

**STATE OF NEVADA  
PERSONNEL COMMISSION**

Carson City at the Gaming Control Board, 1919 College Parkway, Carson City, Nevada 89701; and via video conference in Las Vegas at the Grant Sawyer State Building, Room 2450, 555 East Washington Avenue.

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**MEETING MINUTES  
Friday, December 9, 2016**

**COMMISSIONERS PRESENT**

**IN CARSON CITY:** David Read, Commissioner

**STAFF PRESENT IN CARSON CITY:**

Shelley Blotter, Deputy Administrator, DHRM  
Cassie Moir, Deputy Administrator, DHRM  
Shane Chesney, Senior Deputy Attorney General  
Carrie Hughes, Personnel Analyst, DHRM

**COMMISSIONERS PRESENT**

**IN LAS VEGAS:** Katherine Fox, Chair  
Andreas Spurlock, Commissioner  
Gary Mauger, Commissioner

**STAFF PRESENT IN**

**LAS VEGAS:** Peter Long, Administrator, DHRM  
Heather Dapice, Supervisory Personnel Analyst, DHRM

**COMMISSIONER NOT PRESENT**

**AT THE MEETING:** David Sanchez, Commissioner

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

**Chairperson Fox:** Called the meeting to order. She took roll and a quorum was established.

**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.

**Chairperson Fox:** Asked if there were any public comments. There were none.

### **III. APPROVAL OF MINUTES OF PREVIOUS MEETING.**

#### **A. September 30, 2016**

MOTION: Motion to approve the minutes of the meeting dated September 30, 2016.  
BY: Chairperson Fox  
SECOND: Commissioner Read  
VOTE: Motion passed unanimously.

### **IV. PRESENTATION OF HEARING OFFICER CASE HANDLING STATISTICS AND POSSIBLE DECISION TO RENEW THE HEARINGS DIVISION AND/OR THE INDEPENDENT CONTRACTOR CONTRACTS**

**Shelley Blotter:** Presented the statistics from the Hearing Officers. She noted the information in the packet allowed Board Members to review the average number of days from appeal to outcome, the average cost per case for each appeal and the type of outcomes that we have been receiving. They are pleased with the services that are being provided by both the Hearings Division and the independent contractor, Charles Cockerill.

They presented these statistics for the Commission and were also asking for a decision on whether to extend the contracts of the Hearings Division, as well as Mr. Cockerill. If the decision were to extend the contract, it would be as of July 1, 2017 and can extend the contract for the Hearings Division up to four years and Mr. Cockerill for three years. If the decision were to choose to renew both of them, it is recommended three years for both so they can stay on the same timeframe for both contracts and handle them together.

**Chairperson Fox:** Noted she was going to read some items of the statistics into the record. She stated, it appears that the average number of days for appeal to outcome remains below the six month processing time and there's been a decrease in processing time during the last two fiscal years. It also appears that the cost per appeal has dropped since the Hearings Division was contracted to perform the hearings function. In most cases assigned to the Hearings Division, Hearing Officers and Mr. Cockerill did not result in a hearing as they were settled, withdrawn or dismissed.

Over 90% of the decisions by the Hearings Division Hearing Officers and Charles Cockerill have not been appealed. In the summary provided, it is the position of the Division of Human Resources Management, Hearings Division Hearing Officers and Mr. Cockerill's performance is considered timely, has resulted in a lower cost compared to when a pool of independent contractors were used and they are decisions not being overturned by District Court. Therefore, it indicates to Commissioners, this new approach to the hearing of cases has been positive for both employees and management. Ms. Blotter said that the Division of Human Resources Management has been pleased with this new approach also.

**Bryan Nix:** Introduced himself as a Senior Appeals Officer for the Hearings Division. He thanked Shelley for keeping track of these statistics. It's something they used to have to do, although they still do track, it's pleasant to see its being handled by Shelley who does such a great job. He noted, they are very pleased with this contract. They've had some challenges. They didn't get positions requested in this year's budget. It's been a bit of a challenge finding courtrooms and managing them with our current staff.

But, from the statistics our costs are down, it's being done in a timely manner and they plan on continuing.

