

**STATE OF NEVADA  
PERSONNEL COMMISSION**

Carson City at the Legislative Building, Room 4100, 401 South Carson Street, and in Las Vegas at  
the Grant Sawyer Building, Room 4412, 555 East Washington Avenue via videoconferencing

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**MEETING MINUTES (Subject to Commission Approval)  
Friday, May 18, 2012**

**COMMISSIONERS PRESENT  
IN CARSON CITY:**

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

**STAFF PRESENT IN  
CARSON CITY:**

Ms. Carrie Parker, Deputy Attorney General  
Mr. Peter Long, Deputy Administrator, DHRM  
Ms. Shelley Blotter, Deputy Administrator, DHRM

**COMMISSIONERS PRESENT  
IN LAS VEGAS:**

Ms. Lee-Ann Easton, Division Administrator, DHRM  
Mr. David Sanchez, Commissioner  
Mr. Gary Mauger, Commissioner

**STAFF PRESENT  
IN LAS VEGAS:**

None

**I. OPEN MEETING**

Chairperson Katherine Fox opened the meeting at 9:00 A.M.

**II. ADOPTION OF AGENDA Action Item**

MOTION: Move to approve the adoption of the agenda  
BY: Commissioner Read  
SECOND: Commissioner Sanchez  
VOTE: The vote was unanimous in favor of the motion

**III. ADOPTION OF THE MINUTES OF PREVIOUS MEETING Action Item**

MOTION: Move to approve the minutes of the 03/16/12 meeting  
BY: Commissioner Read  
SECOND: Commissioner Sanchez  
VOTE: The vote was unanimous in favor of the motion

**IV. PUBLIC COMMENT NOTICE:** Read into record by Chairperson Katherine Fox:  
Note: 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 Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

**V. APPROVAL OF OCCUPATIONAL GROUP STUDY REVISED CLASS SPECIFICATIONS                      Action Item**

**Chairperson Fox:** Advised that they had two representatives from the Division of Human Resource Management (DHRM) from the north. She asked if the Commissioners were in agreement with taking each one individually so they would hear item A. and then consider a decision and proceed to B.

**Rachel Baker,** Personnel Analyst, DHRM, Compensation, Classification and Recruitment Section: Noted that she was in attendance to present for their approval the Park Aid Series. Advised the series was reviewed by management and it was determined that the concept, minimum qualifications and knowledge skills/abilities were consistent with current expectations, subsequently no changes were necessary. Stated they respectfully asked for the commission's approval of the class specification.

A.     Agriculture & Conservation Occupational Group

1.    Subgroup: Conservation

    a.   *Park Aid (Seasonal) Series*

**Chairperson Fox:** Noted there were no questions.

**MOTION:**     Moved to approve the recommendation for the Agriculture & Conservation Group, Subgroup: Conservation, Park Aid (Seasonal) Series

**BY:**            Commissioner Brust

**SECOND:**     Commissioner Read

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

**Brenda Harvey,** DHRM: Advised that she had worked on the revisions for Subgroup Fish & Game. Noted that four of the classes were identified as requiring pre-employment drug testing and these classes would require an additional vote.

2.    Subgroup: Fish & Game

    a.   *Biologist Series*

She noted that positions in this series conducted fisheries, wildlife, botanical and/or habitat management projects in addition to research studies and data collection and analysis. She added that minor revisions were made to the class and series concept, special requirements and informational notes.

2.    b.   *Conservation Educator Series*

She noted that positions in this series planned, organized, implemented and evaluated educational programs designed to teach hunter and boating safety, environmental concepts and other wildlife-related areas. Noted that special requirements were added to identify additional requirements of the positions and additional degree disciplines were added to the

education requirements. She added that the knowledge, skills and abilities were revised to identify the types of experience required and to update technical skills. She added class concepts were modified to reflect that the Conservation Educator III is now the journey level and the Conservation Educator II is the continuing training level.

2. c. *Wildlife Area Supervisor Series*

She noted that positions in this series managed one or more wildlife management area operations. Added that minor revisions were made to the series and class concept, special requirements and informational notes were added to identify special requirements of the position. She stated that all references to post-certification or law enforcement were removed as it was no longer applicable. She noted that the education and experience was expanded to include bachelor's degrees as a way to qualify. She said that pre-employment drug testing was added to these positions based on the operation of heavy-duty equipment and chemicals used.

2. d. *Wildlife Area Technician Series*

She noted that positions in this series worked in a wildlife management area or on a water development crew or under a regional utility person. She added that there were minor revisions to the series and class concept and knowledge skills and abilities. Special requirements of the position added to the requirement of post-certification were removed along with any other duties related to the citation or arresting of violators. She added that pre-employment drug testing was added to these positions based on the operation of heavy equipment as well as chemicals used.

2. e. *Fish Hatchery Supervisor Series*

She noted that positions in the series managed the operations and maintenance of an assigned fish hatchery or fish rearing station. She stated that special requirements were added to identify specific requirements of the position and the education and experience was expanded to include a bachelor's degree as a relevant way to quality. Pre-employment drug testing was added for the positions based on the use of heavy-duty equipment and the handling of chemicals in the use of the hatching and rearing of fish.

2. f. *Fish Hatchery Technician Series*

She noted that positions in the series cared for the fish hatcheries in the state. She added that informational notes were added to clarify special requirements of the position and the experience requirements were modified to reflect the need of building trades and equipment maintenance experience. Pre-employment drug testing was added based on the use of heavy equipment and the handling of chemicals used in the hatching and rearing of fish.

2. g. *Conservation Aid Series*

She noted that positions in the series assisted professional staff in a variety of projects involving the conservation and preservation of the state's natural resources. She added that minor revisions were made to the series and class concepts and minimum qualifications.

