson  
SECOND: Commissioner Spurlock  
VOTE: The vote was unanimous in favor of the motion

**C. LCB File No. R017-21**

- Sec. 1. NEW Appeal of determination to release confidential records.
- Sec. 2. NAC 284.718 Confidential records.
- Sec. 3. NAC 284.726 Access to confidential records.

**Nora Johnson:** Personnel Analyst for DHRM, Consultation and Accountability unit, explained the regulation amendments stem from Senate Bill 51 of the 2021 legislative session. Specific to this agenda item, another aspect of the bill is that it permits the administrator to release confidential records arising from a sex- or gender-based harassment or discrimination investigation, and also an affected person to appeal the release of confidential information to the Personnel Commission.

**Chairperson Fox:** Asked for questions from the Commissioners. Asked for public comment. Hearing none, I will entertain a motion.

**Commissioner Olson:** Move to approve agenda item 5C as it pertains to LCB file number R017-21 as presented.

**Commissioner Spurlock:** I will second that motion.

**Chairperson Fox:** It has been moved and seconded that the Committee moves item 5C, LCB file number R017-21, as presented to the Commission.

**Chairperson Fox:** Committee discussion.

**Chairperson Fox:** All those in favor signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve agenda item 5C, LCB file number R017-21 as presented.  
BY: Commissioner Olson  
SECOND: Commissioner Spurlock  
VOTE: The vote was unanimous in favor of the motion

**D. LCB File No. R125-21**

- Sec. 1. NAC 284.470 Preparation, filing, contents, discussion and distribution of reports; powers and duties of employees; review; adjustment of grievances.
- Sec. 2. NAC 284.5243 Break times and place for a mother of a child under 1 year of age to express breastmilk; Procedures for employee to request break times and place; efforts to address employee's needs; date of receipt of request; response to request by department or agency.
- Sec. 3. NAC 284.656 Contents and delivery of notice of proposed action; employee authorized to seek explanation of reasons for proposed action or procedures for disciplinary actions from agency.
- Sec. 4. NAC 284.6561 Predisciplinary review before proposed dismissal, demotion or suspension; waiver by employee.
- Sec. 5. NAC 284.680 Date of receipt of grievance or complaint.

**Nora Johnson:** Personnel Analyst for DHRM, Consultation and Accountability unit, explained the regulation amendments to agenda item 5D adds three additional calendar days for when documents are deemed to have been received if mailed by the employee as well as for the notice being returned to the state without having been received by the employee. Ms. Johnson explained that these changes are based on the October 7, 2021 memo of the Administrator of the Mail Services Division, Department of Administration, and are in response to the October 1, 2021 USPS implementation of new service standards for first-class mail and periodicals, which will result in delays for some categories of mail.

**Chairperson Fox:** Asked for questions from the Commissioners. Asked for public comment. Hearing none, I will entertain a motion.

**Chairperson Fox:** Move to approve agenda item 5D, LCB file number R125-21, that provide changes to Nevada Administrative Code, Chapter 284, as identified with the LCB file.

**Commissioner McCann:** I will second that motion.

**Chairperson Fox:** It has been moved and seconded that the Committee moves agenda item 5D, LCB file number R125-21, that provide changes to Nevada Administrative Code, Chapter 284, as identified with the LCB file

**Chairperson Fox:** Committee discussion.

**Chairperson Fox:** All those in favor signify by stating aye. The motion passes unanimously.

MOTION: Moved to approve agenda item 5D, LCB file number R125-21, that provide changes to Nevada Administrative Code, Chapter 284, as identified with the LCB file.

BY: Chairperson Fox

SECOND: Commissioner McCann

VOTE: Commissioner Asherian voted. Nay. The vote was in favor of the motion

**Michelle Garton:** Requested on behalf of the Division that Item VI be pulled from the agenda due to a timing issue.

**VI. Discussion and Approval or Denial of Proposed Temporary Regulation Changes to Nevada Administrative Code, Chapter 284.**

- Sec. 1. NEW Succession plan; appointments.
- Sec. 2. NEW Certification of employees who prepare succession plans.
- Sec. 3. NAC 284.058 "Eligible person" defined.
- Sec. 4. NAC 284.313 Limitation of competition in recruitment; applications.

**Chairperson Fox:** Are there any Commissioner comments regarding the request to pull this agenda item

**Chairperson Fox:** Is there any public comment. Hearing none, seeing none, I'll entertain a motion.

**Commissioner McCann:** I will move to remove Item VI from today's agenda.

**Commissioner Olson:** I second that motion.

**Chairperson Fox:** It has been moved and seconded, any discussion, all those in favor say aye. The motion passes unanimously.

MOTION: Moved to pull Agenda Item VI from today's agenda  
BY: Commissioner McCann  
SECOND: Commissioner Olson  
VOTE: The vote was unanimous in favor of the motion.

**VII. Report of Uncontested Classification Plan changes not requiring the Personnel Commission approval per NRS 284.160.**

Posting #05-22  
13.310 Correctional Lieutenant/Sergeant Series  
Posting #06-22  
6.809 Chief, Environmental Programs  
Posting #07-22  
9.354 Chief Pilot Series  
Posting #08-22  
7.641 HAVA Administrator  
Posting #09-22  
1.955 Park Aid Series

**Chairperson Fox:** This item is an information item reporting on uncontested classification plan changes that do not require Personnel Commission approval. Moving to Item VIII.

**VIII. Discussion and Announcement of dates for Upcoming Meetings.**

**Michelle Garton:** The Division would like to recommend either August 2 or August 9, or anytime in the beginning of August that works for everyone.

**Chairperson Fox:** Can the meeting be done via Zoom or telephone conference.

**Michelle Garton:** Indicated that it can and will be done virtually using either Teams or Zoom as well as at a physical location.

**Chairperson Fox:** Will not be available the 3rd through the 8th of August.

**Commissioner McCann:** Asked for confirmation that the meeting is to address item VI, which was just removed.

**Chairperson Fox:** Confirmed that this is correct. Chairperson Fox asked if everyone would be available on August 9.

**Alternate Commissioner Santiago:** Is not available on the 9th but is available the 2nd.

**Commissioner Spurlock:** Was unsure if available on the 9th.

**Chairperson Fox:** The September meeting is scheduled for 9/16 and the December meeting is planned for either the 2nd or the 9th. Chairperson Fox asked if Division has a preference for the 2nd or the 9th.

**Michelle Garton:** Indicated that the 9th would work well if it works for the Commission.

**Chairperson Fox:** Indicated that the 9th would work for the Commission.

**IX. Commission Comments**

**Chairperson Fox:** Are there any Commissioners, regular members, or alternates that would like to provide some comments at this time.

**Commissioner Spurlock:** Congratulated Mr. Richardson and staff on the change in the minimum qualifications not include a high school diploma. Commissioner Spurlock indicated that his biggest current challenge is recruiting lifeguards.

**Frank Richardson:** Thanked Mr. Spurlock and stated that the staff is working hard to overhaul the recruitment process and is running into the challenges of lower-level positions going unfilled.

**X. Public Comment:** Chairperson Fox read; 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 (NRS 241.020).

**Chairperson Fox:** None heard or seen.

**XI. Adjournment**

**Chairperson Fox:** Seeing and hearing no further discussion, we are adjourned.