

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Legislative Counsel Bureau, 401 S. Carson St., Room 3138 and in Las Vegas at
the Grant Sawyer State Building, Room 4401, 555 East Washington Avenue via Video Conference

**MEETING MINUTES (Subject to Commission Approval)
Friday, July 11, 2014**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Ms. Lee-Ann Easton, Division Administrator, DHRM
Mr. Peter Long, Deputy Administrator, DHRM
Ms. Shelley Blotter, Deputy Administrator, DHRM

**STAFF PRESENT IN
CARSON CITY:**

Tawny Polito, DHRM
Kristen Anderson, DHRM
Rachel Baker, DHRM
Denyse Bandettini, DHRM
Howard Brunje, NDOT
Howard Craig, TMCC
Alys Dobel, DMV
Robin Freeston, BCN-UNR HR
Michelle Garton, DHRM
Teri Hack, NDF
Deborah Harris, AHRS/DHRM
Bill Hoffman, NDOT
Carrie Hughes, DHRM
Jenica Keller, NDOT
Kimberley King, NDOT
Kathleen Kirkland, DHRM
Tom Knight, NDF
Eric Mager, DHRM
Kendra Martin, DHRM
Kareen Masters, DHHS
Stephanie Neill, UNR
Janine Nelson, BCN-UNR HR
Janet Traut, Senior Deputy Attorney General
Cynthia Willden, Records
Denise Woo-Seymour, DHRM

**COMMISSIONERS AND STAFF PRESENT
IN LAS VEGAS:**

Mr. David Sanchez, Commissioner
Mr. Andreas Spurlock, Commissioner
Mr. Shane Chesney, Sr. Deputy Attorney General

I. OPEN MEETING

Chairperson Katherine Fox: Opened the meeting at 9:00 a.m. She announced they do have a quorum but in order for a motion to pass on the regulations it would have to be three yeas to pass. The other items would be a majority vote.

II. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox:** 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) Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

Chairperson Fox: Asked if there was any public comment from the north. She noted there was none from the north. She asked for any public comment from the south. There was no comment from the south.

III. ADOPTION OF THE MINUTES OF PREVIOUS MEETING Action Item

MOTION: Move to approve the Minutes of the meeting dated April 11, 2014.
BY: Chairperson Fox
SECOND: Commissioner Spurlock
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: Stated that some of the agenda items would be out of order and proceeded to Agenda Item Number VI.

VI. DISCUSSION AND APPROVAL OF ADDITION OF CLASS TO LIST OF APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES Action Item

- A. The Department of Conservation and Natural Resources requests the addition of a class to the list approved for pre-employment screening for controlled substances.
 1.835 Helitak Supervisor - All PCNs

Carrie Hughes, Personnel Analyst, DHRM: Stated that NRS 284.4066 provides for the pre-employment testing for controlled substances of candidates for positions affecting public safety prior to hire. She said the State statute required the appointing authority to identify the specific positions that affect public safety subject to the approval of the Personnel Commission. She added that additionally federal courts had indicated that pre-employment testing by public entities may constitute a search within the meaning of the Fourth Amendment and if so, must be justified by a special need that outweighs a reasonable expectation of privacy. She said the Ninth Circuit Court of appeals identified special needs of: high risk safety sensitive tasks, assuming parental responsibilities, or at great danger to public. She stated that the Department of Conservation and Natural Resources, Division of Forestry, has requested the approval of class code 1.835 Helitak Supervisor because the positions in this class code will be required to obtain and maintain a

commercial driver's license with a hazardous materials endorsement. She said that the Commission has approved this requirement for several similar positions and asked for any questions.

Chairperson Fox: Asked if there were questions related to this item. Seeing none, she entertained a motion on the agenda item.