**Commissioner Sanchez:** Asked about the Conservation Aid Series and the description that was given. He asked what staff would be doing and if they were taking part in electro-shocking procedures.

**Chairperson Fox:** Indicated that they had a subject matter expert present who would be able to give that information.

**David Badger,** Personnel Officer, Department of Wildlife: Acknowledged that he had only been with the department for two weeks but proceeded to explain the procedure. He noted that electro-shocking was a process used when they needed to obtain fish for studies and it is an accepted technology.

**Chairperson Fox:** Noted there were no questions.

**MOTION:** Moved to approve the class specifications of the Agriculture and Conservation Occupational Groups specifically the Subgroup Fish & Game to include: the Biologist Series; Conservation Educator Series; Wildlife Area Supervisor Series; Wildlife Area Technician Series; Fish Hatchery Supervisor Series; Fish Hatchery Technician Series; and Conservation Aid Series as presented by the DHRM.

**BY:** Commissioner Mauger

**SECOND:** Commissioner Sanchez

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

**MOTION:** Moved to approve adding pre-employment drug testing to: Wildlife Area Supervisor Series; Wildlife Area Technician Series; Fish Hatcheries Supervisor Series; and Fish Hatchery Technician Series.

**BY:** Commissioner Brust

**SECOND:** Commissioner Read

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

**Brenda Harvey,** DHRM: She noted that she would be presenting the information for this section.

- B. Fiscal Management & Staff Services Occupational Group
  - 1. Subgroup: Public Information
    - a. 7.853 – *Radio Broadcaster Production Assistant*

She said that positions in the class announced radio programs of musical selections. She added that minor revisions were made to the duty statement for minimum qualifications to reflect current assignments and requirements.

**Chairperson Fox:** Noted there were no questions.

**MOTION:** Moved to approve the class specification changes to the Fiscal Management & Staff Services Occupational Group, Subgroup Public Information and specifically Radio Broadcaster Production Assistant Grade 27.

**BY:** Commissioner Brust

**SECOND:** Commissioner Sanchez

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

**Rachel Baker**, Personnel Analyst, DHRM, Compensation, Classification and Recruitment Section: She noted that she would be presenting information on the first four class specifications that had been revised as part of the class specification maintenance process for the Mechanical & Construction Trades Occupational Group, Subgroup Agricultural/Animal Research & Production.

- C. Mechanical & Construction Trades Occupational Group
  - 1. Subgroup: Agricultural/Animal Research & Production
    - a. *9.514 – Ranch Manager*

She noted that the classification was reviewed by the Dean of the College of Agriculture at the University of Nevada, Reno and it was determined that the only change required was to the title of the position, supervisor.

- b. *9.551 – Prison Farm Supervisor*

She noted that the Prison Industry Supervisor at the Department of Corrections reviewed the class specification and determined that no changes were required.

- c. *9.530 – Prison Dairy Supervisor*

She noted that for the position Prison Dairy Supervisor the DHRM had recommended the addition of a valid driver's license under special requirements. She added that the requirement had previously been in place but this was brought forward to clarify and formalize it

- d. *9.560 – Prison Milker*

She noted that the Prison Industry Supervisor at the Department of Corrections reviewed the classification and determined that no changes are required.

**Chairperson Fox:** Noted there were no questions.

**Brenda Harvey**, DHRM: Presented on the following.

- e. *Research Aid Series*

She noted that positions in the series performed work of a routine and semi-skilled nature. Minor revisions were made to the class concepts, informational notes, minimum qualifications and knowledge, skills and abilities to reflect current assignments and requirements.

- f. *9.580 Research Technician*

She noted that this position performed skilled technical work on research or experimental projects. Minor revisions were made to the duty statements, informational notes, minimum qualifications and knowledge, skills and abilities to reflect current assignments and requirements.

- g. *Agriculture Research Supervisor Series*
          - h. *9.515 – Meat Technician*
          - i. *9.581 – Animal Technician*
          - j. *9.504 – Research Dairy Manager*

She confirmed that the last four items: g, h, i and j were no longer used and were recommended to be abolished: Agriculture Research Supervisor Series; Meat Technician; Animal Technician; and Research Dairy Manager.

**Chairperson Fox:** Noted there were no questions.

**MOTION:** Moved to approve classification changes to the Mechanical & Construction Trades Occupational Group, Subgroup: Agricultural/Animal Research & Production: a. Ranch Manager, b. Prison Farm Supervisor, c. Prison Dairy Supervisor, d. Prison Milker, e. Research Aid Series, f. Research Technician and to abolish g. Agriculture Research Supervisor Series, h. Meat Technician, i. Animal Technician, and j. Research Dairy Manager

**BY:** Commissioner Mauger

**SECOND:** Commissioner Read

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

**Heather Dapice**, Personnel Analyst, Compensation, Classification and Recruitment Section, DHRM: She noted that she would be presenting.

D. Regulatory & Public Safety Occupational Group

1. Subgroup: Law Enforcement Support Services

a. *University Parking Enforcement Officer Series*

She noted that university parking enforcement officers performed duties involving the patrol of all parking areas within the university's jurisdiction, the enforcement of parking rules and regulations and other parking related services within the department's public safety programs as required or assigned. She added that in consultation with subject matter experts from the University of Nevada, Las Vegas and the University of Nevada, Reno it was determined that the University Parking Enforcement Officer I position was utilized as an entry-level class without a progression to the next level. She stated that this occurred due to the large number of concerts, sporting events and other events on campus in addition to normal parking enforcement. Both universities had indicated that the University Parking Enforcement Officer II position was now the journey level in the series. As a result the University Parking Enforcement Officer I class concept was changed to entry level and the University Parking Enforcement Officer II was changed to journey level. She noted that additional changes were made to the duty statements in the series concepts and the knowledge, skills and abilities required to reflect the change. She requested that the commission approve the class specification effective immediately.

