

**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
March 25, 2022

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Patricia Hurley, Commissioner

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Ms. Katherine Fox, Chairperson
Mr. Mark Olson, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Rick McCann, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Mr. Frank Richardson, Administrator, DHRM
Ms. Michelle Garton, Deputy Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Lisa Evans, Deputy Attorney General, Office of the Attorney General

**STAFF PRESENT IN
LAS VEGAS:**

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

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

Chairperson Fox: Called the meeting to order on Friday, March 25, 2022, at approximately 9:00 a.m. She welcomed everyone. She introduced newest Commission member Rick McCann and Deputy Attorney General, Lisa Evans.

Commissioner McCann: Introduced himself, indicating that he came to Nevada in 1980 and practiced at a law firm until approximately 2000, at which time he was representing law enforcement. He explained that he created an organization called the Nevada Association of Public Safety Officers, which represents police officers around the state and approximately 18 different associations or unions for law enforcement. He informed the Commission that on December 31, 2021, he formally retired as the Executive Director of the organization.

II. PUBLIC COMMENT

Chairperson Fox: Indicated that there was no public comment.

**III. APPROVAL OF MINUTES OF PREVIOUS MEETINGS DATED September 24, 2021 –
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 September 24, 2021. Commissioners are there any additions or revisions to post minutes.

Michelle Garton: Indicated that in the last meeting, Commissioner Olson made a motion, and it was seconded by Commissioner Maloney

Chairperson Fox: Agreed that the record needs to reflect that change and asked if there are other revisions to the meeting minutes from June 25, 2021. Moved that the Commission approve the meeting minutes of the June 25, 2021, Personnel Commission meeting with page 2 of the meeting minutes revised to reflect the correct Commissioners.

Unidentified Speaker: Indicated that the meeting minutes to be approved are from September 24.

Commissioner McCann: Abstained from the vote.

Chairperson Fox: Withdrew her motion.

Commissioner Olson: Moved that the Commission approve the minutes of the September 24, 2021, meeting with the corrections under items 1 and 3 as discussed as pertained to June 25.

Chairperson Fox: All those in favor of approving the minutes from the September 24, 2021, Personnel Commission Meeting, signify by saying aye.

The motion passes unanimously.

MOTION: Moved to approve minutes of September 24, 2021, with revisions to items 1 and items 3 as discussed as pertained to June 25.
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Moving to the next item IV, for possible action, an item for the Tourism and Cultural Affairs.

IV. Prohibitions and Penalties: Discussion and Approval of Specific Activities Considered Inconsistent, Incompatible, or in Conflict with Employee's Duties and the Process of Progressive Discipline.

A. Tourism and Cultural Affairs

Nora Johnson: Introduced herself as a Personnel Analyst of the Division of Human Resource Management, Consultation and Accountability. She explained that in accordance with NAC 284.742, an appointing authority shall identify specific activities considered inconsistent, incompatible, or in conflict with employees' duties and identify the penalties for such activities, the prohibitions and penalties being subject to the approval of the Personnel Commission. She indicated that the Department of Tourism and Cultural Affairs has updated their prohibitions and penalties previously approved by the Personnel Commission and in effect since August 6, 2011. She drew attention to prohibitions Number A-4 and Number J-1, References to the state Executive Branch Sexual Harassment and Discrimination Policy, which may be subject to a policy title change contingent upon regulation adoption in the future. She informed the Commission that representatives from the agency and agency HR services are available to answer questions.

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

Unidentified Speaker: Called for a motion to approve specific activities considered inconsistent, incompatible, or in conflict with employees' duties and the process of progressive discipline.

Unidentified Speaker: Seconded the motion.

Chairperson Fox: It has been so moved and seconded, any public comment, discussion.

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

MOTION: Moved to approve specific activities considered inconsistent,

incompatible, or in conflict with employees' duties and the process of progressive discipline.

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

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

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

Frank Richardson: Division Administrator, explained that this morning's presentation is in response to the great resignation, a wave of retirements in the state, and the retention issues due to the COVID pandemic. He is here today to present emergency regulations for consideration and possible approval. He indicated that an amendment to Chapter 284 of NAC has been proposed that provides an avenue for the appointing authority to submit a succession plan to the Division Administrator for approval. The regulation also provides that any employee developing succession plans must attend training. If a succession plan request is approved, the current employee or appointment is not required to meet (inaudible) as the succession plan will contain training certifications. He opened the floor for questions.

Unidentified Speaker: Asked if with the succession plan and the proviso that the individual selected does not have to meet qualification, is there a guarantee for that person that if they go through the selection and the qualification process, they understand that the person then has that job or if there is follow up involved.

Frank Richardson: Explained that the succession plan is designed so that the employee can move into the position once they've signed the succession planning document.

