

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held at the Nevada State Library and Archives, 100 N. Stewart Street, Room 110, Carson City; and via video conference in Las Vegas at the Grant Sawyer Building, Room 1400, 555 East Washington Avenue.

**MEETING MINUTES
June 21, 2019**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Ms. Patricia Hurley, Commissioner

Ms. Priscilla Maloney, Alternate Commissioner, non-voting
Ms. Dana Carvin, Alternate Commissioner, non-voting

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Mr. Gary Mauger, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. David Sanchez, Commissioner

Mr. Armen Asherian, Alternate Commissioner, non-voting

STAFF PRESENT IN CARSON CITY:

Ms. Beverly Ghan, Deputy Administrator, Division of Human Resource Management (DHRM)
Mr. Frank Richardson, Deputy Administrator, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Denise Woo-Seymour, Personnel Analyst, DHRM

STAFF PRESENT IN LAS VEGAS:

Mr. Peter Long, Administrator, DHRM
Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

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

Chairperson Fox: Opened the meeting at approximately 9:00 a.m. She welcomed everyone and took roll.

II. PUBLIC COMMENT

Chairperson Fox: Advised that 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 under NRS 241.020. She asked if there were any public comments; there were none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED MARCH 15, 2019 – Action Item

Commissioner Sanchez: Requested that future minutes reflect the presence of Alternate Commissioners in attendance.

MOTION: Moved to approve minutes of the March 15, 2019, meeting and to include the names of Alternate Commissioners in attendance in all future meeting minutes.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion.

IV. PROHIBITIONS AND PENALTIES: DISCUSSION AND APPROVAL OF SPECIFIC ACTIVITIES CONSIDERED INCONSISTENT, INCOMPATIBLE OR IN CONFLICT WITH EMPLOYEES' DUTIES AND THE PROCESS OF PROGRESSIVE DISCIPLINE – Action Item

A. Department of Corrections

Denise Woo-Seymour: Personnel Analyst with DHRM, stated the Department of Corrections' (NDOC) Administrative Regulations (ARs) regarding the administration of disciplinary measures against a State employee were approved by the Board of State Prison Commissioners consisting of the Governor, the Secretary of State and the Attorney General. In response to a recent decision by the Supreme Court of Nevada, the Department of Corrections is submitting new Prohibitions and Penalties (P&Ps) to the Personnel Commission incorporating those disciplinary procedures previously approved by the Board of State Prison Commissioners. Input was requested from Department employees and employee associations during the revision process of the Department ARs last updated on August 30, 2017. The discipline levels for prohibitions highlighted in yellow were elevated to a higher level than all other agencies, as violations of these types could compromise the Agency's security and operation. Also, there are prohibitions that are unique to Corrections. Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission for other departments/divisions.

Commissioner Sanchez: Asked if the Commission didn't approve this item, would there be discipline available with the ARs during the interim between now and labor negotiations. If they do approve it, what would be the implication between now and labor negotiations?

Chairperson Fox: Replied in the past when the Commission has approved prohibitions and penalties, we have done so without saying when they go into effect. Our past practice has been not to assign a date to the implementation or adoption.

Greg Ott: Chief Deputy Attorney General, stated if the Commission were to choose not to approve the P&Ps, the appointing authority would not have that approval from the Commission. Due to the position the Department is in after the Supreme Court decision which directed them to have the P&Ps approved by the Commission, disciplinary efforts might be hampered. The appointing authority could speak to what efforts they would take in the absence of these P&Ps, but they would not have approved P&Ps by the Commission.

Cameron Vandenberg: Chief Deputy Attorney General, stated the Supreme Court ruling that was referenced by Mr. Ott which declared that the Prohibitions and Penalties that were found in AR 339 are invalid did find that the Agency would still be able to discipline their employees under provisions of NAC 284, specifically NAC 284.650, which are the causes for disciplinary actions, as well as other provisions of Chapter 284 that pertain to dismissals. There are a lot of different regulations that provide authority to an agency to discipline employees. These Prohibitions and Penalties are not new; they are just in a new format because that's the format currently in use. But the employees of the Department of Corrections have already provided the input, or have had the opportunity to provide their input, on these Prohibitions and Penalties three years ago before they were adopted by the Board. The employees have all been provided with a copy of them the past two years. There's no prejudice to the employees in adopting these P&Ps. This is just a formality that the Supreme Court has affirmed needs to happen.