Commissioner Sanchez: Commented the change had been for the University of Nevada, Las Vegas. He asked if the University of Nevada, Reno had a similar position and if it was compatible with that in Reno. **Ms. Dapice:** Responded yes, both universities had parking enforcement officers and it was compatible.

**Chairperson Fox:** Asked if they used parking enforcement officers at the community colleges. **Ms. Dapice:** Responded that they did not use university parking enforcement officers.

**Chairperson Fox:** Noted there were no questions.

**MOTION:** Moved that the Commission approve for the Regulatory & Public Safety Occupational Group changes to the Law Enforcement Support Services Subgroup specifically University Parking Enforcement Officer Series.

**BY:** Chairperson Fox

**SECOND:** Commissioner Read

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

**Chairperson Fox:** Noted for the benefit of the commissioners in the south and Ms. Easton that they were going to move to two classification appeals. She stated that they would be taking items VI. and VII. out of order to accommodate the travel situation of one of the appellants.

**VI. INDIVIDUAL CLASSIFICATION APPEAL Action Item**

A. Kimberley King, Human Resources Manager, Department of Transportation.

**Chairperson Fox:** Indicated that there were some exhibits. She asked both the department and Ms. King to limit their presentations to 15 minutes. She indicated they would begin with the appellant presenting and the commissioners would have an opportunity to ask questions and follow-up at that time. She continued that they would then move the DHRM and their presentation and again the commissioners would have the opportunity to ask questions followed by discussion and a motion.

**Rudy Malfabon,** Deputy Director, Nevada Department of Transportation: Thanked Chairperson Fox for accommodating them regarding their scheduled time of appearance. He indicated that the Nevada Department of Transportation (DOT) supported the allocation of the position to a Personnel Officer II. He added it was a key position for the agency leading the recruitment, personnel actions and specialise for the department. He noted and respectively requested, that subsequent to their presentation to the Personnel Commission, that they grant the DOT's request that the position be classified as a Personnel Officer II. He noted that Kimberley King, Human Resources Manager had a prepared statement.

**Kimberley King,** Human Resources Manager, Department of Transportation: She noted that the position being appealed was that of Tracy Walters and formerly held by Diane Marcin. She indicated the position was in the Human Resources Division and the incumbent would report directly to the Human Resources Manager. She noted her support that the position should be allocated to a Personnel Officer II job class and the budget was available to support the allocation up to a Grade 38. Ms. King indicated that her working experience gave her the knowledge to properly assess that the position had the responsibility and authority of a Personnel Officer II with the State of Nevada and should receive suitable remuneration. She requested that the Personnel Commission grant the DOT's appeal and added that the presentation would be given by Rob Easton, Classification Section, the Nevada DOT.

**Rob Easton,** Personnel Officer, Department of Transportation: Stated that he was there to present the Nevada DOT's appeal regarding the classification of their Personnel Analyst III, Grade 36 to a Personnel Officer I, Grade 36. He stated that the basis for their appeal was the level of significant change in the position since the last review and to describe the increase in responsibility assigned to the position thereby supporting classification to a higher grade. He began the presentation by emphasizing that the basis for all classification decisions and the foundation for a sound classification process for the Nevada state service was outlined in Chapter NAC 284. He directed their attention to Exhibit A, NAC 284.126 and the definition of significant change and read as follows: "Significant change is a change in the duties and the responsibilities assigned to a position in a class that is outside the scope of the class as described by the class specification, is not part of the

scope of responsibility in the position and results in the preponderance of duties and responsibilities being allocated to a different class”.

**Mr. Easton:** Continued and stated that ‘significant change’ had been determined by the DHRM for the position during two classification studies. He said that the first was the Occupational Group Study in 2008 when it was determined that on the basis of the level of change that had occurred an increase in grade level would result. He added that in 2008 it was determined that the highest level of significant change occurred which resulted in a recommended increase in grade level and was based on the DHRM’s classification process outlined in Section 3 of the binder, page 16 and 18. Mr. Easton read from the pertinent paragraph describing the conditions under which changes in grade level would take place and which he felt supported their request. Mr. Easton stated that the second review of the position occurred during the individual classification study process or NPD 19 in 2011 which also determined that significant change had occurred but with no change in grade level.

He asked the members of the Personnel Commission to refer to Exhibit B and the definition of reclassification under NAC 284.094. He stated: “Reclassification means a reassignment or change in allocation of a position either by 1. Raising it to a class with a higher grade, reducing it to a class with a lower grade or moving it to another class at the same grade on a basis of significant change in kind, difficulty or responsibility of work performed.” He stated that the Nevada DOT believed that the duties and responsibilities outlined in the NPD 19 were of a higher level of difficulty and responsibility and therefore should have resulted in, ‘raising it to a class with a higher grade’, as provided under NAC 284.094.

He stated that in contrast the DHRM had contended that the level of significant change was ‘in kind’ or at the same level of difficulty and responsibility which then resulted in moving the position to a class at the same grade level. He referred the commission members to Section 11 of their binders and the memo, to Peter Long from Robin Freestone from the University of Nevada, Reno. He quoted Ms. Freestone: “The delegation of formal oversight represents a change in focus and purpose of the job. New to the position is supervision of subordinate staff. As a manager this position addresses and resolves the most complex questions and problems that are referred by subordinates”. He indicated that the statement acknowledged that the current duties are not ‘in kind’ but of a higher level. He added that the current duties of the position were the same as those performed at the time of the two classification studies resulting in two different outcomes but with the same classification methodology.