Chairperson Fox: Questioned how often performance evaluations would be accepted when the employee is placed into the higher job classification.

Frank Richardson: Indicated that for an employee that's placed into that higher classification, it would be like any other employee moving into a probationary position and would have an evaluation.

Chairperson Fox: Pointed out that this process slowly encourages supervisors to managers to complete timely performance evaluations.

Frank Richardson: Explained that the intent is to have supervisors, managers, and HR become more involved in the career progression of each employee in the state as part of the larger mechanism being developed.

Chairperson Fox: Are there any questions from the Commissioners.

Commissioner Spurlock: Indicated his confusion based on the reading materials and requested clarity regarding the terms, particularly as some people may determine even early in their careers that they have no interest in supervising. He asked if a vacancy is anticipated that has, for example, a five-year experience minimum qualification and if there are two employees with differing years of experience, how the employee is chosen for the succession plan development opportunity, or if it would be offered to both employees. He next questioned how global the offering would be and the layout for the timeframe of the offerings for employees.

Frank Richardson: Explained that this is a larger piece of an onboarding plan that takes place for up to a year as employees are brought in to be developed. He further explained that there is a career progressive plan where employees are met with, and their interests are developed. He indicated that employees are wanted to stay with the state with the understanding that these opportunities are available to everyone, so employees will be engaged with at several levels through the process, starting with the onboarding, then moving forward with career planning and so forth with the ultimate goal of plans for employees to continue to move on. He acknowledged that there are sometimes bumps along the way but indicated that the best approach consists of having continuous operations over the next 10 years.

Commissioner Spurlock: Asked for clarification about whether or not the development plan is optional for the few people that state they're not interested in supervising, even early in their careers.

Frank Richardson: Confirmed that the intent is to make this available to everyone, indicating that the extensive training program exists to ensure that the staff who put in place the succession plans understand that there is equity for everyone involved and that this cannot be discriminatory. He reiterated that this program starts with initial employment all the way up through development to the top.

Commissioner Spurlock: Asked for confirmation of good business practices, citing the question of gender discrimination.

Frank Richardson: Indicated confirmed that this is correct and that all plans are thoroughly backed to ensure that they are appropriate, good business practice, and available to everyone.

Chairperson Fox: Asked what the EEO's role would be.

Frank Richardson: Responded that the EEO's office evaluates the language in the succession plan as an additional safeguard to ensure there is nothing discriminatory. He further explained the hope that some of this can be tied to the affirmative action plan going forward but indicated that possibility has not yet been explored.

Chairperson Fox: Do any Commissioners have any additional questions?

Unidentified Speaker: Asked if there is a sunset for the emergency regulation or if it would be a permanent part of business going forward.

Frank Richardson: Indicated that the intent is to make this a permanent regulation after workshopping it and that this business structure and plan to work on pathways for employees to stay is intended to remain in place.

Unidentified Speaker: Asked if approved, is there a six-month or one-year follow-up review intended to revisit and tweak the plan as necessary.

Frank Richardson: Indicated his support for this suggestion, explaining that the program will be watched closely and any ideas on how to develop and evaluate this plan going forward are welcome.

Commissioner Spurlock: Questioned whether or not the collective bargaining unit will be contacted given that workshops will be beginning, and whether or not the plan will then be returning to the Commission or final approval.

Michelle Garton: Indicated that the Division today is requesting approval of these regulations as they exist right now, on an emergency basis, so that if adopted, they will be in effect for 120 days following the governor's endorsement. She then noted that there will be a workshop on the 11th of the following month and invited the Commission to attend. Following the workshop, the proposed plan will then be sent over to the Legislative Council Bureau for pre-adoption review with the hope of posting it 30 days prior to the June Personnel Commission Meeting, at which time the plan would be considered for further adoption.

Chairperson Fox: Opined that sufficient planning has not taken place regarding the executive process for promotion but asked if language would be included in the collective bargaining agreements regarding succession planning.

Frank Richardson: Explained that there is not, as of yet, any language that conflicts with succession planning regulation, and did indicate his belief that it would be a benefit to multiple users to try and get some positive feedback. He next indicated that the executive process is designed for very hard-to-fill positions that are currently open and that the succession planning regulation would not be useful for those types of roles, thus requiring the approval process through the Division of Human Resources to address whether succession funding is appropriate for that particular division or department or if it could be useful

in the future.

Chairperson Fox: Commented that it would be disappointing if succession planning and the movement of employees to a higher job class replaces the state continuing to evaluate job classes and pay to assist (inaudible).

Commissioner McCann: Discussed the difficulty in filling law-enforcement positions right now and asked for clarification as to whether this is a replacement process for the normal, competitive processing of promotion or if it is a design to fill in necessary people into a rank or position that otherwise might not have had all the time and experience at this point.