Chairperson Fox: Stated the ruling of the Supreme Court directs the Commission to approve Prohibitions and Penalties. If we don't, in essence, we aren't following a Supreme Court order.

Greg Ott: Believed the Supreme Court order directs you to exercise the same discretion you would over other prohibitions and penalties, which is if you deem that they are appropriate, it's within your purview to approve them. I don't view the Supreme Court order as restricting your discretion as a Commission to push back on P&Ps you feel are inappropriate or approve those that are appropriate.

Chairperson Fox: Asked is knowing that the State legislature has passed a bill providing collective bargaining for State employees, will the approval of P&Ps today interfere with moving forward with collective bargaining or will all the P&Ps for those employees for which collective bargaining occurs, will this be a potential revision of P&Ps based upon the implementation of collective bargaining?

Commissioner Mauger: Everything in yellow directly affects the employee. Some of these are pretty sensitive areas in law enforcement based on the fact that there is a collective bargaining agreement being formulated. The sensitivity of these items should be discussed by the parties at the table because it has a direct impact on them.

Commissioner Sanchez: Stated I have negotiated contracts before and new contracts that don't exist take quite a bit of time, and so putting this in perspective, during that period of time between a motion made by this Commission to approve or not

approve until a labor agreement is reached, will the Department of Corrections be able to discipline the employees? During that interim will there be effective disciplinary procedures to cover the Department before the labor agreement is reached?

Peter Long: DHRM Administrator, replied employees are bound by the disciplinary process detailed in NRS and NAC 284, and specifically for discipline in NAC 284.650 and the prohibitions and penalties that go along with that. That is the process; that is the law right now. Until a collective bargaining agreement is created and ratified, this is what they have. So, absent any prohibitions and penalties now, as Deputy Attorney General Vandenberg said, agencies would be limited to NAC 284.650 and the other provisions of NAC Chapter 284. Those regulations say what offense can result in discipline, but they don't give the levels of discipline that the prohibitions and penalties do. In order to be fair to employees and to allow the Agency to administer the process of disciplinary action, prohibitions and penalties need to be in effect so there's equity across the Agency and equity across the State with similar levels of discipline for similar levels of offenses. Right now collective bargaining does not play into it other than, as Commission Mauger said, it could be part of the bargaining process if they disagree with what's in the prohibitions and penalties.

Commissioner Mauger: Indicated the things that they are discussing now are already there. Where there's a climate of a collective bargaining, it's going to happen. It's just a matter of when it's going to happen. They've got things in place that they can move forward, but they don't have things in place also. That's what I'm concerned with.

Peter Long: Agreed with Mr. Mauger and that the items that were highlighted in yellow would be up to the Department of Corrections to explain why those offenses and levels should be included in the proposed Prohibitions and Penalties.

Cameron Vandenberg: Stated some employees are saying that because of AR 339, those P&Ps were invalidated, that they're untouchable and can do whatever they want and the Department of Corrections can do nothing about it. That's an untenable situation to have with employees. These guidelines have been in place for two years. The employees know what they are and they have to be able to have clear expectations for employees or there's going to be mayhem.

Chairperson Fox: Indicated the Commissioners had received some materials and supporting documentation for Agenda Item IV-A electronically, and she wanted to give Members an opportunity to read that information before they resumed their discussion on this topic.

MOTION: Moved to recess for ten minutes.
BY: Chairperson Fox
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Called the meeting back to order and indicated Alternate Commissioners Maloney, Carvin and Asherian were present in the audience.

Commissioner Mauger: Contemplated making a motion and wanted to discuss voting on what is already in place and holding in abeyance the changes in yellow.

Chairperson Fox: Stated that discussion on the subject cannot occur prior to a motion being made and seconded.

Commissioner Hurley: Asked if NDOC received input from the Association regarding the highlighted portions of the proposed ARs.

Christina Leathers: Personnel Officer, NDOC, responded per AR 100 they do solicit employee input for all ARs including AR 339. This process was followed in 2017 for the AR including the Prohibitions and Penalties in its current state. The process that they went through, which is highlighted in yellow, was in partnership with DHRM to do comparatives of what the other prohibitions and penalties are at comparative agencies to be more in line what the other agencies have in place. Additionally, some of the elements were combined into one, versus two or three, as listed out in the Prohibitions and Penalties.

