

**STATE OF NEVADA
PERSONNEL COMMISSION**

Richard Bryan Building, 901 S. Stewart St. Tahoe Hearing Room 2nd floor, Carson City with
videoconferencing to Las Vegas
the Grant Sawyer Building, 1st floor Conference Room 1400, 555 E. Washington Ave.

**MEETING MINUTES (Subject to Commission Approval)
June 21, 2011**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Mr. David Read, Commissioner
Mr. Mitch Brust, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Ms. Teresa J. Thienhaus, Director, Department of Personnel
Ms. Cameron Vandenberg, Deputy Attorney General
Ms. Shelley Blotter, Division Administrator, Department of Personnel
Mr. Peter Long, Division Administrator, Department of Personnel

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Mr. David Sánchez, Commissioner

**STAFF PRESENT
IN LAS VEGAS:**

Mr. Mark Anastas, Division Administrator, Department of Personnel

I. OPEN MEETING

Chairperson Katherine Fox: Opened the meeting at 10:05 am, and took roll call.

II. *ADOPTION OF THE AGENDA

MOTION: Move to adopt the agenda, requested to hear item number V first
and then item number IV.
BY: Commissioner Read
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

III. *ADOPTION OF MINUTES OF PREVIOUS MEETING May 6, 2011

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MOTION: Move to adopt the minutes of previous meeting dated May 6, 2011
BY: Commissioner Read
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

V. * APPROVAL OF PROPOSED EMERGENCY REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284

Sec. 1 LCB File No. R080-09 Unpaid furlough leave

Shelley Blotter: In the 2011 Legislative Session Senate Bill 505 was passed, changing the furlough requirement from 96 hours in a fiscal year to 48 hours in a fiscal year for the next 2 fiscal years. Additionally in the 2009 bill there was separate language for unclassified and classified employees and now they are being treated the same. What is new is the milestones of usage, requested by the Budget Division. They have asked that employees use 12 hours of furlough in the first quarter ending on Sept 30 and an additional 12 hours at the end of each succeeding quarter. The word minimum is used so employees can use more than 12 hours in a quarter. If an employee needed to use more than 12 hours in quarter, they would not need an exception approved by Department of Personnel & Department of Administration only approval by their manager. Employee cannot use more than 8 hours in a work week.

Commissioner Sanchez: Will PERS be affected?

Shelley Blotter: It will not be affected and for retirement purposes the employee will be reported as working 40 hours a week when they furlough. Annual and sick leave accrual will also not be affected.

Larry Hamilton: Section 8 says that an employee cannot take more than 8 hours of furlough in a work week

Shelley Blotter: When the regulations were being developed, DETR felt that anything over a 8 hour furlough in one pay week might end up qualifying employee's for partial unemployment benefits.

Sheri Brueggeman: From DPS, she was concerned with the 8 hours. We have employees on 10 and 12 hour shifts and would like to have them take a 12 hour furlough in one day.

Shelley Blotter: Replied that she could have gotten an exception for that. It wasn't a problem for a one 8 hour furlough in a pay period; it's when an employee would be taking 2 or 3 days in a pay period.

Sheri Brueggeman: Stated that if they could take a 12 hour furlough in one day, it would make things easier for them. Can there be a consideration made for these employees who work a 10 and 12 hour shifts? It's a scheduling hassle that becomes an issue.

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Shelley Blotter: Stated that DETR is advising that it be only 8 hours in a pay period only. She is willing to go back to DETR and discuss the issue since there have been changes to the furlough implementation.

Commissioner Read: I would think that there would be an exception made for these folks.

Ron Bratsch: AFSCME states that the 8 hour furloughs on a 10 or 12 hour shift is a hassle. The employees have to come in for 2 hours and then furlough for the rest of the day.

Cameron Vandenburg: Stated that these furlough regulations need to be approved quickly because they need to go into effect on July 1st. There will be an opportunity to workshop these regulations when they go through the permanent process and she understands the frustration.

Ron Bratsch: So will this be limited to the 8 hours or are we going to be able to take the 10 or 12 hours at a time?

Shelley Blotter: Indicated that the intent of today's meeting is to have these regulations go into effect on July 1.

Ron Bratsch: Is it going to be amended or is this is how it's going to read?

Shelley Blotter: She is recommending that it go forward with how it is currently written.

Ron Bratsch: Believes the intent of this is to give more freedom to the employees. Our current furloughs are pre-scheduled and they get a 3 day weekend at the leisure of the department.

Chairperson Fox: Your furlough is in conjunction with your regular day off?

Ron Bratsch: He said that is correct. He stated that he works a 8 hour shift whereas others in his department work a 10 and 12 hour shift. He stated he would like to see more freedom with the scheduling of the furloughs.

