

**STATE OF NEVADA  
PERSONNEL COMMISSION**

Carson City at the Gaming Control Board, 1919 College Parkway and in Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue via Video Conference

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**MEETING MINUTES (Subject to Commission Approval)  
Friday, December 12, 2014**

**COMMISSIONERS PRESENT**

**IN CARSON CITY:** Ms. Katherine Fox, Chairperson  
Mr. David Read, Commissioner

**COMMISSIONERS PRESENT**

**IN LAS VEGAS:** Mr. Gary Mauger, Commissioner  
Mr. Andreas Spurlock, Commissioner

**STAFF PRESENT IN**

**CARSON CITY:** Lee-Ann Easton, Administrator, DHRM  
Shane Chesney, Senior Deputy Attorney General  
Peter Long, Deputy Administrator, DHRM  
Shelley Blotter, Deputy Administrator, DHRM  
Tawny Polito, Executive Assistant, DHRM

**STAFF PRESENT IN**

**LAS VEGAS:** Heather Dapice, Personnel Analyst, DHRM  
Adrian Foster, Personnel Analyst, DHRM

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

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

**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. There was none in the north. Gary Mauger noted there was none in the south.

**III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED SEPTEMBER 26, 2014 -  
Action Item**

**MOTION:** Move to approve the Minutes of the meeting dated September 26, 2014.  
**BY:** Commissioner Read  
**SECOND:** Chairperson Fox  
**VOTE:** The vote was unanimous in favor of the motion.

**IV. DISCUSSION AND APPROVAL OF ADDITION OF CLASS TO LIST OF APPROVED FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES AND REVISIONS TO CLASS SPECIFICATIONS - Action Item**

A. Department of Motor Vehicles request for addition of positions to list approved for pre-employment screening for controlled substances and request for approval of class specification change to include pre-employment testing.

1. Positions requested for approval of pre-employment screening for controlled substances.
  - 2.211 Administrative Assistant III - PCNs RE7015, WF7047
  - 7.457 Program Officer II - PCN CC4019
  - 11.354 Supervisory Compliance Investigator - PCN WF8508
  - 11.358 Compliance Investigator II - PCNs RE8018, RE8028, RE8026, RE8025
  - 11.424 DMV Services Technician III - PCNs RE5324, RE5328

**Carrie Hughes**, Personnel Analyst, Division of Human Resource Management (DHRM): recommended approval of pre-employment screening for Class 2.211, Administrative Assistant III, PCN RE7015 and WF7047, as these positions' duties includes working with federal and State law enforcement officers and agencies in obtaining and assigning undercover and/or or covert identification and monikers. Ms. Hughes recommended approval of pre-employment screening for Class 7.457 Program Office II, PCN CC4019, as this position will be performing background checks. Candidates for this position are also subject to a background check and medical and psychological testing. Ms. Hughes recommended approval of pre-employment screening for Class 11.358 Compliance Investigator II, PCNs RE8018, RE8028, RE8026, RE8025, as these positions will be performing background checks of members of the public, and candidates for these positions are subject to a background check and medical and psychological testing. Ms. Hughes recommended approval of pre-employment screening for Class 11.424 DMV Services Technician III, PCNs RE5324, RE5328, as their duties include working with federal and State law enforcement in obtaining and assigning undercover and/or or covert identification and monikers.

**Commissioner Spurlock**: Asked if staff has resolved any prior concerns regarding pre-employment testing for positions WF7047 and CC4019 and now recommends approval of all positions listed above for pre-employment testing. **Carrie Hughes**: confirmed.

**Chairperson Fox**: Asked for any further questions related to Item IV.A.1. Seeing and hearing none, she entertained a motion.

**MOTION:** Move to approve additional classes to the list of classes approved for pre-employment screening for controlled substances. Those positions include Administrative Assistant III, PCNs RE7015, WF7047; Program Officer II, PCN CC4019; Supervisory Compliance Investigator, PCN WF8508; Compliance Investigator II, PCNs RE8018, RE8025, RE8026, RE8028; 11.424 DMV Services Technician III PCNs RE5324, RE5328.

**BY:** Commissioner Mauger

**SECOND:** Commissioner Read

**VOTE:** The vote was unanimous in favor of the motion.

2. Request for approval of class specification change to include pre-employment screening for some positions.

- DMV Services Technician

**Carrie Hughes:** Stated that as pre-employment screening was approved for DMV Services Technician III positions, she is requesting approval of a change to the appropriate class specification to reflect that approval of the requirement for pre-employment screening for controlled substances. She stated that representatives from the Department of Motor Vehicles were available to answer questions.