MOTION: Move for Approval of addition of class to list of approved for pre-employment screening for controlled substances Helitak Supervisor, all PCNs.
BY: Commissioner Sanchez
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion

**VIII. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION
MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND
ABOLISHMENT Action Item**

- A. Engineering & Allied
 - 1. Subgroup: Environmental & Land Use Services
 - a. 6.717 Park and Recreation Program Manager

Rachel Baker, Personnel Analyst, DHRM: Stated that the classification was reviewed by management and only minor revisions need to be made to update it. She detailed the duties of the Park and Recreation Program Manager to be changed to: "Is responsible for planning, organizing, coordinating, and supervising the Division of State Parks' Park and Recreation Program which includes conducting complex studies and analyses, planning and managing archaeological and promotional contracts and grants. Duties include but are not limited to: Developing work programs and specific tasks necessary to prepare and update statewide recreation plans, individual park master plans, resource protection plans, feasibility studies, and other supporting studies and documentation as well as managing and planning archaeological and promotional contracts by developing the scope of work, selecting consultants, negotiating contracts, and approving and supervising work programs, administering federal grant programs and managing the division's land acquisitions and exchanges." She stated she would answer any questions.

Chairperson Fox: Asked if there were questions for Ms. Baker and if there was any public comment related to this item. Seeing/hearing none, she stated she would entertain a motion.

MOTION: Move to approve changes to the Park and Recreation Program Manager class specification.
BY: Commissioner Spurlock
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: Continued to the next item.

- B. Fiscal Management & Staff Services
 - 1. Subgroup: Administrative & Budget Analysis
 - a. 07.684 Hearings Officer
 - b. 07.690 DUI Adjudicator

2. Subgroup: Public Information
 - a. 07.807 Assistant Costumer

Heather Dapice, Personnel Analyst, DHRM: She spoke on Items VIII B, sub-item 1a and 1b on the agenda. She began with Item VIII B 1a, Hearings Officer. She stated the duties of a Hearings Officers and in consultation with the Department of Education, Training and Rehabilitation, the Division of Industrial Relations, and the Division of Welfare and Supportive Services, it was determined that the Division of Welfare and Supportive Services is the only agency utilizing the Hearing Officer series. She recommended that VIII A, Disability Adjudication and option B, Industrial Relations be removed from the series and that option C be removed and its class concept be incorporated into the representative duty statement. She stated that the minimum qualifications were amended to indicate examples of public assisted programs and equivalencies were added to account for comparable experience gained at the Quality Control Specialist I and Family Services Supervisor I levels.

She then spoke about Item VII B, sub-item 1b, DUI Adjudicator. She stated that DUI Adjudicators hear and decide contested revocations of driving privilege license or prevent resulting from arrest for driving under the influence of an alcoholic beverage or a controlled substance; hear and evaluate issues of a petitioner's case, weighing the validity of the issues and the evidence presented at the hearing; and interpreting department regulations and laws applicable to the issue. She said the specifications for DUI Adjudicator was reviewed by management and agency human resource staff at the Department of Motor Vehicles and it was determined that the concepts, minimum qualifications, and knowledge, skills, and abilities are consistent with current expectations. She recommended that no changes to the class specification are necessary.

Commissioner Spurlock: Asked for clarification on the context of the DUI Adjudicator as it pertains to the Commission's vote. **Heather Dapice:** Noted the Division of Human Resource Management reviewed the class specifications and there are no needed changes at this time. **Commissioner Spurlock:** Asked if the department was looking at the DUI Adjudicator specifications because they were looking at the Hearing Officer classification, which was similar. **Heather Dapice:** Stated the Division selected class specifications that had not been reviewed and reviewed them to make sure no changes in terminology, verbiage, minimum qualifications were required. **Commissioner Spurlock:** Asked if it was then simply systematic. **Heather Dapice:** Stated that was correct.

Chairperson Fox: Asked if there were further questions or public comment. Seeing/hearing none, she started to move for an approval and then realized Item VIII, B, sub-item 2a needed discussion. She removed the motion.

Denyse Bandettini, Personnel Analyst, DHRM: Stated since the item was placed on the agenda the division has received additional information in favor of not abolishing the classification of Assistant Costumer. They are requesting to remove the item from the agenda.