He asked the commission members to refer to Exhibit C which listed the seven classification factors: nature of work; supervision received and exercised; independence; decision-making authority; consequence of error; complexity of work; and knowledge skills and abilities. He explained to determine the extent of significant change it was necessary to compare the seven classification factors to the changes in duties. He referred the commission members to Exhibit D which showed the change in duties had increased, the difficulty and responsibility of work which he felt should have resulted in a reclassification to a higher class. He discussed changes in some of the duties: reporting relationship; supervision of staff; decision-making authority and the consequence of error. He stated that in addition, the position was assigned authority for several delegated agreements between the DHRM and the DOT including records preparation, recruitment, administration of training and experience exams and position control changes.

He referred the commission members to Section 8 of the binder and the letter to Diane Marcin, the incumbent prior to retirement, from Brenda Harvey, in particular page 2 where it stated: “ A comparison of the duties performed in 1991 and 2011 represent significant change as indicated by the



addition of supervisory responsibility. Based on those additional duties the Personnel Analyst III is no longer appropriate as it is not a supervisory class.”

He referred the commission members to Exhibit E 284.034, the definition of a class series and reviewed it. He stated that the addition of supervisory responsibility for five employees and the increased level of difficulty and responsibility for the delegated agreements with the DHRM supported the requirement that a level of significant change had increased and met the normal line of progression for upward reclassification. He added that the position also met all the class concepts for the Personnel Officer II Grade 38 level. He summarized the information and noted that based on classification methodology and using the NAC guidelines he considered it proper and warranted that the commission approve Ms. Walters’ classification appeal and grant allocation to a higher grade, Personnel Officer II, Grade 38.

**Commissioner Sanchez:** Referred to the memo and comments made by Peter Long and the letter from Brenda Harvey. He asked Mr. Easton about objective classification methodology and his statement that the position be reclassified to Personnel Officer II. He asked if it was his contention that the study did not use objective classification methodology. **Mr. Easton:** Responded that it was the basis for their argument and he stated that they were not trying to ascertain how the classification decision was made by the DHRM. He added that it appeared to him that what they had done was based on comparison of the position with others currently classified in state service and he explained how varying circumstances might lead to different classification levels.

**Commissioner Sanchez:** Referred to the definition of classification presented and he asked if there was a possibility of reclassification without a grade change. **Mr. Easton** responded that that was the position now with a reclassification without a grade change and he explained that it should only occur when the changes are of ‘in kind’ and he gave several examples.

**Chairperson Fox:** Referred to Exhibit D and the non-delegated recruitment creation and administration of ‘T and E exams’ and then to the delegation agreement where she said she did not see the delegation of ‘T and E’ but only the administration. She asked if he could refer her to the part of the document where it would state ‘the creation’. **Mr. Easton** referred the question to Tracy Walters.

**Tracy Walters:** Department of Transportation: Responded that there were some delegated functions that were not specifically listed in the agreement and one of those would be records management, so there were some not listed. She stated that the chart they were looking at was not taken directly from the agreement.

**Chairperson Fox:** Asked if it was her position that they were creating training and experience evaluations that would be used with candidates. **Ms. Walters:** Responded yes. **Chairperson Fox :** Stated that in viewing the content of the delegation agreement under examination she noted that it appeared to say the position had a more administrative role with regard to the exams and experience evaluations rather than the creation of such exams. She said that the incumbent was stating that she was creating exams and doing training and evaluations. She asked if there could be clarification from the DHRM.

**Peter Long,** Deputy Division Administrator, Compensation, Classification, Recruitment, DHRM: Stated that the delegation agreement said: “assist in the creation of exams”. He said the DOT did put together training experience exams for classes specific to the agency but before they were implemented they would be reviewed and approved by the DHRM.

**Commissioner Sanchez:** Referred to the development of the training and evaluations and asked how long it had been going on. **Mr. Long:** Responded that it had been the case since the last occupational study.

**Chairperson Fox:** Stated that Ms. Walters would be presenting some information and a document to the commission.

**Tracy Walters,** Department of Transportation: Noted that she was the current incumbent in the position. She outlined details on her years of service, background and years of experience. She added that she was uniquely qualified to speak as she had held the three positions being compared and she proceeded to provide details of the comparisons. She reviewed the facts regarding the changes in the position and the rationale for reclassification.

**Commissioner Sanchez:** Asked how many employees Ms. Walters supervised. **Ms. Walters:** Responded that she supervised five employees, two professional staff, two technical staff and one support staff. **Commissioner Sanchez:** Asked what her role was in the development of training and evaluations for the department. **Ms. Walters:** Responded that she worked with the analyst who she supervised and an expert in the specific subject matter and determined the content of the examination. She added that they wrote the supporting documentation to justify the examination and that would then go through an approval process and then it would be sent to the DHRM for a final review and typically the review resulted in grammatical changes.

**Chairperson Fox:** Asked what type of validation strategy or strategies would they be using in exam development. **Mr. Easton:** Responded that he had developed training and evaluations exams and he said that if the class specifications were up to date and the work performance standards were accurate what they would do is meet with the subject matter expert for that position, make sure it was all accurate and up to date and then consider what they would be looking for. He elaborated and explained the initial screening process of reviewing the minimum qualifications and the recruitment and said they would then have a final list of candidates who would be the most qualified. He stated that they would be validated by considering what was required in the confines of that class and the work performance standards of that particular job. He stated that they scrutinized at all those things to determine that it was a valid exam.

**Chairperson Fox:** Noted there were no further questions for the appellant. She stated that they would then proceed with the DHRM presentation.

**Mary Day,** Classification Supervisor, DHRM: Stated that she would like to provide an explanation of why any reference to the 2008 Occupational Study would be irrelevant. She referred to the classification unit that during the 2008-2009 biennium conducted four occupational group studies with many upgrades and downgrades recommended. She noted that funding was not provided by the legislature and at the May 2009 meeting of the commission legal counsel read a letter into the records stating that occupational group studies not funded by the legislature were null and void. She added that Commissioner Fox (at that time) asked if that meant that all class specifications that had been revised and approved by the commission were also null and void. Legal counsel had replied that that was correct. She stated therefore that any reference to that study was moot. She said that at this point they are left with the specifications for classifications from 1991.