Chairperson Fox: Indicated several parties submitted written comments: Adam Levine, an attorney whose practice consists primarily of representations of unions and employee organizations including Brian Ludwick, whose case *NDOC vs. Ludwick*, resulted in the Nevada Supreme Court invalidating AR 339 based upon NDOC's failure to have that regulation approved by this Commission; Robert Ashcroft, NDOC Senior Correctional Officer, who is also President of the Nevada Corrections Officers Association; and NDOC Correctional Officer Jonathan Allen-Ricksecker, who is also a board member with the Nevada State Law Enforcement Officers Association.

Kevin Ranft: Labor Representative with AFSCME Local 4041, commented he represented the opposition and asked the Commission to hold back on the items that are in yellow until the voices can be heard of all the officers and the unions involved. AFSCME would like to see NDOC supervisors working one-on-one with the employees, provide additional training, guidance and respect. The changes need to be fair and they need to be something that doesn't always go towards immediate termination. He reached out to the Director of the Department of Corrections who has agreed to meet with them to go over the Prohibitions and Penalties item by item. AFSCME is going to be working with the Department in coming days to ensure that the officers' voices are heard and have a sit-down table to have those voices heard.

Jonathan Allen-Ricksecker: Correctional Officer at High Desert State Prison, stated his view of the newly proposed NDOC Prohibitions and Penalties is that they are in direct conflict with provisions of the newly passed collective bargaining bill, SB135, which includes the negotiations of discipline within the bargaining process. He gave examples of both newly proposed revisions and omissions of what he deemed "vital" materials. He urged the Commission to postpone adoption of this newly revised P&P.

Commissioner Mauger: Asked Mr. Allen-Ricksecker if he would feel comfortable if the Commission adopted the Prohibitions and Penalties without those items in yellow as presented?

Jonathan Allen-Ricksecker: Responded no; the items in yellow are still vague and questionable and need to be addressed, but there is also an increase in sanctions.

Commissioner Mauger: Asked if the Commission did not approve this item, what type of discipline would be available to the Department?

Jonathan Allen-Ricksecker: Replied there would still be plenty of disciplinary options. Chapter 284 has a list; Chapter 289 has a list. Discipline would still go forward. The job elements are still there; they're still enforceable.

Commissioner Mauger: Asked if there were any workshops held regarding the proposed changes.

Jonathan Allen-Ricksecker: Answered he wasn't aware of any workshop being held regarding the sanctions in AR 339.

Commissioner Mauger: Stated the officers have upcoming negotiations. There are things in the P&Ps that have not been there before that can be put on hold and addressed in the negotiating process. He thought the Commission could approve what's already been there and then save the things in yellow until they get into the negotiating process so they make sure that both sides can understand and reach a fair and equitable agreement.

Commissioner Sanchez: Referred to the letter from Mr. Levine which stated that SB135 is now the law of the land; that's fine. But it is not the Commission's role to deal with labor negotiations. The Department of Corrections needs a stable process of continuing discipline until a new labor contract is finalized. A final labor contract will never be satisfactory fully to both parties; we are in a very unusual position of having to deal with this prior to the labor negotiation contract.

Commissioner Spurlock: Asked if they could defer their vote or is there a way that some of the yellow-highlighted items could be voted on as a partial package and not others.

Deputy Attorney General Greg Ott: Responded his understanding on the past practice of the Personnel Commission has been when there is a specific item within a P&P that has needed clarification or that the Commission had issue with, a dialog with the Agency was held to determine if it is revised voluntarily the P&Ps would be adopted as a slate with the revision. That option is available to the Commission. But to strike out specific things and approve some subset would be a deviation from past practice of the Commission. NAC 284.742 requires an appointing authority to determine, subject to the approval of the Commission, the P&Ps and the Commission gets an up or down approval. It is not the Commission's place to revise the P&Ps and then send them back to the appointing authority.

Commissioner Mauger: Moved to approve the current Prohibitions & Penalties and leave the yellow highlighted items to the upcoming collective bargaining process.

MOTION: Moved to approve the current in-place penalties and prohibitions in Item IV-A and to exclude the yellow highlighted changes.
BY: Commissioner Mauger

The motion failed without a second.