Chairperson Fox: Stated she understood the original documents asked to abolish this class and since the agenda was created there was further discussion with the agency and it was determined the position should not be abolished. **Denyse Bandettini:** Stated that was correct.

Chairperson Fox: Asked if there was any discussion or questions or public comment.

MOTION: Move to approve changes for fiscal management and staff services for Hearings Officer as well as the review of DUI Adjudicator and no changes made to the class specification and that subgroup classification for Assistant Costumer remain in force.

BY: Chairperson Fox

SECOND: Commissioner Sanchez

VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: continued to the next topic.

- C. Medical, Health & Related Services
 - 1. Subgroup: Allied Therapies
 - a. 10.609 Occupational Therapist Series
 - b. 10.612 Physical Therapist
 - c. 10.617 Athletic & Recreation Specialist Series

Heather Dapice: The Division recommends the abolishment of class specifications for the Occupational Therapist and Physical Therapist as well as recommends changes to the Athletic and Recreation Specialist Series. She began with the Occupational Therapist Series and stated that this series is not being utilized by Veterans Affairs and Health and Human Services as they had in the past. She stated that instead contract employees are currently being used and would be in the future.

She moved on to the Physical Therapist Series. She stated that this series is not being utilized by Veterans Affairs and Health and Human Services as they had in the past. She stated that instead contract employees are currently being used and would be in the future.

She then moved to the Athletic and Recreation Specialist Series. She stated that experts in the Department of Corrections and Division of Human Resource Management determined that minor changes to the duty statements in this series were needed to account for the calculation of work credits and for the cleaning of equipment. Also, duty statements involving administering the physical fitness examinations required of prospective employees for the Department of Corrections and the maintenance of a counsellor recording deposits and calculating balances were removed from the Duty Statements as the series no longer performs these duties. Minor changes were also made to the Knowledge, Skills, and Abilities Required to reflect the changes. She recommended that the changes be approved and asked for questions.

Chairperson Fox: Asked for clarification on the salary requirements of the contracted workers used in the Occupational and Physical Therapist Series. She asked if the level of pay for State employees was not competitive enough. **Heather Dapice:** Stated that was correct. She reiterated that the contract employees were making \$45 to \$55 an hour through the private sector. She said that the positions were hard to fill due to the salary requirements.

Chairperson Fox: Asked if there were any questions from Commissioners or any public comment. Seeing and hearing none, she made a motion.

MOTION: Move to approve changes to class specifications for the Medical, Health and Related Services, specifically subgroup Allied Therapies, to abolish the Occupational Therapist series, and Physical Therapists series and approve the changes to the Athletic and Recreation Specialist Series.

BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

IX. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

Chairperson Fox: Stated the Commission accepts the report of Uncontested Classification Changes, pages 82 through 96. She stated there was no need for a motion on the item and went back to the agenda as originally listed starting with Agenda Item IV.

IV. DISCUSSION AND POSSIBLE AMENDMENTS TO THE HEARING OFFICER RULES OF PROCEDURE **Action Item**

Shelley Blotter, Deputy Administrator, DHRM: stated that at the April 2014 meeting there was public comment requesting that strike method be included in the Hearing Officer Rules of Procedure. She stated the Hearings Division was able to do that and the employee's association reviewed the procedures and all parties are in agreement. She stated all other aspects of the wording remain the same as last viewed.

Commissioner Fox: Read the proposed strike language: "For each hearing requested and claim related to a dismissal, suspension, demotion, involuntary transfer or reprise for retaliatory action, the Senior Appeals Officer of the Hearings Division shall provide to each party to the claim a list of three (3) qualified Hearings Division Appeals Officers. Each party may strike one name from the list and shall return the list with the remaining names to the Senior Appeals Officer of the Hearings Division no later than seven (7) working days after receipt of the list. Except as otherwise provided in paragraph five (5), each person whose name is struck from the list pursuant to paragraph two (2) is ineligible to serve as a Hearing Officer in that claim. Except as otherwise provided in paragraph five (5), the Senior Appeals Officer shall select a Hearings Officer for the hearing from among the persons whose names were not struck from the list pursuant to paragraph two (2)." She then asked for any questions from the Commissioners. She asked for public comment from the North. She asked for any public comment in the south. **Commissioner Sanchez:** Stated there were none in the south.