**Brenda Harvey,** DHRM: Stated that she conducted the study of position control number 076-003 at the Nevada DOT. She noted that at the time of the study Diane Marcin was the incumbent and Tracy

Walters is now the current incumbent. She referred the commission to NPD 19, Exhibit 9 in the Appeal package. She stated that the position performed duties in support of the Human Resources Division of the Nevada DOT including: recruitment and selection; employee compensation; benefit administration; personnel actions; and employee management liaison. She added that the position description/questionnaire PDQ from the 1991 Occupational Group Study and the existing class specification implemented on July 1, 1993 were used to arrive at their determination that significant change had occurred. She compared differences with regard to supervisory duties for the Personnel Analyst Series and Personnel Officers Series. She referred and commented on a comparison done with other Personnel Officers I and II in state service on page 1 and 2 of the handout. After studying these comparisons she stated it was their recommendation to reclassify the position from Personnel Analyst III to Personnel Officer I. She noted that upon the Nevada DOT's appeal to the director, Business Center North was asked to conduct an independent review and their finding was that the original determination was appropriate. She stated that the DHRM respectfully requested that the commission affirm their recommendation to reclassify the position to Personnel Officer I, Grade 36.

**Chairperson Fox:** Referred to the chart on page 1 and 2 and the sizes of the top three agencies, the Department of Corrections, Department of Transportation and the DHRM and asked about the numbers of Personnel Officers in each. She noted that there were no Personnel Officer IIIs in the DHRM. **Ms. Harvey:** Responded there were not. **Chairperson Fox:** Referred to the work done by the DHRM and noted that Ms. Freestone had been asked to review the work that had been done.

**Robin Freestone,** Personnel Officer III, BCN Personnel, Department of Human Resources at the University of Nevada, Reno: Stated that the DHRM had asked her to review all the documentation on file and develop her own determination on an appropriate classification level. She noted that she had also interviewed the supervisor of the position and the current incumbent. She added, as noted by Rob Easton, that she agreed with the Department of Personnel, DHRM that change had been found and significant change was part of the process. She said that once it was determined that significant change had occurred they begin again to analyze the degree of change and decide what level that change translated into as a classification level. She noted that the review determined she was performing at a generalist level as opposed to an advanced journey level. She noted that the Personnel Officer specification distinguished the three levels only by size and consideration was not given to the number or complexity of functional components that the officer would oversee. She said to fairly classify the jobs in the series they would give more weight to the complexity of the assignments and comparisons or parity between the positions in the series. She stated that she had given more weight to the fact that she did not see the position as strong as the difficulty and problem-solving as that of the Personnel Officer II at the same agency. She stated her point was that Personnel Officer I was a high-level manager position whose purview was difficult problem-solving so therefore a high level job in state government.

**Janine Nelson,** Coordinator, Employee Relations, University of Nevada, Reno: Stated that she conducted the review of the appeal with Ms. Freestone. She said that what often happens is that a department will have one position that is operating with many functions in a generalist-type position and the department will often split that position into two equal positions but she said that in this case what she felt happened was that the two positions were not equal. She said she felt the existing Personnel Officer II position had higher level tasks with a greater consequence of error and she felt there was a differential between the positions that justified Officer I and Officer II.

**Robin Freestone,** Personnel Officer III, BCN Personnel, Department of Human Resources, University of Nevada, Reno: Referred the commissioners to the Personnel Officer Comparison table she stated that they had about 1,700 classified positions and employ only one Personnel Officer III.

**Chairperson Fox:** Asked how many classes did they typically recruit for.

**Robin Freestone,** Personnel Officer III, BCN Personnel, Department of Human Resources, University of Nevada, Reno : Stated that they had full delegation for all classifications. **Chairperson Fox:** Asked if it was at least 126. **Robin Freestone:** Responded yes, it was at least 126 and an additional 100 unique positions.

**Commissioner Brust:** Directed his question to Kimberley King and asked why they needed a Personnel Officer I, II and II when larger-sized agencies would not have that. **Ms. King:** Responded that she only had two personnel officers who reported to her, a Personnel Officer II, Rob Easton and then Tracy Walters' position which she believed should be a Personnel Officer II as well. **Commissioner Brust:** Asked why two of them. **Ms. King:** Responded that the positions, the amount of work, type and level of work and responsibility had changed since 1991. She stated that federal laws had come into the workplace and made the work more difficult. She said that she had one personnel officer that supervised the training unit, programs and dealt with disciplinary and grievance issues. She added that she had another personnel officer with the same level of responsibility for appeals and complaints who was operating at the same level and that would be Tracy Walters' position. She said that she had heard a lot of comparisons but Tracy Walters oversaw the recruitment examination and she added that the recruitment examination they did in the Nevada DOT had 126 diverse job classes that they recruited for and therefore was different from other departments.

**Commissioner Brust:** Referred to and asked about the Occupational Study in 2008 in which there were changes recommended up and down. **Brenda Harvey:** Responded that it was 123 that were recommended to go up out of 266. **The Commissioner:** Said he was concerned as there was a study that concluded there was change, in line with what had been presented at the meeting but he added the study was submitted to the Legislature that did not fund it. He stated that they had been advised by the Attorney General's Office that if it was not funded they could not implement recommendations. He continued that if they approved reclassification to a Personnel Officer II he asked would they not be doing what they were prohibited from doing directly.