**Charles Cockerill:** Introduced himself as an Attorney with Allison MacKenzie Law Firm in Carson City. He's been doing this work since 2010. His specialty is representing employers and he thinks he has done a good job being a reasonable Hearing Officer over the last number of years. He is aware and happy with the recommendation but is also happy to continue to serve the State of Nevada as a Hearing Officer for up to three years.

**David Read:** Stated, he's very pleased to see these numbers. The hearing system seems to have evolved very nicely. He understood that Mr. Cockerill was kind of a back-up in case Hearings Division, Hearings Officers couldn't hear the case. It is now understood that he is regularly scheduled but from an employee standpoint, it's nice to have someplace to go other than just the Hearings Division, Hearings Officers. He doesn't really see any significant cost savings. They seem to be doing very well with both the Hearings Officers and Mr. Cockerill compared to what was done in the past.

MOTION: Motion to continue with the Hearings Division handling personnel appeal hearings, as well as the contract with Mr. Cockerill, beginning July 1, 2017 for three years.  
BY: Commissioner Read  
SECOND: Chairperson Fox  
VOTE: Motion passed unanimously.

## **V. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284**

- A. LCB File No. R024-16
  - Sec. 1. NAC 284.5405 Annual Leave: Credit upon reinstatement, rehiring, reemployment or transfer.
  - Sec. 2. NAC 284.551 Sick Leave: Credit upon rehiring, reemployment or transfer.

**Carrie Hughes:** Introduced herself as Personnel Analyst with the Division of Human Resource Management. The Division recommends the amendments including NAC 284.5405 and 284.551 to address the treatment of leave balances of non-classified employees, Nevada System of Higher Education employees and any employees of a governmental agency acquired for administration by the State when an employee is appointed to a non-classified, unclassified or classified position without a break in service. As this type of movement is not frequent, questions have occurred as to the rights of these employees.

These amendments will ensure consistency in the future. The first substantive amendment strikes the term 'unclassified employee' as used in relationship to positions in the Nevada System of Higher Education. This language is confusing as such a term is not used within the system. It has been replaced with "employees occupying a position within the Nevada System of Higher Education," in both regulations, to clarify that a Nevada System of Higher Education employee may transfer his/her leave balances to the new appointment.

The amendments also propose to remove the requirement to recalculate leave balances when such movement occurs. These provisions have previously been included as Nevada System of Higher Education employees that are in not in the classified service and employees of a governmental agency acquired for administration by the State may have had leave accrual rates that are different than those provided for employees in the classified and unclassified service.

These amendments will simplify this process and reduce staff time required to make the recalculation. The amended regulations will now allow an employee to transfer over an amount of annual leave that does not exceed the accrual rate of a classified or unclassified State employee and all of his/her accrued sick leave.

**Commissioner Mauger:** Asked for clarification, if the individuals going from one department to another, or in this situation, from the Nevada System of Higher Education to another Department but don't incur a break at all or leave the employ of the State and are then able to come back? **Carrie Hughes:** Noted, this portion of the regulation addresses those that are moving without a break in service from either the Nevada System of Higher Education or these acquired governmental agencies, or also the non-classified. Those moving between different departments that are in the classified or unclassified are addressed a little differently.

**Commissioner Spurlock:** Asked to clarify if are we talking more about the change in the employee's status than classified versus unclassified. He didn't get the impression that simply a change in department, with no break in service, as long as the employee kept the status was any issue. **Carrie Hughes:** Noted, they are moving sometimes from different organizations. But yes, it is the change coming into the classified and unclassified service.

**Shelley Blotter:** Provided the following example, if the person had held a position in the administrative faculty in the Nevada System of Higher Education and then accepted a position in the unclassified service within the Department of Health and Human Services, they would be able to bring over their leave balances if they had not incurred a break in service. It's really addressing that type of movement.

**Chairperson Fox:** Clarified, it just cleans up the language so that in essence, their leave banks transfer in totality instead of doing some calculation that was confusing and difficult to accomplish. **Carrie Hughes:** Clarified that their sick leave would transfer in total but their annual leave would not exceed that of the accrual rate of a classified or unclassified employee and that there might be an adjustment there.

**Commissioner Mauger:** Asked, as an example, if an employee moves from one department to another department, they are carrying their time with them. **Carrie Hughes:** Stated, this is talking about moving the leave balances. So yes, there's sick and annual time moving that so it's available.