Chairperson Fox: Indicated that in summary of the comments she has heard that the adoption of the emergency regulations needs to be approved for a July 1 date. Also, there is a concern in the language in 8a regarding the 8 hour limitation of time taken for a furlough. She mentioned that Ms. Blotter said she would outreach to DETR to ascertain consideration for 10 to 12 hours to be taken at a time.

Sheri Brueggeman: The paragraph of 8b is restricted with scheduling. She would like an opportunity to discuss this at the next work shop.

MOTION: Move to approve Item V section 1 with consideration of further discussion of the 8 hour limitation in 8a before permanent adoption.

BY: Commissioner Read

SECOND: Commissioner Sánchez

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

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Sec. 2 NAC 284.256 Holidays: Compensation for working

Shelley Blotter: State that this temporary regulation is in regards to compensation for working on a holiday, also known as holiday premium pay. AB 560 of the 2011 Legislative Session included language to reduce payment for working on a holiday from time and a half to straight time, unless the employee is in a overtime status which they would continue to get paid at time and a half. The end result is that they get paid their hourly rate for the holiday itself as well as working on the holiday. So now the employee would get double time instead of double time and a half.

Ron Bratsch: provided a calendar of holidays with different scenarios of pay for employees with this holiday pay change. He doesn't feel the person who is working the holiday is getting compensated fairly.

Shelley Blotter: Indicated that this is legislatively mandated and the Commission can't change it. This regulation addresses regular pay for working the holiday. There is a separate regulation that shows payment for the holiday itself and that's where the double time comes into play.

Ron Bratsch: Asked if they will be able to take these holidays as comp-time? Since he doesn't get paid for the holiday he takes comp-time and is able to take a day off.

Shelley Blotter: Stated that at the last Personnel Commission meeting the regulation regarding not being able to take comp-time for holiday premium pay was passed. The reason for this was that PERS was concerned that the employees were not being compensated correctly for retirement.

Ron Bratsch: Was concerned that this is not a fair regulation.

MOTION: Move to approve Item V section 2.
BY: Commissioner Read
SECOND: Commissioner Sánchez
VOTE: The vote was unanimous in favor of the motion.

**IV. PRESENTATION OF COMPLAINT AGAINST PERSONNEL HEARING OFFICER
BILL KOCHENMEISTER BY T. ROBBEN**

Chairperson Fox: Indicated the presentation is limited to 15 minutes. This is an information item only and the board cannot take any action on this item.

Ty Robben: Indicated he did file a complaint against Mr. Kockenmeister. Then he said he withdrew the complaint and then they put him on the agenda that came up fairly quickly. Since this is informational item only, he asked how he would go about filing a complaint and having something done because the nature of the complaint is very serious. There was a bribe made to

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drop a complaint with another employee by the name of Glenn Marr, which ties into his case and Mr. Robben has new information that came up.

Chairperson Fox: The Commission is limited on what they hear and what they decide. As you heard this morning, we hear the adoption of temporary and permanent regulations. We also hear appeals of classification decisions. The Attorney General might want to address an alternate remedy to your concerns.

Cameron Vandenburg: One of the things that you can do that you are already doing is to file a petition for a Judicial Review which is under way. Chairperson Fox is correct that under NAC 284.065, the Commission's powers and duties are limited to exactly those things that she cited. However, since the Department of Personnel receives the applications for Hearing Officers, that is why you were placed on the agenda so we can hear your concerns.

Ty Robben: There is more information that is sensitive and he would like to close the meeting to discuss.

Cameron Vandenburg: You have provided that information in your packet?

Ty Robben: It seems there is new information all the time. If you would like to close the meeting, I can let you know.

Cameron Vandenburg: Because the Commission is not voting on this item and the agenda is not prepared to close this meeting, we will not be closing the meeting.

Ty Robben: There just seems to be a lot of conflicting information.

Commissioner Read: Asked if Mr. Robben was currently employed.

Ty Robben: He indicated that he is currently self employed.

Commissioner Read: Is bothered by the allegations made against Kockenmeister. He stated that when you are in a position like Kockenmeister you will have upset people. As a Commissioner he wants to hear the negative as well as the positive so he can consider his re-appointment.

VI. COMMENTS BY THE GENERAL PUBLIC- ACTION MAY NOT BE TAKEN ON THE MATTERS CONSIDERED DURING THIS PERIOD UNTIL SPECIFICALLY INCLUDED ON THE AGENDA AS AN ACTION ITEM.

There were no public comments from the North or South.

VII. SUGGEST DATES FOR NEXT MEETINGS: September 28, 2011 and December 9, 2011

VIII. *ADJOURNMENT

MOTION: Move to adjourn the meeting at 10:22 AM

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BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.