**Rob Easton,** Personnel Officer, Department of Transportation: Said that what the Nevada DOT was contending was that they would not implement the results of the Occupational Group Study in 2008, they were neither condoning nor suggesting that. What they were saying was that if the DHRM utilized similar classification methodology under NAC in two separate processes and came up with two different outcomes the question would be was it because the Occupational Study was not implemented or because the process and the way they perceived the position changed. He stated that if regulation was followed it would be apparent that significant change had occurred and had been acknowledged. He stated that what he was hearing from Ms. Freestone and the DHRM was that they looked at complexity and then went directly to alignment and comparisons which was the process in an occupational study, a comparison of one set of jobs to another. He said that for an individual reclassification what was looked at was the issue of significant change and then one should determine whether it was or was not at a higher level. He continued that he was seeing a fair bit of subjectivity versus what would typically be used if regulation was followed. He reviewed further the process that they had followed and noted that they had also used other benchmarks in support of their position. He clarified once again they should disregard benchmarks and focus on the regulation.

**Rob Easton:** Continued that the DHRM was focusing on comparisons but had not discussed in detail the regulation and brought to the attention of the commission the regulations and content of Exhibit A concerning the definition of significant change and Exhibit B, concerning reclassification.

**Peter Long**, Deputy Division Administrator: Stated that they did not ignore but adhered strictly to the regulations when they conducted studies. He said they could not use benchmarks from the 2008 study as it did not apply. He stated that they presented the issue and level of supervision associated with recruitment and were stating it should be a higher level. He noted that they had a Grade 38 supervisory analyst in their department that had 1150 job classes, not 130. They had 14 professional staff reporting to them, not 2 and statewide responsibilities and he considered that the positions were not comparable. He said that their exam developer for the state was a Grade 36 so that would not become a higher level duty at a Grade 38.

**Rob Easton**, Personnel Officer, Nevada Department of Transportation: Responded that the position was not a journey-level person doing day-to-day function but a person overseeing and managing those functions, recruitment and classification. He noted the position was at a level above people actually doing the work, was supervisory and making the decisions and have therefore had the higher level consequence of error.

**Commissioner Sanchez:** Asked Ms. King if the reclassification appeal was granted and the individual was moved to Personnel Officer II would the individual then be equal to the current Personnel Officer II that they would have currently in terms of duties, responsibilities etc. **Ms. King:** Responded yes. **Commissioner Sanchez:** Said was she asserting that they were doing the same thing in terms of responsibilities, duties etc. **Ms. King:** Responded yes, they were both doing the same thing as far as responsibilities, different but at the same level. **Commissioner Sanchez:** Asked Mr. Peter Long, was he saying that this is not true. **Peter Long:** Said that was correct.

**Chairperson Fox:** Stated that as a human resources professional who was familiar with a number of reclassification methodologies that she was troubled by that assertion. She stated that as they heard the presentation from the Nevada DOT and specifically related to the development, the creation of training and evaluations and validation efforts, she noted that Mr. Easton could answer that question and Ms. Walters could not. She indicated she was concerned by that because validation strategies and understanding the importance of them in terms of the job-relatedness of exams and finally she considered the administration of exams a critical skill set. She stated that she thought it made a difference between a level II and a level I. She indicated she was struggling with the issue and would defer to the other commissioners.

**Rob Easton**, Personnel Officer, Nevada Department of Transportation: Apologized for any confusion and stated that they were appearing before the commission to classify the position, not the person. He indicated that whenever an additional level of responsibility is added to a position, the position is classified. He added that whether they were concerned about the incumbent's level of expertise would be a different issue and would deviate from the goal before them where they were objectively looking at and considering the position. He noted that if the position was reclassified and they had to fill the position without the present incumbent they would have to look for a person with a specific skill set equal or higher. He continued that if the classification remained the same it would affect the department accordingly.

**Commissioner Sanchez:** Asked if there had been significant change in the position. **Mary Day:** Responded that they did recognize significant change in the addition of supervisory responsibility. She referred to the Exhibit D and said she felt some additional comments were needed with respect to their assertions that all the additional duties were of a higher level. She thought that reporting to Grade 41 now instead of a Grade 38 was not relevant. She acknowledged that there was a supervisory responsibility for the supervision of five people. She said that the delegation of authority

for records preparation was not of a higher level. She stated that they acknowledged the delegated authority for recruitments conducted by individuals who were a Grade 34 and 36. She noted she was not convinced that the position control changes were a higher level.

**Rob Easton**, Personnel Officer, Nevada Department of Transportation: Stated that the functions being performed that Ms Day described were being performed by lower-level staff. He stated that they were not arguing that those functions in and of themselves were a higher level but what they were saying was due to the delegated agreement Ms. Walters' position would be overseeing and that function as the manager of that section. He said he was not disagreeing with Ms. Day's comments but was merely seeking to clarify they were not talking about the actual work being performed but the management and oversight of those functions.

**Commissioner Sanchez:** Asked if there had been significant change in the position and if reclassification was warranted did they not have to follow the definition of reclassification under NAC 284.094. A response was given that, yes they did recognize significant change and they followed number three under 284.094. He stated that they moved it from one classification to another at the same grade.

**Commissioner Read:** Acknowledged that personnel issues were not his area of expertise and admitted he found it somewhat confusing. He said that in his opinion Mr. Easton was using a study from 2008 that they could not look at which he said meant that the substantial change issue was problematic. He referred to Mr. Long's comments regarding moving to another classification but the same grade. He said that he was going along with the state's position and the personnel division because he could not see how comparison-wise they could end up with two level IIs and no level I. He said that made no sense to him.

**Chairperson Fox:** Noted that it was troubling and said that both the DHRM and the Nevada DOT were in a difficult position particularly with relation to the 2008 study and the decision of the Nevada State Legislature. She added, that said, she did find there was significant change in the work assigned to the job class and she also believed that that significant change resulted in a recommendation to change the class to Personnel Officer I. She noted that she believed that the recommendation of the DHRM followed the NAC and fought the process in terms of the recommendation to reclassify the position.