MOTION: Moved to approve Item IV-A.
BY: Commissioner Sanchez
SECOND: Commissioner Hurley

Commissioner Mauger: Expressed as a labor representative, he would have to vote no on the motion.

Commissioner Sanchez: Indicated he also has a labor background, as well as a background in management and HR; there has to be two sides to labor negotiations.

Commissioner Spurlock: Stated they were responsible for both sides of the table, labor and HR. The Commission's biggest responsibility was to the taxpayers of Nevada.

VOTE: The vote was in favor of the motion with Commissioner Mauger voting in the negative.

Chairperson Fox: Stated for the record, she heard Mr. Ranft say that the Director of the Department of Corrections has agreed to meet with employees regarding the Prohibitions and Penalties, and she was encouraged by that because that dialog between management and employees is so important. Prohibitions and penalties are a guide. This guide is intended as a supplement to the Nevada Rules for State Personnel Administration and does not constitute coverage of all possible violations that could conceivably occur. It is intended to clarify existing rules and regulations and to assist supervisors in taking appropriate corrective disciplinary action. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree than indicated, depending upon the circumstances and the seriousness of the offense or offenses. The extent of progressive discipline and penalties imposed will be at the authority's discretion.

IV-B. Office of the Military

Denise Woo-Seymour: Reported the current Office of the Military's Prohibitions and Penalties have been in effect since May 15, 2009. Prior to crafting the revised version, employees and the employee associations were requested to submit comments and suggestions. Prohibition I-5 is at a higher penalty level than all other agencies as a violation of this type could compromise the Agency's security and professional conduct. Otherwise, the items submitted for approval have been reviewed by the Division and . Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission for other departments/divisions. Prohibitions that were relocated from a section to another more appropriate section were not noted since the language had already been previously approved by the Commission.

Commissioner Sanchez: Asked Ms. Tyler what type of positions the Office of the Military has.

Cheryl Tyler: Administrative Services Officer, Office of the Military, answered firefighters, administrative positions such as administrative assistants, accounting assistants, management analysts, ASOs, personnel, project managers, environmental engineers and mechanical engineers and facilities maintenance employees.

Commissioner Mauger: Asked if a workshop was held regarding the prohibitions and penalties.

Cheryl Tyler: Answered in the affirmative.

MOTION: Moved to approve Item IV-B.
BY: Commissioner Sanchez
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

V. DISCUSSION AND APPROVAL OF REMOVAL OF CLASSES OR POSITIONS APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS – Action Item

- A. The Department of Motor Vehicles requests the removal of the following positions from the list approved for pre-employment screening for controlled substances:

7.647 Program Officer II, PCN: CC4019
11.354 Supervisory Compliance Investigator, PCN: WF8508
11.358 Compliance Investigator II, PCN: RE4079, RE8018, RE8025, RE8026, RE8028

Carrie Hughes: Personnel Analyst with DHRM, stated the Department of Motor Vehicles has requested the removal of the requirement of pre-employment screening for controlled substances for the positions listed in Agenda Item V-A. The Department is requesting removal because the job duty of working with confidential and sensitive information to conduct or process background information has been removed from the positions.

MOTION: Moved to remove the following positions from pre-employment screening: Program Officer II, PCN: CC4019; Supervisory Compliance Investigator, PCN: WF8508; Compliance Investigator II, PCN: RE4079, RE8018, RE8025, RE8026, RE8028.
BY: Chairperson Fox
SECOND: Commissioner Hurley
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 OR ABOLISHMENT – Action Item

- B. Fiscal Management & Staff Services
1. Subgroup: Public Information
a. 7.815 Photographer Series
b. 7.817 Publications Writer
c. 7.832 Exhibits Manager Series

Heather Dapice: Supervisory Personnel Analyst with DHRM, recommended changes to the class specification Fiscal Management & Staff Services, Subgroup: Public Information Photographer, Publications Writer and Exhibits Manager Series. These are items VI-A-1-a, 1-b and 1-c on the agenda. Beginning with Item VI-A-1-a, it was determined that the EEO-4 Code be changed from B, Professionals to C, Technicians as the C designation specifically identifies Photographers as a job in this EEO-4 designation. In addition, minor changes were made to the concept and minimum qualifications to maintain consistency with formatting and structure. Item VI-A-1-b, Publications Writer, it was determined that a revision be made to include duties and responsibilities related to website development. In addition, changes were made to the minimum qualifications to reflect this change as well as to maintain consistency with formatting and structure. Lastly, Item VI-A-1-c Exhibits Manager, it was determined that minor revisions be made to the series and class concept to clarify duties and responsibilities. In addition, minimum qualifications were amended to not only reflect these changes but also to maintain consistency with formatting and structure.