**Chairperson Fox:** Clarified that the language under special requirements pursuant to NRS 284.4066 reads: some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to pre-employment screening. She asked for public comment related to Item IV.A.2. Seeing and hearing none, she entertained a motion.

**MOTION:** Move that the Commission approve, under Item IV.A.2, request for the approval of class specification changes to include pre-employment screening for DMV Services Technician.

**BY:** Chairperson Fox

**SECOND:** Commissioner Read

**VOTE:** The vote was unanimous in favor of the motion.

## **V. INDIVIDUAL CLASSIFICATION APPEAL - Action Item**

- A. James Wright, Accountant Technician II  
Nevada State Veterans Home

**Adam Levine,** Attorney for Appellant James Wright: Noted that James Wright was unable to attend due to a family medical emergency.

**Chairperson Fox:** Offered to reschedule the meeting to March 20, 2015, so that Mr. Wright could be present. **Adam Levine:** Responded that he was prepared to move forward.

**Chairperson Fox:** Explained the hearing process.

**Adam Levine:** Summarized his client's position. This is an appeal of reclassification, which James Wright has not seen and from which he has been denied an opportunity to respond as required by Nevada Administrative Code 284.152. Mr. Wright was served with an NPD-41 Specificity of Charges, his dismissal from State service. The pre-termination hearing officer ruled that he should not be dismissed, but the appointing authority dismissed Mr. Wright.

Mr. Wright appealed pursuant to NRS 284.390 for a hearing on just cause before a Hearing Officer. That hearing was originally scheduled for December 9, 2013, but was continued through no fault of Mr. Wright. The Hearing Officer ultimately found no just cause to take discipline action against Mr. Wright and ordered that Mr. Wright be reinstated to his former position with full back pay and benefits. However, when Mr. Wright reported for duty, he was given a reinstatement form for a Grade 32 Accountant Technician position instead of the Grade 37 Administrative Services Officer position from which he was terminated. Mr. Wright contacted the Deputy Attorney General informing that he had received no notice of reclassification and no opportunity to respond as provided under NAC 284.152. The Deputy Attorney General replied via email that his ESMT (Employee Status Maintenance Transaction document) served to notify him, and receipt of that notice had been acknowledged. Mr. Wright has still not seen the basis or recommendation for reclassification. Mr. Wright has been deprived of his rights under current regulation because the position was reclassified while he was awaiting an appeals hearing.

Mr. Wright pursued an appeal to the Administrator, who responded saying that her review of the appeal took into consideration all information gathered during the classification study, including the current NPD-19, upon which the determination was made. That NPD-19 was not and has not been provided to Mr. Wright. Mr. Wright believes a position cannot be reclassified in this manner while an employee is seeking an appeals hearing because to do so deprives the employee of any meaningful opportunity to contest the reclassification. Mr. Levine additionally stated that evidence brought against Mr. Wright at his hearing in an attempt to justify his termination is not consistent with an Accountant Technician II position.

Mr. Wright requested the remedy that the Nevada State Veterans Home be ordered to reinstate him to a Grade 37 Administrative Services Officer position, thereby entitling him to participate in any future reclassification process in accordance with NAC 284.152. Denying this remedy would allow an appointing authority to effectively demote an employee outside of and contrary to the appeals provision of NRS 284.390.

**Chairperson Fox:** Asked for clarification that Mr. Wright did not receive a copy of the NPD-19 that was the basis of the reclassification. **Mr. Levine:** Stated that is correct, and Mr. Wright was unaware of the reclassification until he reported for duty after reinstatement.

**Willette Gerald,** Deputy Director, Nevada Office of Veteran's Services: Stated that James Wright did receive a copy of the NPD-19. **Chairperson Fox:** Asked when Mr. Wright was provided the document. **Willette Gerald:** Responded that he was given this information on the day he returned to work, his re-hire date. **Amy Garland,** Administrative Services Officer, Office of Veteran's Services: Clarified that the re-hire date was June 25, 2013.

