

**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.

MEETING MINUTES June 9, 2023

COMMISSIONERS PRESENT: Mr. Rick McCann, Commissioner
Mr. Armen Asherian, Alternate Commissioner
Ms. Susana McCurdy, Alternate Commissioner
Ms. Angela Scurry, Alternate Commissioner
Ms. Christine Santiago, Alternate Commissioner

STAFF PRESENT: Ms. Mande Bowsmith, Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Kristen Anderson, Deputy Administrator, DHRM
Ms. Rachel Baker, DHRM
Ms. Nora Johnson, DHRM

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

Mandee Bowsmith: Welcome to the Personnel Commission for Friday, June 9th, 2023. For the record, my name is Mandee Bowsmith. I serve as the Administrator for the Division of Human Resource Management. And this morning, we will take agenda item 1 immediately. This contemplates discussion and approval of the DHRM Administrator as the meeting facilitator in lieu of a Member Chair due to the vacancy of our Chair for this meeting. So does anyone have any discussion or complaints, questions? Okay, seeing none, for formality, may I have a motion?

Rick McCann: I move for the adoption of Agenda Item 1.

MOTION: To adopt Agenda Item 1
BY: Commissioner McCann
SECOND: Commissioner Asherian
VOTE: The vote was unanimous in favor of the motion

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

Mandee Bowsmith: We'll call the meeting to order and welcome everybody, and I will call the roll.

III. 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 in Las Vegas? Is there any public comment in Carson City?

There was no public comment.

IV. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

- A. Held June 24, 2022**
- B. Held August 09, 2022**
- C. Held August 26, 2022**

Mandee Bowsmith: A concern had been brought up with respect to the fact that those serving for today's meeting may not all have served on the meetings for which the minutes are transcribed and included here. So we wanted to pose a question to the group as to whether you believe the sitting Commissioners today can approve those meeting minutes, or do we need to wait until we have the folks who actually attended the meetings sitting for approval of those minutes?

Rick McCann: My general feeling about that is whenever I've been involved with reviewing minutes, I like the people who were involved with the casting of the votes and had the commentary, maybe had the questions that were answered by staff those are the people whose mindsets were recorded. And I think, no disrespect to any of us who were not there, but we weren't in those minds at that time.

Mandee Bowsmith: Then if it is okay with the Commission, we will table Item 4 and bring it back to the next Commission meeting.

Lisa Evans, DAG: You've got minutes that are approaching a year old in some cases and I believe that there are more minutes that will be produced for review. So just as a note there is no prohibition in approving those minutes if you were not at the meeting. Obviously it's understandable that if you weren't at the meeting you would have some trepidation, as Commissioner McCann mentioned, so the solution may be to review those notes. Those are available in audio or video recordings. So that would be the suggestion because you're going to be having so many more minutes coming up where there's potential Commissioners that weren't present, so just simply comparing those recordings to the actual minutes would be perhaps something to consider in order to get over that understandable concern.

Rick McCann: Ms. Evans does have a very valid point. We do have the resources available to be able to look at these things. Obviously we can't do it today necessarily, but is this something we might contemplate at a future, maybe a special, meeting that we're contemplating in July or August?

Mandee Bowsmith: We can certainly do that.

Angela Scurry: Is there a specific link so that we can actually do this before we sit down and have the meeting?

Mandee Bowsmith: We need to review what we actually keep once the transcripts have been procured, so we will send out a communication to the Commission letting them know where they can access the information prior to the next meeting so that you can familiarize yourself with those minutes, whether it's audio or not.

Rick McCann: I think that everybody here is in agreement that that would be the preferred method.

V. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISION TO CLASS SPECIFICATIONS

- A. The Nevada System of Higher Education, Business Center North, requests the addition of the following positions to the list approved for pre-employment screening for controlled substances:
 - a. 5.181 Early Childhood Educator IV: All Business Center North PCNs**
 - b. 5.182 Early Childhood Educator III: All Business Center North PCNs**
 - c. 5.183 Early Childhood Educator II: All Business Center North PCNs**
 - d. 5.184 Early Childhood Educator I: All Business Center North PCNs****

Nora Johnson: The Nevada System of Higher Education Business Center North is requesting the addition of the requirement of pre-employment screening for controlled substances for all of their positions in the classes listed in agenda item 5A. As a basis for their requests, Business Center North has indicated that incumbents in the new Early Childhood Educator class series, established February 28th, 2023 are responsible for the safety and wellbeing of children in a childcare setting and are

mandatory reporters for child welfare.

Mandee Bowsmith: Are there any questions from the Commission with respect to Item Number 5A? May I have a motion for Item 5A?

MOTION: Moved to approve Item 5A
BY: Commissioner McCann
SECOND: Commissioner Asherian
VOTE: The vote was unanimous in favor of the motion

- B. The Nevada System of Higher Education, Business Center North, requests approval of a class specification change to include the requirement of pre-employment screening for controlled substances for positions in the following class codes:**
- a. 5.181 Early Childhood Educator IV**
 - b. 5.182 Early Childhood Educator III**
 - c. 5.183 Early Childhood Educator II**
 - d. 5.184 Early Childhood Educator I**

Nora Johnson: As pre-employment screening for controlled substances was approved for the classes listed in agenda item 5A, we are requesting a change to the class series specification to reflect the approval of the requirement for pre-employment screening for controlled substances for position in those classes.

Mandee Bowsmith: Any questions for Item 5B? May I have a motion?

MOTION: Moved to approve Item 5B
BY: Commissioner McCann
SECOND: Commissioner Scurry
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 ABOLISHMENT

A. Domestic Services

1. Subgroup: Personal & Protective Services

a. 3.520 Family Support Worker Series

Rachel Baker: I'm presenting the recommended changes to the Domestic Services Occupational Growth Subgroup: Personal and Protective Services for the Family Support Worker class. This is item 6A, 1A on the agenda. As part of the class specification maintenance review process, and upon review by the subject matter experts from the Department of Health and Human Services Division of Child and Family Services and Analysts within the Division of Human Resource Management, it was determined that the class concepts for the Family Support Worker was consistent with current expectations and does not require revisions at this time. I would be happy to answer any questions you may have.

Mandee Bowsmith: Are there any questions on Item 6A?

MOTION: Moved to approve Item 6A
BY: Commissioner Asherian
SECOND: Commissioner Scurry
VOTE: The vote was unanimous in favor of the motion

B. Mental & Health & Related Services
1. Veterinary Services
a. 10.290 Wildlife Health Specialist

Rachel Baker: As part of the class specification maintenance review process, and upon review by subject matter experts from the Department of Wildlife and Analysts within the Division of Human Resource Management, it was determined that the class concept for the Wildlife Specialist is consistent with current expectations and does not require your revisions at this time. I'd be happy to answer any questions you may have.

Mandee Bowsmith: Are there any questions on Item 6B?

MOTION: Approve Item 6B
BY: Commissioner McCurdy
SECOND: Commissioner McCann
VOTE: The vote was unanimous in favor of the motion

VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160

Posting: #07-23
10.133 Developmental Specialist Series
Posting: #08-23
10.540 Cannabis Program Inspector Series
Posting: #09-23
11.260 Security Officer Series
Posting: #10-23
5.181 Early Childhood Educator Series
Posting: #11-23
9.438 (Computer) Facility Mechanical Technician Class
Posting: #12-23
9.475 Water Systems Manager/Operator/Worker Series
Posting: #13-23
7.758 Energy Program Manager
Posting: #14-23
9.630 Grounds Maintenance Worker Series

Mandee Bowsmith: This is an informational item, Report of Uncontested Classification Changes Not Requiring Personnel Commission Approval per NRS 284.160. This item contemplates uncontested classification changes for the following job classifications: Developmental Specialist Series, Cannabis Program Inspector Series, Security Officer Series, Early Childhood Educator Series, Facility Mechanical Technician Class, Water Systems Manager/Operator/Worker Series, Energy Program Manager, Grounds Maintenance Worker Series. Are there any questions on item number 7?