Commissioner Spurlock: Asked if there were no other changes to a job description and the EEO code was the only change, did the job description need to come before the Commission?

Peter Long: Answered if a change was not substantive, DHRM can make it without the approval of the Commission.

MOTION: Moved to approve Item VI-A-1-a, b, and c: Fiscal Management & Staff Services, Subgroup: Public Information, 7.815 Photographer Series; 7.817 Publications Writer; 7.832, Exhibits Manager Series.
BY: Commissioner Mauger
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion.

- C. Mechanical & Construction Trades
1. Subgroup: Semi-Skilled General Labor
a. 9.491 Temporary Aid Series
2. Subgroup: Graphics, Printing & Reproduction
a. 9.722 Camera/Plate Processing Technician Series
b. 9.723 Photographic Lab Technician Series

Heather Dapice: Continued with Item VI-B-2-a, Mechanical & Construction Trades Occupational Group, Subgroup: Semi-Skilled General Labor, Temporary Aid Series. The only modification to the specification was to the information date to indicate that the specification was reviewed and no changes were made. Item VI-B-2-a and VI-B-2-b, Camera/Plate Processing Technician and Photographic Lab Technician are not expected to be utilized in the future. It is therefore recommended that both these series be abolished.

MOTION: Moved to approve Item VI-B-1-a, Mechanical & Construction Trades, Subgroup: Semi-Skilled General Labor, Temporary Aid; and VI-B-2-a and b, Subgroup: Graphics, Printing & Reproduction, Camera/Plate Processing Technician and Photographic Lab Technician Series.
BY: Commissioner Sanchez
SECOND: Commissioner Mauger
VOTE: The vote was unanimous in favor of the motion.

VII. STATUS OF DEPARTMENT OF MOTOR VEHICLES CLASSIFICATION APPEAL REGARDING MANAGEMENT ANALYST II – PCN: 4103 – Informational Item

Peter Long: Reminded Members that the Department of Motor Vehicles had a classification appeal on the agenda at the last Commission meeting requesting a Management Analyst II position be reclassified as a Management Analyst III. The Commission gave DHRM the ability to review positions that they felt this position should have been compared to. Ultimately, the Department of Motor Vehicles withdrew their appeal. There was no reason to review the other positions and make a determination on them, so this issue is settled.

VIII. CONTESTED CLASSIFICATION SPECIFICATION REVIEW – ASSOCIATE WARDEN CLASS - Action Item

Posting #25-19
12.553 Associate Warden Class

Harold Wickham: NDOC Deputy Director, indicated that these proposed class specifications, or minimum qualifications, were simply to increase the effort to give others an opportunity to excel within the Department. On a personal note, he said he qualified for Warden long before he qualified for Associate Warden, and that was a concern for him.

Ken Goodly: NDOC Human Resources Analyst, pointed out that the new specifications do not dilute or diminish the qualifications for Associate Warden, and that the staff has done an excellent job ensuring the equivalencies are appropriately in line with the classification series. This proposal includes the correctional count of lieutenants, or experience from correctional camp facilities, in order to level the playing field to recognize the experience accumulated in those correctional camps as well as correctional transitional facilities. The objective is to ensure that those correctional lieutenants are given an opportunity to compete. If adopted, there will be energized recruitment for the Department, not just in terms of recruitment, but also in terms of retention. The adoption of this modification would open up an opportunity for more meaningful candidates to qualify.

Commissioner Spurlock: Thanked Mr. Goodly for the recruitment history and stated everyone has different concerns and approaches as to how they want to handle their recruitments based on prior history. The Commission has studied the essential functions of the class specifications and doesn't understand why anyone would think the new parameters would in any way threaten public safety as some have suggested. Is Ms. Walsh present today?

Chairperson Fox: Answered Ms. Walsh is not present but has a proxy.