**Chairperson Fox:** Asked Mr. Levine if he had any comment regarding the statement from Nevada State Veterans Home. **Mr. Levine:** Stated that this is contrary to the position taken in the emails with the Deputy Attorney General representing the Nevada State Veterans Home, which stated that Mr. Wright's ESMT served to notify him of reclassification. Mr. Levine also had requested the NPD-19 be provided to him and was denied. Mr. Wright should not have been placed into a Grade 32 position and denied the opportunity for an employee interview as set forth in the documentation on the website from the Nevada State Veteran's Home. **Chairperson Fox:** Asked Mr. Levine if he provided the aforementioned emails to the Commission. **Mr. Levine:** Stated that the emails were included in Exhibit 4 to the July 14 Appeal to the Administrator, and he was informed that appeal packet had been provided to the Commission. **Shelley Blotter:** Asked if Mr. Levine was discussing the appeal packet that was prepared for the hearing officer regarding his termination rather than reclassification. **Mr. Levine:** Stated that it was the Appeal to the Administrator dated July 14, 2014. **Chairperson Fox:** Read from a four-page letter from Mr. Levine dated July 14, 2014. She stated that there seems to be miscommunication regarding this process. Mr. Wright stated, via Mr. Levine, that he never received the NPD-19, while representatives from the Veterans Home stated that the NPD-19 was provided on June 25, 2013.

**Chairperson Fox:** Stated her understanding of the situation. Referring to the communication of July 2014, Ann McDermott, AG for the Personnel Division, told Adam Levine that Mr. Wright was noticed of the reclassification on June 25, 2014. His ESMT served to notify Mr. Wright, and he has acknowledged receipt of that notice. Thus, he may elect to pursue any appeal accordingly. Mr. Wright's compensation has not changed. Mr. Levine replied that he disagreed that an ESMT constitutes proper notice because James Wright was never given the Division's recommendation in order to address the points outlined therein according to NAC 284.152. Mr. Wright's representative states that he never received the NPD-19; representatives of the Veterans Home stated that he received NPD-19 on June 25, 2014. **Mr. Levine:** Clarified that what Ms. McDermott said was not that Mr. Wright was supplied with the NPD-19 but that his ESMT served as notification of same. **Chairperson Fox:** Asked for clarification of Mr. Levine's

position that the ESMT is not the NPD-19 and does not suffice as necessary documentation to appeal the classification decision. **Mr. Levine:** Stated that was correct. Mr. Wright should not have had his position reclassified in his absence.

**Commissioner Mauger:** Asked how long Mr. Wright had been employed, according to his entry into Grade 37. **Mr. Levine:** Responded that he was originally employed as an auditor with the Dairy Commission. He transferred to the ASO position at the Nevada State Veterans Home in 2012.

**Chairperson Fox:** Asked if it might be best to demand the Veterans Home provide the NPD-19 to Mr. Levine and this matter be rescheduled to March 2015, since the appellant's pay has not been reduced, and he is not financially harmed. **Mr. Levine:** Stated that Mr. Wright's grade has already been changed, and although his pay has not been reduced, it will not be raised. **Commissioner Mauger:** Asked how step increases are affected by grade reductions. **Peter Long:** Pointed out that under the Retained Rate Rule, the incumbent is eligible for merit salary increases for the first two years after the retained rate starts. The retained rate lasts for four years, of which years three and four of the salary would be frozen. COLA would still apply. **Commissioner Mauger:** Stated he believed that lack of upward mobility to be punitive.

**Heather Dapice,** Personnel Analyst, DHRM: Said that the NPD-19 in the packet was mailed to the appellant in October 2014. Exhibit 2 specifically stated why the position was reclassified. **Mr. Levine:** Replied that the packet was mailed after the appeal, and Mr. Wright was reclassified without being given an opportunity to respond. The proper process, which provides for provision of NPD-19 and a personnel interview prior to reclassification, was circumvented.

**Peter Long:** Stated that when a position is reclassified, there is discussion with the incumbent, if one exists. When the NPD-19 was submitted in this case, the position was vacant. Nothing in regulation or statute provides that an agency must wait for a final appeal by a terminated employee before reclassifying a position. **Mr. Levine:** Responded that effectively allows the appointing authority to demote an employee outside of the appeals provisions of NRS 284.390. He stated he believes the appropriate remedy is to reinstate Mr. Wright as Grade 37, provide Mr. Wright the NPD-19 and give Mr. Wright an opportunity to respond in writing and via an employee interview before any decision is made with regard to reclassification.

**Chairperson Fox:** Asked the representatives of the Veterans Home if they had documentation indicating that Mr. Wright or his attorney did receive a copy of the NPD-19. **Amy Garland:** Stated she came to her position as chief financial officer for the Department of Veteran Services in April while this case was ongoing. She personally gave Mr. Wright his Work Performance Standards but has no verification. Signed WPS were given to his immediate supervisor but cannot be located. **Mr. Levine:** Clarified that WPS documentation is not an NPD-19. **Chairperson Fox:** Said she is concerned that witness testimony is not proper at this point in time.