MOTION: Moved the denial of this appeal provided to the Commission by the Nevada Department of Transportation related to the reclassification of a Personnel Officer I position.  
BY: Commissioner Sanchez  
SECOND: Commissioner Read  
VOTE: The vote was unanimous in favor of the motion

**VII. INDIVIDUAL RECRUITMENT APPEAL                      Action Item**  
A. Michelle Schober, Revenue Officer II  
Department of Motor Vehicles

**Michelle Schober**, Department of Motor Vehicles, Motor Carrier Division: Stated that she wanted the opportunity to promote within her division. She noted that she had two co-workers who had qualified for the Auditor II position, both were Tax Examiners and neither had a college degree. She indicated their information was in packets provided to commission members. She stated that

according to correspondence from Ms. Rosana Woomer and Ms. Lee-Ann Easton the specifications for a Tax Examiner classification did not indicate that duties would be associated with professional level accounting or auditing.

She stated that the most current and verified application was on March 5, 2012 and the recruiter was Ms. Rosana Woomer. She stated that on April 16, 2012 she applied for the Auditor II position in southern Nevada for the DOT. She continued on April 29, 2012 she stated her application was verified and she indicated she had a test date of May 21, 2012. She explained that she was not able to include the application with her information package as her deadline for submission to the Personnel Commission was April 27, 2012. She said her two co-workers qualified for the Auditor position and she also qualified for the same position in southern Nevada for which she was denied in northern Nevada. She stated her only conclusion was that she was being discriminated against by Ms. Rosana Woomer.

She continued since she was denied the application verification she said she believed her financial future had been damaged as the only way to obtain a salary increase within the state service was to move to a higher grade position. She noted that positions of that type did not occur regularly and before this most recent opening in October 2011 the previous opening was back in 2009. She stated the position was filled and she stated she was denied the opportunity to test and be interviewed. She noted she was requesting the Department of Administration, DHRM be held accountable for the inconsistencies in determining professional experience.

**Chairperson Fox:** Asked for some clarification, she asked Ms. Schober if she applied for the position of Auditor II in northern Nevada, Department of Motor Vehicles (DMV), Carson City. **Ms. Schober:** Responded that it was with Health and Human Resources at the time. **Chairperson Fox:** Asked her if she was determined not to be qualified for the position. **Ms. Schober:** Responded yes. **Chairperson Fox:** Asked her if in April of 2012 she applied for an Auditor II position in southern Nevada. **Ms. Schober:** Responded yes. **Chairperson Fox:** Asked her if she had been determined to be qualified and if she in fact did have a testing date May 21, 2012. **Ms. Schober:** Responded yes.

**Commissioner Sanchez:** Stated he was confused because in the presentation Ms. Schober stated she was discriminated against and in the statement she had stated that she wanted the department to be held accountable. He asked what she wanted specifically in terms of what the Personnel Commission could do for her. **Ms. Schober:** Responded that there were some inconsistencies. She stated that it was too late for her with regard to the position but she hoped that the process could be changed or improved for the next person going through an application process in northern Nevada.

**Peter Long, Deputy Administrator:** Stated that should the Personnel Commission choose to grant her appeal what they could offer her was the opportunity to test and be placed on the northern Nevada list and for any future vacancies she would then be on that list. He stated that he and the recruiting supervisor needed to ascertain how she, with the same application, was qualified in southern Nevada for the same class because based on their review and their presentation she did not meet the minimum qualifications and should not have been accepted for the Tax Examiner in southern Nevada.

**Commissioner Sanchez:** Asked again what they could do for her if they granted an appeal. **Ms. Schober:** Stated that Mr. Long's suggestion that she be able to transfer her test score to a northern Nevada list would be appropriate.

**Chairperson Fox:** Asked Commissioner Sanchez if that helped. **Commissioner Sanchez:** Responded that that was fine. **Chairperson Fox:** Stated again the facts as she understood them. She said that Ms. Schober had applied for an Auditor II position in northern Nevada and was determined not to meet the minimum qualifications. She submitted her application for an Auditor II position in southern Nevada and was determined to be minimally qualified and had been invited to test. She said her question was for the commissioners and said the Deputy Attorney General needed to weigh in for the DHRM. She asked was it appropriate for the Personnel Commission to hear an appeal when they have information that she thought was more important for the DHRM to ascertain the veracity of, or confirm.

**Peter Long,** Deputy Administrator: Suggested that the Personnel Commission now had the ability to determine whether or not Ms. Schober met the minimum qualifications for an Auditor II. If not then the DHRM was correct in recruitment number 15301 and if the Commission were to determine that she did not meet the minimum qualifications the DHRM would remove her from the Nevada recruitment center and not allow her to test on May 21, 2012. He indicated he was interested in establishing consistency in determining qualifications.

**Commissioner Sanchez:** Indicated that he felt there was a resolution from the time the appeal was filed and meeting today. He thought that the DHRM would have to deal with other issues but considered the appeal now moot. He asked if they could refer it to the Attorney General to guide them as to how to resolve the appeal.

**Chairperson Fox:** Asked Commissioners Sanchez and Brust who had both worked in public sector recruit selection to weigh in also. She considered a civil service environment such as the Las Metropolitan Police and gave an example of an analyst disqualifying a person and then on further review another analyst determined the same person to be qualified. She thought the latter would be accepted due to the robustness of the selection process and in a strong testing environment the most qualified are hired, so the testing process would do what it was designed to do. She agreed with Commissioner Sanchez that it had been decided.

**Commissioner Sanchez:** Stated that it was not a civil service environment. He added there were no rules to fall back upon to heal the candidate.