Commissioner Spurlock: Stated agencies should be given a wide degree of latitude on this. Let me give you two extreme examples that go to the other ends of the spectrum. If you set the bar too low and you accidentally say something like only six months of customer service, you may assume that the person worked in an office environment, but what you're going to get is 500 candidates who worked at McDonalds; that's just why HR people exist. We give that kind of common sense advice because we're seeing stuff more often than the departments. On the other end of the scale, it gets a little bit more concerning because you have legal issues. So as all the HR people here know you can't ask a maintenance worker to have a PhD; it's not a bona fide occupational qualification. Within that is a wide degree of discrepancy. That's not a standard across agencies. Ultimately when we've looked out to the marketplace, we're still paid the same, but we just had different concerns and different approaches as to how we want to handle our recruitments based on our prior history. I really don't have a problem with any of this and I don't think any of this by any stretch threatens public safety that is mentioned in the objection. I think if you look at the description of essential functions this is a program manager performing administrative tasks, fiscal tasks, providing oversight,

coordinating activities; this is not a person on the floor. It's very hard to believe that this person could directly or immediately threaten public safety because they come with a different background than maybe what these people are used to.

Ron Schreckengost: NDOC Associate Warden, read prepared comments on behalf of Associate Warden Elizabeth Walsh who was unable attend the meeting:

To the State of Nevada Personnel Commission:

I regret that due to my mother having surgery on June 21st I'm unable to appear in person with my testimony regarding our objections, our being NCA's, objection to the request of the Nevada Department of Corrections to change the class specifications of Associate Warden. Accordingly, I've submitted our testimony in written form and send an Associate Warden, Ron Schreckengost, as my proxy to clarify questions or concerns, and requesting that the Commission do not approve changes to the class specifications at this time. By way of background, I've been an Associate Warden for almost a decade and have been working for the NDOC for 20 years. I'm also the Vice-President of the Nevada Corrections Association.

NDOC contends that the class specification clarify that some positions may require specific operational and/or program experience which will be identified at the time of recruitment and to allow for a larger pool of applications and will increase recruitment and retention efforts. According to Beverly Ghan, Deputy Administrator, the change does not diminish the minimum qualifications for Associate Warden. It clarifies that in addition to the minimum qualifications, the NDOC may require the applicant to have specific operational and/or experience in working with various programs such as medical, education, casework, et cetera. This is to ensure that the applicants have experience that relates more closely with the actual duties of the position.

The NDOC could specify the minimum qualifications to fit a specific person. They should not be allowed to make these changes. This has the potential to water down the requirements by the NDOC Administration and have more loopholes in order to make selections based on friendships. This is cronyism. I have witnessed this on numerous occasions, and we believe that the NDOC is not following the proper procedures regarding promotional opportunities. I will be contacting my Department management directly pertaining to these concerns.

Beverly Ghan also stated that during the last four recruitments for Associate Warden has found average only nine eligible candidates, and these candidates tended to be the same individuals. There are only 15 Associate Warden positions in the State of Nevada. In my experience, the position of Associate Warden seldom, perhaps once a year, opens in Nevada, and the opening could be at any large institution in Carson City, Las Vegas area, Ely or Lovelock. This requires the prospective candidates to potentially move across the State in order to accept the position. Therefore, most candidates wait until there's a recruitment in their area to apply for Associate Warden.

This past legislative session approved collective bargaining which was signed into law by the Governor. The position of Associate Warden is a pay grade 43; this is a high pay grade for State employees and carries with it tremendous responsibilities. With collective bargaining now a reality in State service, there is a potential for more candidates to be considered based on that fact alone.

The Division of Human Resource Management is tasked with updating specifications for regular maintenance reviews based on subject matter experts' input and recommendations. In lieu of making these changes at this time, the position for Associate Warden should be audited, and this decision before you today should be postponed until later.

We, NCA, are requesting DHRM audit the positions to assess the necessary qualifications in lieu of NDOC administration simply submitting clarifications for them. This will assure that no hasty and irrational decisions are made that could have unforeseen legal and life-threatening ramifications.

Please consider auditing these positions and postponing this decision. The gravity of your decision here today is greater than you know. Thank you for your time and consideration.

Respectfully, Elizabeth Walsh.

Chairperson Fox: Stated DHRM sent the Commission some additional materials related to Agenda Item VIII, but not all Members were certain they had received those items. The Chairperson suggested a ten minute recess so everyone could review those documents.