**Commissioner Mauger:** Noted, a concern with this choice to be in a new department, is that the individuals that are there now with X amount of years, versus those carrying their time over, could create a hostile situation. The concern is basically that the individual will be afforded the right to carry their longevity over and then the individuals working in there. **Peter Long:** Stated, this is just simply an annual leave balance. This is not longevity.

MOTION: Motion to approve Item V., A., LCB File No: R024-06.  
BY: Commissioner Mauger  
SECOND: Commissioner Spurlock  
VOTE: Motion passed unanimously.

## VI. DISCUSSION AND APPROVAL OR DENIAL OF CLASS SPECIFICATION MAINTENANCE REVIEW

### A. Social Services & Rehabilitation

#### 1. Subgroup: Rehabilitation

- a. 12.433 Rehabilitation Technician Series
- b. 12.449 Rehabilitation Instructor Series

#### 2. Subgroup: Juvenile

- a. 12.523 Assistant Superintendent, Youth Facility
- b. 12.532 Head Group Supervisory Series
- c. 12.535 Group Supervisor Series

**Heather Dapice:** Introduced herself as a Supervisory Personnel Analyst with the Division of Human Resource Management Classification Unit. She presented for approval recommendations of changes to the class specifications for the Rehabilitation Technician and Rehabilitation Instructor. These are items IV., A., 1., a. and b. on the agenda.

The Division recommended that minor revisions be made to refresh the language and to maintain consistency with formatting and structure. These class specifications were reviewed and revised as part of Biennium Class Specification Review Process. The changes were identified in red in the handouts provided. The Division requested that the Commission approve the recommendations effective this date.

MOTION: Approval of Item VI., A., 1. Subgroup: Rehabilitation  
BY: Chairperson Fox  
SECOND: Commissioner Read  
VOTE: Motion passed unanimously.

**Heather Dapice:** Stated, Regarding Item VI., A., 2. a., Assistant Superintendent Youth Facility, VI., A., 2. b., Head Group Supervisor and VI., A., 2., c., Group Supervisor. The Division recommended that minor revisions be made to refresh language, clarify special requirements and maintain consistency with formatting and structure. Again, these class specifications were revised and reviewed as part of the Biennium Class Specification Review Process. The changes were identified in red in the handout provided. The Division requested that the Commission approve the recommendations effective this date.

**Chairperson Fox:** Noted, the special requirement language is pursuant to NRS 628.270 in the Federal Prison Rape Elimination Act, applicants must submit to criminal and child abuse background checks and the background must be cleared of any disqualifying events. **Heather Dapice:** Confirmed, that language previously had just been placed on the announcement for the recruitment. Now it is clarified in the class specifications themselves.

**Commissioner Spurlock:** Asked, what the intent of the change on the Education and Experience section was. It appears to be a lot of reordering of language, but what was fundamentally changed about that, or was it just more of a format type change? **Heather Dapice:** Noted, the majority of it was a format

change, however, they included additional degree requirements to be consistent with all three series. Some of them may have not been included, for example, some may have included business management, while others may not have. Some may have included human services, or social services, and the others may not have. All of the degree requirements are included to be consistent.

**Commissioner Spurlock:** Clarified, you're looking for more of a general consistency across more than just one classification? **Heather Dapice:** Confirmed.

MOTION: Approval of Item VI., A., 2. Subgroup: Juvenile.  
BY: Chairperson Fox  
SECOND: Commissioner Mauger  
VOTE: Motion passed unanimously.

## VII. REPORT OF UNCONTESTED CLASSIFICATION CHANGES

**Postings:** #03-17, #04-17, #05-17.

**Chairperson Fox** stated that no action was required on the part of the Commission.

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

**Chairperson Fox** stated that the next meeting is certain for March 10, 2017. The following meeting would be June 23<sup>rd</sup>.

## IX. PUBLIC COMMENT NOTICE: Read into record by **Chairperson Fox**

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**Chairperson Fox:** Asked if there were any public comments. There were none. She noted, the Commissioners want to express a special thank you to Tawny Polito who has accepted a promotion. She provided the administrative support to the Commission for the past five years. She'll be available to her replacement to assist in her training and transition, but we do want Tawny to know how much we appreciated all of her efforts to be our backbone.

## X. ADJOURNMENT

**Chairperson Fox:** Adjourned the meeting.