There were no questions.

VIII. 2023 LEGISLATION AFFECTING STATE EMPLOYEES AND THE DHRM BUDGET

Mandee Bowsmith: The (legislative) session ended on Monday of this week and then there's been some fun with special session. It is my understanding that Governor Lombardo has until next Friday to veto any legislation that's sitting in his office. Yesterday the Governor signed AB140, which designates June 19th as a legal holiday for the purposes of observance for Nevada employees, specifically State of Nevada employees and it will be observed on June 19th. That goes into effect yesterday, which means that this month, June 19th will be considered a holiday. AB172 adds language to NRS 288.150 Section 2, with respect to adding transportation and parking as subjects of mandatory bargaining. AB 268 contemplates retention incentives of

\$500 for employees employed on a certain date as specified within that bill. The first disbursement was in April. The second disbursement will be in July. AB522 was the pay bill. This pay bill contemplates the governor's recommended budgetary salary increases to include 8% cost of living increase, or 10% cost of living increase, depending on whether an employee's covered under a bargaining unit or not in the first year of the biennium, a 4% cost of living increase in the second year of the biennium, retention incentives for all employees employed on specific dates as stated within the bill, and it contemplates increases in 1 grade, 2 grade, or 3 grades, depending on what the job classification was graded at previously for law enforcement positions. That is sergeants and below. So it contemplates your line level staff and your first line supervisors for a 1 grade increase. SB87 contemplates authorizing a position in the classified service to be filled by a person without competition if the person, 1, meets the minimum qualifications for the position, and 2, has successfully completed at least 900 hours of service in AmeriCorps, Youth Conservation Corps or Job Corps, in a program in this state, not more than 2 years before the person applies for the position, and that such service in AmeriCorps Youth Conservation Corps or Job Corps was directly related to the job duties of the position in the classified service for which they are applying. We're not exactly sure how we're going to implement this and how we're going to track this and how we're going to make sure who has what, but I'm sure we will come to you with some regulatory updates with respect to this particular legislation. SB166 establishes 4 additional bargaining units for public safety supervisors, so it establishes a bargaining unit for category 1 Peace Officer Supervisors, a bargaining unit for Category 2 Peace Officer Supervisors, a bargaining unit for Category 3 Peace Officer Supervisors, and a bargaining unit for Fire Supervisors. Senate Bill 279 creates the model employer program. I have described this, when being asked about it, as the 700-hour list on steroids. Senator Spearman put this forward as a mandate to develop a program, whereby we are bringing employees into the state and continuing to support them who may have disabilities. The DHRM will be working closely with DETR to try to develop the program so that we can beef up that 700-hour list program and also offer some ongoing support to both the employees and the managers and supervisors that are bringing those employees on. Senate Bill 319 contemplates collective bargaining rights for unclassified Category 2 Peace Officers. Currently, the only unclassified Category 2 Peace Officers the state has reside in the Gaming Control Board as Gaming Control Agents. Senate Bill 323 contemplates peace officer standards and training reciprocity, so for Category 1, 2, and 3 Peace Officers in the State of Nevada, they must be post certified and this bill contemplates reciprocity with surrounding states in terms of allowing California POST certified employees to come apply for POST certified jobs within the state of Nevada and we would accept the California POST certification and then somehow push them toward Nevada POST certification while they're employed with the state. Senate Bill 387 contemplates, essentially, a periodic review of positions in the classified service that require a candidate to hold a bachelor's degree and whenever it's deemed necessary for the efficiency, the public service to revise the qualifications to allow for equivalent experience and skills in lieu of such degree. We do this at the moment. We don't do it terribly often at this point because of staffing issues. However, we did receive an appropriation of \$500,000 under I believe it was Senate Bill 451 to affect the comprehensive classification and compensation study we intend to carry out in the upcoming biennium. Senate Bill 431 contained the proposed changes to NRS Chapter 284 that came out of a workshop that was held January 27, 2023, where we sought feedback directly related to Executive Order #2 about recruitment and retention, how we could update and innovate the human resources system in the State of Nevada. Most of those requested changes have been approved, including the change of we are no longer referring to ourselves as personnel, we are referring to ourselves as Human Resources, which means there will be a change in the Commission name from Personnel Commission to Human Resources Commission. Senate Bill 440 contemplates the appropriation of money to fund arbitration awards from 2021 for AFSCME and for NPU and an additional 2% cost of living increase for all state employees effective April 1, 2023. Senate Bill 501 contemplates PEBP subsidies, so Public Employees Benefits Program subsidies, whereby the PEBP would be funding a greater amount of money within health savings accounts that employees have relative to their PEBP coverage. SB401 is a sort of a miscellaneous appropriations act that essentially spells out some of the executive budget items that were not included in Senate Bill 511, which is the Appropriations Act. And then Senate Bill 510 contemplates the legislature approving the provisions of the collective bargaining agreements that were negotiated with the 5 current unions. Are there any questions or comments or concerns?