Frank Richardson: Confirmed that Commissioner McCann was correct and that this solution is hoped to help maintain continuity going forward so that highly trained staff are in these crucial positions.

Chairperson Fox: Asked for any questions from the public for the Division.

Angela Scurry: Asked for confirmation that when the career paths are being filled, if those who have not chosen to follow that path along the way are not forgotten and that the opportunities for them still exist in the future.

Chairperson Fox: Asked for confirmation that Commissioner Scurry's comments were heard.

Flores: Confirmed that they were.

Chairperson Fox: Asked for any additional public comments.

Brian Boughter: Human Resources Manager for DETR, asked what safeguards in place to prevent favoritism.

Frank Richardson: Acknowledged that favoritism can be a problem in promotions, and the Division is doing its best to build the state succession plan such that opportunities are shared with everyone equally and remain transparent to thwart these types of issues.

Commissioner Spurlock: Asked for clarification regarding whether or not the hard-to-fill jobs are defined in advance or if they are decided upon on a case-by-case basis.

Frank Richardson: Explained that the positions where there are not candidates at all or candidates that do not meet minimum qualifications are designated as the hard-to-fill jobs for which the succession plan is reviewed in order to build the skillset for critical positions that are unable to be filled and/or have a lack of qualified staff.

Chairperson Fox: Asked for any additional public comments.

Brian Boughter: Asked if additional staffing would be considered for those people involved.

Frank Richardson: Explained that as much as that additional staff would be desired, it's unlikely that this would happen given the current situation with the transition with HRS systems.

Chairperson Fox: Asked for any additional public comment.

Angela Scurry: Asked how adding these additional responsibilities to current staff will reduce the opportunity for turnover.

Frank Richardson: Explained that current Division staff are moved around as necessary to take on special assignments and opined that this will not likely cause any resignations within the organization but rather, the departments will see this as a valuable tool. He further explained that working on this plan is optional

and not something departments are mandated to do; rather, it is a pathway that allows for another tool in the toolbox to work on this.

Commissioner Scurry: Asked for confirmation that the departments to which Mr. Richardson referred already have positions that need filling and questioned what kind of components are going to be added in order to provide a department the latitude to be able to step into this in order to work towards the succession planning to fill positions.

Frank Richardson: Indicated his hope for a regulation in place that would allow departments to move competent staff up that show aptitude and eagerness to work in these roles. He cautioned, however, that guardrails exist to ensure that the processes and planning are appropriate, well-managed, and reviewed by the Division. He acknowledged, however, that this would create extra work for some staff that may or may not be worth the effort, depending on the type of position.

Commissioner McCann: Reiterated his concern that should one person get the job over the other, it could pose a grievable issue by the person who did not get the job.

Frank Richardson: Conceded that this would be grievable but is hopeful that when going forth with this success plan, that the appropriate guardrails are in place in order to ensure that the best candidate is placed in the position, and that in the case of an issue, EHR will review for appropriateness. He further indicated his expectation that this would spark some interest during the next round of negotiations coming in October. He further acknowledged that these are conversations he hopes to have with the unions for the purposes of refining the process.

Chairperson Fox: I will entertain a motion.

Chairperson Fox: Move to approve agenda item V of proposed emergency regulation changes to Nevada Administrative Code, Chapter 284, Sections 1, 2, 3, and 4.

Unidentified Speaker: I will second that motion.

Chairperson Fox: It has been moved and seconded that the Commission approved the proposed emergency regulation changes to Nevada Administrative Code Chapter 284, Sections 1, 2, 3, and 4.

Chairperson Fox: Commission discussion.

Chairperson Fox: Indicated that she would like to see the state have workshops with employee groups to begin the implementation process at the appropriate time, follow up with the Commission as to how it is working, and commended the Division for its out-of-box thinking regarding succession planning.

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

MOTION: Moved to approve the proposed emergency regulation changes to Nevada Administrative Code, Chapter 284, Sections 1, 2, 3, and 4
BY: Chairperson Fox
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: The next item for possible action on the agenda, is discussion and approval of proposed class specification maintenance review of classes recommended for revisions.

VI. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Revisions and Abolishment.