MOTION: Move to approve changes to Item Number IV with the amendments to the Hearing Officers Rules of Procedure
BY: Commissioner Sanchez
SECOND: Commissioner Spurlock
VOTE: The vote was unanimous in favor of the motion

V. DISCUSSION AND APPROVAL OF PROPOSED REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 **Action Item**

Peter Long, Deputy Administrator DHRM: Stated that DHRM recommended an amendment to NAC 284.172 related to the situation where an employee receives a promotion after voluntarily demoting at some point in the past. He stated this amendment would allow an employee to receive a promotional increase pursuant to subsection 1(a) of this regulation after one year has passed since the demotion. He said that the amendment would reduce errors in determining rate of pay and will ensure equitable treatment for all employees. He stated the amendment also allows for the discretion by the administrator in whether to reduce that one year limitation when appropriate.

MOTION: Move to approve regulation changes to Nevada Administrative Code, Chapter 284 LCB file No. R064-14 that provides changes to Nevada Administrative Code 284.172 rate of pay: Effective of promotion.
BY: Chairperson Fox
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion

VII. INDIVIDUAL CLASSIFICATION APPEAL

Action Item

- A. Howard De Ning Craig, Program Officer 1, Truckee Meadows Community College

Chairperson Fox: Explained the Commission procedure to the incumbent.

Howard Craig, Program Officer I, Truckee Meadows Community College (TMCC), Testing Services: Stated his principle role is Placement Program management. He stated the program has had changes over the years and recounted his job experience from his start date of 1996 where he only performed placement testing. The department was then expanded to include academic testing due to the increase in online students. At this time he was staffed by student employees. He stated that the department then requested approval for an additional classified position which was granted and the department testing expanded once again.

He stated that TMCC started utilizing the program ACCUPLACER and developed their branching profiles and placement profiles. He stated that he works with the academic departments, with the deans and department chairs, on scoring and placement. He noted that he does quality control on the program as well and that the area has increased to 43 sites, on which he does yearly reporting of their performance levels. He stated he is also in charge of special post-testing programs of their students and keeps those sites current. He noted he coordinates all test dates, meeting with coordinators twice a year. He stated he writes reports on the testing for his director and others.

He stated that his position was reevaluated and placement testing was placed under his duties. He said this in part meant he was responsible for making sure the test scores were accurately matched to the students' records. He stated that his department has lost a staff person and he is now, in addition to his primary responsibilities, responsible for more duties. He noted that on a daily basis he receives a phone call requesting more testing, with short turnaround time to approve or deny the request and a short turnaround to put the request into action. He stated he is also in charge of the budget for the testing department. He stated that he handles any problems with students.

He noted that the job descriptions for his position at various other schools had fewer responsibilities than his own. He stated that his department does not have an IT staff member, though he himself builds the program they use for testing. He stated that the testing division at a different school did have one. He noted he must be careful with his programs and the testing results.

He stated he trains proctors twice a year, going over all requirements for testing. He also stated he makes sure the 62 proctors in the area are current which includes spot appearances to monitor them. He noted that many of his colleagues are not required to do so, having smaller testing centers. He also meets with the recruiting proctors. He noted that he developed a test ticket for the student acknowledging the school's privacy policy before they complete testing. He stated he does refresher proctor training as well with students and staff that are currently trained to make sure they are in

compliance with any changes. He stated that he is rewriting the training manual. He stated that he trains new proctors, staff members that are new to staff and new to the ACCUPLACER process. He stated that many of his colleagues are not necessarily a good comparison for his job duties due to TMCC's larger programs. He said that he constantly changes new placement scores in several outlets to keep them current and prepares new reports for academic advisors, etc.