Rick McCann: I do appreciate DHRM'S continued availability to work with us, not only through collective bargaining agreements, but many, if not all, of these listed bills that have come forth, some of which have been signed, some of which hopefully will be signed. And I think it was somewhat a banner day for state workers in this state for the first time in many, many decades, so I wanted to thank Mande, thank her staff cause I've had the opportunity, the pleasure of working with them, and we'll continue to do so. I just wanted to put it on our record that we appreciate the efforts made by your office.

Susanna McCurdy: I do have a question regarding your update on SB387, the periodic review of bachelor degrees. So is that to determine whether a bachelor's degree is required based on the current essential functions and KSAs of the position and maybe broaden the applicant pool?

Mandee Bowsmith: Senator Pazina brought this bill forward as a way to try to influence the DHRM to do our classification reviews and updates more frequently than we do now, specifically related to whether or not jobs these days, in 2023, that the class specs may have been created 20 to 25 years ago and require a bachelor's degree, essentially a review about whether those jobs still require a bachelor's degree for a minimum qualification. We know that times have changed. People are getting education in different ways, and we have a mandate from both the governor's office and from the legislature to look at knowledge, skills, and abilities and experience more closely than education. It doesn't mean that education is not preferred, it just means that we need to evaluate the jobs that do require a 4-year degree to understand do they still require a 4-year degree in 2023 going forward.

IX. DISCUSSION OF DATES FOR UPCOMING MEETING

Mandee Bowsmith: You may see correspondence from the DHRM requesting availability for a special meeting. This is in direct relation to item number 8 and the potential ability for emergency regulations that might need to be enacted as a result of the bills that may be enacted soon. We may need to make some emergency regulation changes in order to affect them. So that being said, we may be sending out correspondence asking for availability in July and August but for our next regular meeting, we have identified either September 8th or 22nd. Does that work for the Commission?

Rick McCann: Both are fine with me.

Angela Scurry: The 22nd works more for me.

Susana McCurdy: I'm on vacation both those dates.

Christine Santiago: Both of those dates will work for me.

Armen Asherian: Both of those dates will work for me.

Rick McCann: Looks like maybe the 22nd might work, if that's appropriate for everyone.

Mandee Bowsmith: We will reach out to the rest of the Commission and propose September 22nd as the next regular meeting date.

X. COMMISSION COMMENTS

Mandee Bowsmith: Does the Commission wish to make any comments or statements at this time?

There were no Commissioner comments.

XI. PUBLIC COMMENT

Mandee Bowsmith: No voter 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 in Las Vegas? Is there any public comment in Carson City?

There was no public comment.

XII. Adjournment

Mandee Bowsmith: Thank you all for your time today. This meeting is adjourned.