- A. Fiscal Management & Staff Services
 - 1. Subgroup: Business Management

- a. 7.219 Business Enterprise Officer Series
- 2. Subgroup: Public Information
 - a. 7.846 Museum Attendant Series

Rachel Baker: Personnel Analyst classification and recruitment section of the Division of Human Resource Management indicated that she is presenting the recommended changes to the fiscal management staff services, occupational group, subgroup business management for the Business Enterprise Officer Series. She explained that it was determined that the class concept for the Business Enterprise Officer I is consistent with the current expectations and does not require revisions at this time but that the class concept for the Business Enterprise Officer II, needs to be revised for clarification, as well as recommended revisions be made to the Education and Experience Sections of the Minimum Qualifications of both levels to maintain consistency with verbiage, formatting, and structure. She further explained that she will also be presenting for approval the revisions proposed for the Museum Attendant Series, which is in the Public Information Subgroup and is item 6A-2A on the agenda. She informed the Commission that it was determined that the class concept of the Museum Attendant I is consistent with current expectations and does not require revisions at this time. However, it is recommended that the class concept for the Museum Attendant II be revised to include additional responsibilities in the class. It is also recommended that revisions be made to the Education and Experience Section of the Mineral Qualifications at both levels to maintain consistency. The changes to the two class specifications are supported and representatives from both departments are available to answer questions.

Chairperson Fox: Are there any Commissioner questions or comments on agenda item VIA, 1A and 2A.

Chairperson Fox: Is there any public comment. Hearing none, seeing none.

Commissioner Olson: I will move that the Commission approve the proposed Class Specification maintenance review of classes recommended for revisions.

Chairperson Fox: 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 approve Agenda item 6A
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

- B. Mechanical & Construction Trades
 - 1. Subgroup: Skilled Trades & Allied
 - a. 9.434 Events Center Technician Series
 - b. 9.475 Water System Manager/Operator Series
 - 2. Subgroup: Semi-Skilled General Labor
 - a. 9.485 Maintenance Repair Worker Series

Rachel Baker: Indicated that she is presenting the recommended changes to Mechanical and Construction Trades, Occupational Group, Subgroup Skilled Trades and Allied for the Event Center Technician Series. She indicated that upon review by subject matter experts from the Nevada System of Higher Education, University of Nevada, Reno, and UNLV as well as analysts from the Division of Human Resource Management, it is recommended that the series in class concepts be amended to update verbiage and clarify duties performed at both levels. In the entry levels, knowledge, skills, and abilities at both levels be amended to clarify what KSAs are required to perform the duties outlined. It is further recommended that revisions be made to the Education and Experience Section minimum qualifications at both levels to maintain consistency.

Heather Dapice: Supervisory Personnel Analyst for the State of Nevada Division of Human Resource Management, indicated that regarding the content and current expectations, it was determined that item 6a requires no changes at

this time. However, minor changes were made in that context of the Water System Operator II, Water System Operator I, and Water System Worker to maintain consistency with certification.

Rachel Baker: Explained that upon review by subject matter experts from the department, participating agencies that utilize the series, as well as analysts within the Division of Human Resource Management, it is recommended that the class concept for the Maintenance Repair Worker IV be revised to clarify (inaudible). Class concepts for the remaining levels remain consistent with expectations. Positions in these classes that may be subject to callback or callout are not specific to the Department of Corrections and therefore it is recommended that the special requirements be amended to reflect such. Additionally, minor revisions were made to the Educational Experience Section of the Minimum Qualification at all levels to maintain consistency. In addition, changes were also made to broaden (inaudible). The changes to the class specification are supported.

Commissioner Spurlock: Asked if something had happened historically that indicated the need to add the verbiage regarding performing a full range of duties, asking why the need to spell that out.

Heather Dapice: Discussed different levels and the different duties required for the different levels.

Chairperson Fox: Are there any questions or comments on agenda item VIB.

Unidentified Speaker: I will move that the Commission approve agenda item VI B1 and B2.

Unidentified Speaker: I will second the motion.

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

MOTION: Moved to approve Agenda item 6A
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: The next item is an informational item VII on the Agenda.

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

This agenda item was inaudible.

Posting #01-22
7.700 State Education Funding Manager/Specialist Series
Posting #02-22
13.101 Agricultural Enforcement Officer Series
Posting #03-22
7.208 Organizational Change Manager, OPM***
Posting #04-22
11.600 Deputy Administrator, Emergency Management***

VIII. Discussion and Announcement of dates for Upcoming Meetings.

Chairperson Fox: Asked if the meeting would work better for June 17 or June 24.

Frank Richardson: Replied that June 24 would be preferred, but June 17th could work.

Unidentified Speakers: Indicated that they were available on June 24.

Chairperson Fox: Indicated that the next meeting would take place on June 24. She then asked if the Division had a

preference for the September meeting, indicating the dates of September 15 or 23.

Frank Richardson: Indicated that the Division does not have a preference.

Chairperson Fox: Set the September meeting date for the 16.

IX. Commission Comments

Unidentified Speaker: Informed the Commission that this was their first meeting and thanked everyone. There were no additional comments from the Commission.

- 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.