Chairperson Fox: Asked for any questions for the incumbent.

Commissioner Sanchez: Stated he has been employed by the College of Southern Nevada for 29 years as an adjunct psychology instructor and familiar with the testing services at CSN. He stated he is also familiar with ACCUPLACER testing. He asked if Sr. Deputy Attorney General Chesney sees a conflict of interest for him. **Sr. Deputy Attorney General Shane Chesney:** Stated he does not see any conflict. **Commissioner Sanchez:** Asked Howard Craig if he is currently employed as a supervisor in Testing Services. **Howard Craig:** Stated "not directly." He stated that when the students are assigned to Testing is the day he is supervising. **Commissioner Sanchez:** Asked if the incumbent was involved in doing any academic testing. **Howard Craig:** Stated he does not do any academic testing for TMCC students, which is handled under the Proctoring Center of Webb College. He did indicate he does testing for non-TMCC students taking online courses at other schools. **Commissioner Sanchez:** Inquired if Mr. Craig considered himself to be the manager of the Testing Services. **Howard Craig:** Stated that he does. **Commissioner Sanchez:** Asked if Mr. Craig had heard the question. **Howard Craig:** Repeated the question and replied yes. **Commissioner Sanchez:** Reiterated that the incumbent does not supervise anyone. **Howard Craig:** Stated he did not because they use student employees.

Chairperson Fox: Told the representative of the school to start her presentation.

Robin Freestone, former Manager of job classification for Business Center North at University of Nevada, Reno (UNR), Human Resources: introduced Janine Nelson as the new manager in that position. She stated that she conducted the analysis of Mr. Craig's position along with Jacob Cann, Personnel Analyst, BCN, who was absent from the Commission meeting. She stated that in 2008 Mr. Craig's position was reclassified to Program Officer and that at that time Mr. Craig functioned as the manager of the TMCC Testing Center, which administered a variety of exams including the ACCUPLACER, the GED, the CAPE exam, licensure exams for external agencies, and proctored mid-term and final exams for TMCC faculty. She explained that the ACCUPLACER test is used to evaluate and place incoming students into the appropriate level of math and English classes. She stated that the incumbent's job was to manage the daily operations of the Testing Center. She indicated that the management has included planning, organizing, and coordinating new and existing exam offerings; oversight of the scheduling, proctoring, and scoring of exams; coordinating the implementation of new exams and changes to existing exam technology; managing exam security; training and supervising subordinate staff; managing the department budget and accounts; and collecting data and preparing reports.

She stated the 2008 job purpose and responsibilities were compared to the current and found the primary purpose currently is to administer the ACCUPLACER and CAPE exams. She explained that the CAPE exam was used to place students into foreign language classes, which is used less frequently than the ACCUPLACER. She stated that Mr. Craig's current responsibilities include scheduling and coordinating the administration of the ACCUPLACER and CAPE exams, data collection and reporting for the ACCUPLACER exam, managing the Testing Center budget and accounts, and providing technical support for the ACCUPLACER system. She indicated that some

time between 2008 and 2013 the job was significantly altered by eliminating administration of all but the ACCUPLACER and CAPE exams; specifically, responsibility for planning, coordinating, implementing and data reporting for all exams offered was removed as well as supervision of the Testing Center staff. She stated this in effect eliminated the managerial component of the job and removed the complexity that was generated from managing multiple exam types.

She explained the differences of the Program Officer from an Administrative Assistant, which is the responsibility for managing multiple job functions, all of which are then integrated into a whole program. She stated this was the case when Mr. Craig managed staff, budget, new programs, data reporting, etc. and that each job component required acquisition and application of a different body of knowledge, each of which were integrated into a cohesive program. She stated that, absent management of multiple job components, the job no longer meets the concept of Program Officer. She explained the duties of an Administrative Assistant IV level, which are to perform specialized duties in support of a program. She stated that in many instances they are delegated responsibility for certain aspects of a program, in the incumbent's case, administration of placement exams and corresponding data reporting as well as budget maintenance. She indicated these positions use critical thinking to determine best course of action and problem solving through research, examination, and evaluation of circumstances. She stated Mr. Craig matches this concept with the ACCUPLACER program.