MOTION: Moved to recess for ten minutes.
BY: Chairperson Fox
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox: Called the meeting back to order.

Ken Goodly: Stressed that the introduction of any supplemental requirement was not an arbitrary or capricious process. If NDOC put in place a selective criteria of supplemental requirements and thereafter present that proposal pending the approval from DHRM then that matter would go forward. The interested candidates who apply would of course be able to meet the minimum qualifications that were passed. NDOC takes any allegations or assertions of impropriety within their Human Resource-approved selection process very seriously. Any implications that they would do otherwise or thought to be doing so clearly is a disservice to their stalwart employees. He urged the Commission to adopt this proposal. Doing so would impose no harm to their 2,700 dedicated employees and leverages no adversity on their operational efficiency and it certainly does not and would not manipulate, breech, or compromise the integrity of their recruitment selection and classification process.

MOTION: Moved to approve Item VIII.
BY: Commissioner Spurlock
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion.

IX. REPORT OF UNCONTESTED CLASSIFICATION PLAN CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL PER NRS 284.160 – Informational Item

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore the changes automatically went into effect.

Posting: #18-19
3.505 Driver - Shuttle Bus Series
Posting: #19-19
9.631 Custodial Worker Series
Posting: #20-19
10.613 Therapeutic Recreation Specialist Series
Posting: #21-19
10.545 Environmental Scientist Series
Posting: #22-19
2.131 Student Worker Series
Posting: #23-19
6.343 GIS Analyst Series
(formerly known as Transportation GIS Series)
Posting: #24-19
7.605 Investment Analyst Series
Posting: #26-19
12.346 Adult Rights Series
(formerly known as Elder Rights Series)

X. 2019 LEGISLATION AFFECTING STATE EMPLOYEES AND DHRM BUDGET – Informational Item

Peter Long: DHRM's budget was approved by the Legislature as submitted by the Governor including approximately \$9.5M for each of Fiscal Years 20 and 21. The Legislature also approved a budget carve-out to separate Agency HR Services into its own budget account. It is still part of and under DHRM, but this will allow better transparency for the way they spend their money as well as being able to more easily track their reserve versus DHRM's reserve as a whole, as DHRM is funded by assessment to all State employees and AHRS is funded by an assessment to the agencies they serve.

DHRM's funding includes 75 positions with an addition of three new positions: a part-time student worker at Agency HR Services; an additional Veteran Recruitment Coordinator to be housed in northern Nevada; and another training officer that will help implement and provide, in particular, the new supervisory skill set class that recently rolled out. Funding is also included for replacement computer equipment per the replacement schedule.

Regarding bills that affect State employees, three of the most notable are:

- AB89: changed the definition of “veteran” back to what it was two years ago. As long as you have served in the Armed Forces and got other than a dishonorable discharge, you qualify for Veterans preference on State recruitments.
- AB132: eliminated pre-employment screening for controlled substances. This bill will have no direct impact on State of Nevada employees. Nevada does pre-employment screening only for positions as they have been determined by the Commission as those affecting public safety.
- SB135: gives authorized collective bargaining to State employees.

Commissioner Sanchez: Asked how many of DHRM’s positions are drug tested.

Peter Long: Replied DHRM does not drug test for any of its positions; background checks are performed on certain employees in Central Records.

Chairperson Fox: Asked if per AB530 prospective employees would need to undergo a background check every 5 years upon being hired.

Peter Long: Believed that was correct and would provide additional information to the Commission.

XI. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS. NEXT MEETING SCHEDULED FOR SEPTEMBER 20, 2019.

After deliberation, it was decided the December meeting is tentatively scheduled for December 6, 2019.

XII. COMMISSION COMMENTS

Peter Long: Recognized Dave Badger, who is retiring after 24 years of dedicated State service, 17 with the Department of Personnel. He said Mr. Badger’s career was an outstanding one, and he will be missed. He continued, Alternate Personnel Commissioner Armen Asherian has just been appointed as the Director of Employee Relations of the College of Southern Nevada. Many congratulations to both.

XIII. PUBLIC COMMENT

Chairperson Fox: Advised that 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 under NRS 241.020. She asked if there were any public comments; there were none.

XIV. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.