**Chairperson Fox:** Made a motion to recommend, which was interrupted.

**Willette Gerald:** Requested to hear from DHRM, where Veteran's Services followed the appropriate process in submitting the NPD-19 for this reclassification. **Chairperson Fox:** Responded this is not relevant. Verifiable information indicates that the process was not properly followed in terms of this appellant not having the necessary documentation to file an appeal.

**Chairperson Fox:** Suggested rescission of Mr. Wright's reclassification, maintenance of current class of Administrative Services Officer I, Schedule 37 and that Mr. Wright be given a copy of the NPD-19 that was used to do the potential re-class and an opportunity to respond and begin the process anew.

**Willette Gerald:** Stated that taking Mr. Wright out of an Accountant Technician II position and reinstating him as a Grade 37 would severely impact the financial department of the Nevada State Veterans Home. This position was re-classed due to an audit to provide a staff worker to process outstanding billing and provide a hands-on position. **Mr. Levine:** Asked to clarify the financial impact, since Mr. Wright's salary would remain the same. **Mr. Long:** Said that if Mr. Wright were reinstated at Grade 37, the duties currently being assigned to him as an Accountant Technician II would go unperformed and have a fiscal impact on the department's ability to operate.

**Commissioner Read:** Said he understands there are paperwork problems, but Mr. Wright has not been financially injured. He asked whether the personnel department would have done that reclassification if Mr. Wright was working in the position and able to respond. **Mr. Levine:** Responded that the testimony at Mr. Wright's termination hearing belied the Veteran Home's current position that Mr. Wright was performing the duties of an Accountant Technician II. Rather, the Veterans Home maintained that Mr. Wright was responsible for all aspects of, for example, policy, procedure, supervision. Further, there is a real impact to Mr. Wright. Since Mr. Wright does not have an accounting degree, which is a requirement for the Accountant Technician II position, he is at a dead-end and has no upward career mobility.

**Chairperson Fox:** Made a point of order. A motion from the chair was not seconded. Without a second, the next step is to hear from Heather Dapice of DHRM. The motion to keep the appellant classed as an Administrative Services Officer I, Schedule Grade 37; to direct the Veterans Home to provide to the appellant a copy of the NPD-19s used to make the decision; and restart the reclassification process anew was seconded by Commissioner Mauger.

**Peter Long:** Suggested that a new NPD-19 be generated and that be the starting point of the process.

**Commissioner Read:** Indicated a second to the motion to include preparation of a new NPD-19.

**Willette Gerald:** Reiterated that effective elimination of the Accountant Technician II position by reinstatement of Mr. Wright to the Administrative Services Officer I position will result in financial hardship to the department. **Peter Long:** Suggested that the position would be classified as Administrative Services Officer I but would continue to do the duties currently assigned to the Accountant Technician II, including account maintenance. That would then justify the basis reclassification as a Accountant Technician II. **Mr. Levine:** Added that Mr. Wright, prior to wrongful termination and while working as an Administrative Services Officer I, was performing the duties of Account Technician II in addition to other duties and can continue to do so.

MOTION: Move to amend the motion: That the Commission direct that a new NPD-19 be completed for the position occupied by the incumbent, James Wright.  
BY: Chairperson Fox  
SECOND: Commissioner Spurlock  
VOTE: The vote was unanimous in favor of the motion.

MOTION: Move to have a new NPD-19 completed for the position currently occupied by the incumbent, and the position at this time will remain Administrative Services Officer I at Grade 37.  
BY: Chairperson Fox  
SECOND: Commissioner Read  
VOTE: The vote was unanimous in favor of the motion.

**Commissioner Mauger:** Commented that the description of duties for this position seem more suited to an Administrative Services Officer I position than to an Account Technician II position.

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

- A. Clerical and Related Services
  - 1. Subgroup: Administrative Support
    - a. 2.225 Admissions & Records Assistant Series

**Rachel Baker**, Supervisory Personnel Analyst, DHRM: Presented for approval Item VI.A.1.a., the Admissions & Records Assistant Series. This series was reviewed by subject matter experts from various institutions within the Nevada System of Higher Education. DHRM recommends revisions to the series and class concepts to update duty statements, additionally recognizing that positions can work in either admissions and/or records section. Minor updates were made to the minimum qualifications of the Administrative & Records Special IV to expand the acceptable experience of the class. This series is utilized by institutions in the Nevada System of Higher Education, and the changes were approved by personnel and subject matter experts within those institutions. DHRM requests approval of this class specification, effective today.

**Chairperson Fox:** Asked for questions or public comment related to Item VI.A.1.a. Seeing and hearing none, she entertained a motion.