She described the UNR Math Department as using the ACCUPLACER program, administered out of a 30 unit computer lab which is managed by an Administrative Assistant III position. She described a similar one at the College of Southern Nevada which two Administrative Assistant IIs administer the ACCUPLACER exam. She stated that the technology duties are performed by an IT Technician at grade 29. She compared the CSN and UNR positions in terms of ACCUPLACER administration and stated that since the scope of Mr. Craig's position extends into budget management and technical operation of the system, their scopes are not as wide as his. She recommended that the incumbent's classification be Administrative Assistant IV.

She stated that the internal audit of Mr. Craig's position was conducted by Jacob Cann telephonically with her support. She noted that Mr. Cann took over an hour to perform the audit, resulting in six pages of typewritten transcription. She stated that a second audit with Mr. Craig was conducted onsite at TMCC with Mr. Craig, his supervisor, herself, and Tim McFarlane, Associate VP of HR at UNR. She also stated that the four year retained rate rule under NAC 284.290 applies to this case if Mr. Craig's position is reclassified downward. She stated that Mr. Craig would have salary protection for four years during which department structure could change or the incumbent could pursue alternatives.

She summarized that the reduction in duties resulted in a job that is outside the scope of the Program Officer Series. She stated that the work matches the concept of the Administrative Assistant IV level and said that position comparison supported this conclusion.

Chairperson Fox: Asked if there were questions for Ms. Freestone. **Commissioner Spurlock:** Asked staff opinion regarding the role of this particular position relative to a supervisor in the budget area in terms of compiling information in preparation for a budget to be assembled versus longer-term thinking about really what the needs of the entire unit would be two to three years down the road and planning for larger-scale purchases and changes in budget. **Ms. Freestone:** Responded that Mr. Craig would draft the initial annual budget from a template and that he would have knowledge of future needs or immediate needs. She stated that the incumbent would make the initial draft and

submit it to his supervisor who would modify it. She noted that long-range planning was his supervisor's responsibility.

Commissioner Sanchez: Stated there was a letter drafted by Mr. Craig dated February 27, 2014 in Tab One of the Commissioners' booklets. He noted on the second page Mr. Craig acknowledged: "The staffing model is not the traditional model that one expects, however, the duties are clearly supervision." He asked Ms. Freestone if she agreed with the statement. **Ms. Freestone:** Did not agree. She stated that Mr. Craig does not officially supervise subordinates, which can be seen in his NPD-19 and is verified by his supervisor and his supervisor's supervisor.

Mr. Craig: Requested to make a comment on the budgeting process. **Chairperson Fox:** Agreed to the request. **Mr. Craig:** Stated the budgeting process Testing Services did include all services; he would make estimates based on history of GED testing, ACCUPLACER testing, CAPE testing, CLEPP testing, and nursing admissions. He indicated he estimated needs for testing units, including students with special needs, and costs of staff present. He stated the GED was computerized January 1 and moved to the Adult Basic Education Program where the GED was developed. He said the GED program had restrictions which would conflict with ACCUPLACER testing, costing additional equipment. He stated the budgeting still including all other testing he cited before plus staffing. He stated he supervised the proctors while the proctors were in the Testing Center. **Chairperson Fox:** Asked the incumbent to identify the title and job class that does the GED testing at TMCC. **Mr. Craig:** Noted he believed it was an Admin IV. **Chairperson Fox:** Asked Ms. Freestone to reply. She found an organization chart stating Mr. Craig was a Program Officer I, then two Administrative Assistant IIs. **Ms. Freestone:** Affirmed the person now administering the GED is an Administrative Assistant III. **Chairperson Fox:** Noted the administrator, Hallie Madole, was a III. **Ms. Freestone:** Added that as she understood it, the GED became so large it was given its own center. She stated that the federal government mandated the GED to be given electronically and so TMCC contracts with a large company, Pearson Vue.