**Commissioner Brust:** Stated that he had some reservations about an individual advancing from an occupational area not directly tied to the Auditor Series. He thought it was disadvantage to Ms. Schober because to be successful at that level it would require that the candidate be able to go into that position fully prepared to perform all the duties of an Auditor II. He agreed with the Chairperson that they should let the examination process work its way out.

**Carrie Parker,** Deputy Attorney General: Referred the Commission to the NAC that an appeal must be addressed by the Commission. She said, if she was understanding Commissioner Sanchez' position correctly, where he felt it was moot or that the resolution had already occurred she encouraged some wording related to an actual decision as opposed to not addressing the appeal.

**MOVED:** Moved that the Commission not hear the appeal for the appellant, Michelle Schober due to the fact that there had been a resolution of the appeal prior to May 18, 2012. The resolution is the applicant has been determined to be qualified for an Auditor II testing process.

**BY:** Commissioner Brust

**SECOND:** Commissioner Read



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

## VIII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

**Chairperson Fox:** Stated that she would proceed and report those changes which are:

Chief Insurance Assistant to the title of Insurance Regulation Liaison  
Nevada Department of Transportation Pilot Series  
A new class of Deputy Administrator in Forestry  
Abolishing the ARRA Reporting and Accountability Officer, the Deputy Chief of Staff of DPS

## IX. SPECIAL REPORTS

### A. Employment Testing Process

**Lee-Ann Easton,** Division Administrator, DHRM: Stated they wanted to make the Commission aware of some testing process changes that were recently made. She stated prior to the changes they tested for 83 specialized classes and they had moved now to a generalized testing system where they would have four generalized tests as follows: clerical administrative support exam; para-professional technical exam; fiscal professional exam; and non-fiscal professional level exam. She stated that they had done a substantial amount of research nationwide. She added that most states had gone away from the written testing process and she noted there were currently only eight states that were testing at all and those states were considering moving toward the process of generalized testing.

She continued they had also unranked 68 additional job classes and this was done in conjunction with the agencies to aim for the best applicant pool for specific job types. She stated that the DHRM was advised by agencies in that previously the DHRM would have their applicants take a written test and then the DHRM would give the agencies a list in score order based on exam results. She explained that now, they were testing for the basic skill sets in a written exam and then the agencies would be given an unranked list so it would not be for example, the top five scored order. They could now review the applications and choose the candidate that had the most experience and skills set specific to the job needs.

She explained that in addition rather than applicants test at each level, for example an Administrative Assistant I, II or III, now putting it into one generalized testing process they would test at the entry level and then the applicant's experience and skill set would speak for itself. The agency would then be able to promote based on the applicant passing one exam as opposed to exams every time they would apply for a new position. Another application to agency process was noted and this would allow for agencies to bring in entry level classes, for example, Clerical Trainee, to directly hire those employees with the stipulated minimum qualifications so the procedure would be expedited. She also stated that another area of improvement was that they had increased their hours of testing for larger recruitments and could test in the evenings and testing hours had been extending during the week and recruitment sessions on Saturdays could be organized for larger agencies.

**Commissioner Sanchez:** Asked if the generalized tests were already in place. **Ms. Easton:** Responded yes. **Commissioner Sanchez:** Asked who developed the tests. **Ms. Easton:** Responded that their testing administrator worked with other staff to develop the tests and they were still fine-tuning some of the tests. **Commissioner Sanchez:** Asked if they had an applicant tracking system. **Ms. Easton:** Responded yes they did. **Commissioner Sanchez:** Asked who developed that system. **Ms. Easton:** Responded that they had an online Nevada Applicant Tracking System.

**Chairperson Fox:** Referred to the change of sending unranked lists to agencies she asked if they anticipated having to do some additional training of those HR professionals in those departments about the job-relatedness of the interview process and ensuring the decisions they reached about who they were going to select was well documented. **Ms. Easton:** Responded yes they were and they were putting the training process together for agency personnel liaisons to ensure they still went through a validation process and were hiring the most qualified candidates. **Chairperson Fox:** Asked if the first step in the application and selection process or the screening of the application was done to ensure the applicant met the minimum qualifications before they were invited to the examination process. **Ms. Easton:** Replied that was correct. **Chairperson Fox:** Asked if they had a sense of the amount of time saved by the new process where the original process might take as much as six to twelve weeks. **Ms. Easton:** Responded they anticipated a significant amount of time being saved but she acknowledged the changes only took place from May 4, 2012 so it was too early to gage the difference. **A Commissioner:** Suggested that a shift of workload might take place from the DHRM to the agencies as they would be reviewing large lists. **Ms. Easton:** Noted that they had kept their training and evaluation process and for all supervisory classes they were required to still submit ranked lists. **Chairperson Fox:** Asked for a follow-up at the right juncture as to how the new system was working due to her own personal interest in testing and selection.

## **X. PUBLIC COMMENT**

Read into record by Chairperson Katherine 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 Committee Chair may elect to allow additional public comment on a specific agenda item when the item is being considered.

**Chairperson Fox:** Noted there was no public comment from the north or south.

## **XI. ANNOUNCE DATES FOR UPCOMING MEETINGS**

**Chairperson Fox:** Noted that at the previous meeting they had decided on September 14, 2012 and now they were considering an early December date.

**Shelley Blotter,** Deputy Administrator, DHRM: Responded yes, the first two Fridays in December were the 7th and 14th. **Chairperson Fox:** Asked members of the Personnel Commission about their availability. It was agreed that December 7, 2012 would be good for people in the north and south for the next meeting date.

## **XII. ADJOURNMENT**

**MOTION:** Move to adjourn the meeting at 11:10 a.m.  
**BY:** Commissioner Read  
**SECOND:** Commissioner Mauger  
**VOTED:** The motion passes