MOTION: Move to approve Item VI.A.1.a. Subgroup: Administrative Support  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed.

- B. Fiscal Management & Staff Services
  - 1. Subgroup: Administrative Support
    - a. 08.807 Assistant Costumer

**Kendra Martin**, Staff Professional Trainee, DHRM: Presented for approval Item VI.B.1.a., Assistant Costumer. This series was reviewed by subject matter experts as part of the biannual class specification maintenance review. It was determined that no changes are necessary at this time, and the duties are accurately appropriate. DHRM respectfully requests approval of the class specification, effective today.

**Chairperson Fox:** Asked for questions or public comment related to Item VI.B.1.a. Seeing and hearing none, she entertained a motion.

MOTION: Move to approve the review of the class specification for fiscal management and staff services, subgroup public information, with no class specification revisions to Assistant Costumer.  
BY: Commissioner Mauger  
SECOND: Chairperson Fox  
VOTE: Motion passed.

- C. Medical, Health & Related Services
  - 1. Subgroup: Health Related Services
    - a. 10.228 Disease Control Specialist Series

**Rachel Baker:** Pertaining to the Disease Control Specialist Series, Item VI.C.1.a., and in conjunction with subject matter experts from the Departments of Correction and Health and Human Services, DHRM recommends minor revisions to the series and class concepts to expand the scope of work and level of responsibility that have always been associated with these positions but not explicitly stated. Revisions were made to the knowledge, skills and abilities and minimum qualifications to clarify the type of acceptable degrees and relevant experience necessary to perform Disease Control Specialist duties. A special requirement is being added to require that incumbents appointed to Disease Control Specialist I complete a CDC course in principles and practices of epidemiology within 12 months of employment. DHRM requests approval of this class specification, effective today.

**Chairperson Fox:** Asked for questions or public comment related to Item VI.C.1.a. Seeing and hearing none, she entertained a motion.

MOTION: Move to approve Agenda Item VI.C. Medical Health & Related Services, 1. Subgroup: Health Related Services, a., Disease Control Specialist Series.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: The vote was unanimous in favor of the motion.

- D. Sworn Law Enforcement
  - 1. Subgroup: Sworn Law Enforcement
    - a. 13.251 Chief Investigator, Compliance / Enforcement Series

**Rachel Baker:** With regard to the Chief Investigator, Compliance / Enforcement Series, Item VI.D.1.a., this study was conducted by a personnel analyst who worked with subject matter experts from the Department of Motor Vehicles, as well as the Taxicab Authority and the Transportation Services Authority, both with the Department of Business and Industry. DHRM recommends minor revisions to the series and class concepts to update and clarify duty statements and expectations. It is also being recommended that language under special requirements be revised and broadened to allow agencies to utilize all standards for their recruitment purposes. It was determined that by removing the requirement for Nevada Peace Officer Standards Training, and the education and experience, a mechanism for recruiting out-of-state applicants will be created. DHRM requests approval of this class specification, effective today.

**Chairperson Fox:** Asked about Police Officer II, approved by the Nevada Commission on Peace Officer Standards and Training. She asked if there are certain states that have reciprocity with Nevada in terms of POST standards. **Ms. Baker:** Said she was informed there are, but she is unsure which states. She said she can look into that. **Commissioner Fox:** Commented that it is a good recruiting tool to consider candidates who have the standards and training from another state with which Nevada has reciprocity.

**Chairperson Fox:** Asked for questions or public comment related to Item VI.D.1.a. Seeing and hearing none, she entertained a motion.

MOTION: Move to approve Agenda Item VI.D.1.a Sworn Law Enforcement, Subgroup Sworn Law Enforcement, a., 13.251 Chief Investigator, Compliance / Enforcement Series.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: The vote was unanimous in favor of the motion.

**Commissioner Fox:** Thanked Ms. Baker and Ms. Martin.

## **VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES**

Postings #1-15, #2-15, #3-15 - Cancelled, #4-15 & #5-15

**Chairperson Fox:** Stated that the Report of Uncontested Classification Changes is included in the Commissioners' packet.

## **VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS**

**Chairperson Fox:** Stated they are scheduled to meet March 20, 2015. She stated the next meeting would be in June 2015. She asked if the Commissioners were available to meet on June 19, 2015.

## **IX. 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.

**Chairperson Fox:** Asked for any public comment.

**Peter Long:** Welcomed Rachel Baker as the Supervisory Analyst over the Classification Section.

**Chairperson Fox:** Congratulated Ms. Baker on her promotion.

## **X. ADJOURNMENT**

**Chairperson Fox:** Adjourned the meeting.