Chairperson Fox: Asked if there were any additional questions. **Commissioner Spurlock:** Directed a question to Ms. Freestone. He stated the nature of the supervision as described by the incumbent was primarily over students. He asked that as written in the Administrative Assistant IV description or past practice if she were comfortable with anyone in the Administrative Assistant IV doing the type of supervision that oversees students, part-timers, contractors, interns, and the like, for hiring and letting go. **Ms. Freestone:** Clarified her perspective on Mr. Craig's role overseeing student proctoring. She stated that due to conflict of interest, Mr. Craig could not proctor. **Mr. Craig:** Agreed. **Robin Freestone:** Explained that TMCC had a large pool of student employees and existing staff who alternate proctoring exams. She clarified the proctoring process. **Mr. Craig:** Agreed with her explanation. **Ms. Freestone:** Stated it was the incumbent's responsibility to make sure that that occurred, spending time with this pool of proctors to ensure an understanding of the rules and their roles. She referred to Mr. Craig for a completion of this description of his training. **Mr. Craig:** Further stated that all proctors go through the training, the refresher each year, signing off on the security agreement, which he is in charge of. He noted that he makes rounds of the room during testing to ensure that no outside sources are being used by the test takers and that he has caught two offenders, terminating their tests. He stated that the student proctors refer to him and he makes the final decision on termination. **Commissioner Sanchez:** Addressed Commissioner Spurlock's question, explaining that in the State classification system, a supervisor must have responsibility for final selection of an employee, training, work assignment, work review, conducting their performance appraisal, and administering any discipline. He stated that overseeing performance of a function does not meet the supervision definition in the classification context. **Ms. Freestone:**

Answered that the type of supervision Mr. Craig provides over the proctors is appropriate to Administrative Assistant IV or below.

Chairperson Fox: Asked for any further questions from the Commissioners. She then asked for public comment. She asked Mr. Craig to make a few summary comments.

Mr. Craig: Thanked the Commission for allowing him to present his case. He stated he will be following up on this in the interest of consistency in the position itself compared to other schools. He stated that he felt currently they were not consistent and that this would be a learning opportunity for the Nevada System of Higher Education, as they move towards accurately assessing students for their success, ensuring all school processes are equal. He again thanked the Commission and Robin Freestone for their help and understanding. **Chairperson Fox:** Thanked the incumbent.

Chairperson Fox: Said she would entertain a motion from the Commission.

MOTION: Move to deny Individual Classification appeal of Mr. Howard De Ning Craig,
Program Officer I, Truckee Meadows Community College
BY: Commissioner Sanchez
SECOND: Commissioner Spurlock
VOTE: The vote was unanimous in favor of the motion

Chairperson Fox: Asked for any discussion on the item. And thanked Mr. Craig again for appearing before the Commission and his continued service to the State. She thanked Ms. Freestone as well.

X. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS

Chairperson Fox: Indicated the Commission is meeting September 26, 2014 and stated they needed to decide a date in December, potentially December 5th or December 12th to stay with the Friday schedule, as it works better for the Commissioners. It was decided to meet on December 12th.
Commissioner Spurlock and Commissioner Sanchez: Agreed.

XI. PUBLIC COMMENT Read into record by **Chairperson Fox:** 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) Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow additional public comment on a specific agenda item when the item is being considered. She asked for any public comment from the North.

Peter Long, Deputy Administrator, DHRM: Pointed out that Ms. Freestone noted that she retired as the Recruitment Manager at BCN and that Janine Nelson had taken her place. He thanked Ms. Freestone for her help, assistance, and professionalism. **Chairperson Fox:** Thanked Ms. Freestone as well and wished her good luck in retirement. She then congratulated Ms. Nelson.

Commissioner Fox: Asked for comments from the South. There were none.

XII. ADJOURNMENT

Chairperson Fox: Adjourned the meeting.