

**STATE OF NEVADA
DIVISION OF HUMAN
RESOURCE
MANAGEMENT
REGULATION
WORKSHOP**

Held at the Nevada State Library and Archives Building, 100 N. Stewart Street, Room 110, Carson City; and via video conference in Las Vegas at the Eureka Building, 7251 Amigo Street, Suite 120.

**WORKSHOP
MINUTES
August 16, 2024**

STAFF PRESENT:

Ms. Bachera Washington, Administrator, DHRM
Ms. Michelle Garton, Deputy Administrator, DHRM
Mr. Brian O'Callaghan, Deputy Administrator, DHRM
Ms. Danielle Boyle, Deputy Administrator, DHRM
Ms. Kimberly Smith, EEO Administrator

OTHERS PRESENT:

Melissa Cronan, DPBH
Kristi Defer, DPS
Gennie Hudson, DCNR
Mary Gordon, DPS
Sheri Bruggemann, DPS
Jack Robb, Governor's Office
Nicole Peek, DHRM
Logan Kuhman, DHCFF
Suzanne Webb, NDOT
Erin Bisiaux, DCFS
Aimee Gaul, DCFS

I. CALL TO ORDER.

Michelle Garton: Michelle Garton, Deputy Administrator with the Division of Human Resource Management, called the Regulation Workshop to order on August 16, 2024, at 9:00 a.m.

II. REVIEW OF PROPOSED CHANGES TO NAC 284:

<u>NAC#</u>	<u>Regulation Leadline</u>
284.250	Overtime: Compensation.
284.252	Compensatory time: Request for payment for certain portions.
284.253	Compensatory time: Rate of pay.

Michelle Garton: Michelle Garton stated the purpose of this workshop was to solicit comments from elected parties with regards to several topics related to regulations in Chapter 284 of the Nevada Administrative Code. Ms. Garton noted these possible amendments could lead to submission to the Human Resources Commission for adoption after pre-adoption review by the Legislative Council Bureau. Ms. Garton indicated that, based on the feedback, language may be drafted or deleted, and a number of other regulations may be affected, as many of them work together. Ms. Garton stated if any regulations related to the topics described are submitted to the HRC for adoption, amendment, or appeal, the minutes from this workshop and any comment, written comment, or comment card comment will be provided to them when they are presented with the amendment. Ms. Garton proceeded to go through the amendments listed above, noting that the main theme is comp time. Ms. Garton indicated the intent is to allow the appointing authority to pay out the complete balances if the employee wants and agrees to it, and the budgetary authority is available for it. Ms. Garton stated that the hope is that the changes will eliminate some of the possible conflict between NAC 284.250 and 284.252. Ms. Garton then welcomed any comments from the workshop or public.

Sheri Brueggmann: Sheri Brueggmann, Department of Public Safety, noted that for the last 20 years, the regulations have been interpreted to basically explain how one accrues comp, and, when it comes to paying it out, the employee can request it any time over 60 hours, meaning they have a choice to save it or use it. Ms. Brueggmann stated that management has always had the ability to pay out the liability of comp time in any amount at any time at the end of the year, with the purpose being to manage liability going into the next year. Ms. Brueggman indicated that the problem created when taking away the opportunity to get rid of the comp time is half of the staff on CBAs says they can carry 240 hours, meaning they can't carry more comp time, but the budgets don't have room for overtime. Ms. Brueggman also noted it affects staff shortages. Ms. Brueggman went on to explain that according to FLSA, the feds are even stricter, stating that if the employee has not used their comp time by the 26th pay period, it will be paid out or forfeited. Ms. Brueggmann also mentioned the problem of building comp time so high is the employee leaving to transfer to another department, explaining that this would mean, in most cases, the position would have to be left vacant to cover that time. Ms. Brueggmann indicated that she had a copy of the FLSA ruling.

Bachera Washington: Bachera Washington, DHRM Administrator, recognized that it had been done this way previously, but that there were conflicting statutes that needed to be corrected. Ms. Washington also noted that comp time is considered an employee benefit no different than annual leave or state benefit, meaning that a cash-out cannot be forced. Ms. Washington asked Ms. Brueggmann to give Ms. Garton a copy of the FLSA ruling.

Sheri Brueggmann: Sheri Brueggmann also noted that the handbooks that are given make it very clear that they do not create any rights, benefits, or duties. Ms. Brueggmann explained how they have a form for employees to sign if they would like to participate in comp time. Ms. Brueggmann explained that in the end the contracts need to be negotiated to be closer to the regulations, making more sense than binding financial constraints on management. Ms. Brueggman indicated that getting agencies involved would be helpful when it comes to the negotiations.

Brian Ocallaghan: Brian Ocallaghan, DHRM Deputy Administrator, wanted clarification on the contradiction of "any amount" of commissary time.

Bachera Washington: Bachera Washington clarified that if there is an employee that is at 120, unless there is a 240 agreement, then overtime payment should be automatically applied to their next check for those hours.

Jack Robb: Jack Robb stated that their position is it would be better to have agencies pay the overtime and not accrue comp.

Gennie Hudson: Gennie Hudson, Department of Conservation and Natural Resources, questioned comp time being a benefit of the employee but being optional. Ms. Hudson opined that comp time is a need for the agency, and therefore should be the liability on the agency from the start. Ms. Hudson also noted that on the TS25 is states “and cash payment for accrued comp time may be made by my employer at any time” and stated that this would mean that all the payments submitted and denied and processed again at the end of the fiscal year should have never been denied.

Bachera Washington: Bachera Washington replied that if the form says this, the form needs to change because the form does not dictate law nor supersede CBAs or the NACs.

Kristi Defer: Kristi Defer, Department of Public Safety Director’s Office, noted that comp time exists because of budgetary constrictions and trying to balance need with fiscal availability. Ms. Defer stated her concern is the “anytime” part because essentially the comp time is used to reduce the immediate fiscal liability. Ms. Defer’s request would be for comp time to be paid out at the employee’s request at a specific time period a the end of the year after evaluating everybody’s balances and budgetary ability, noting that it all comes down to timing for the budget.

XI. ADJOURNMENT.

Michelle Garton: Michelle Garton adjourned the meeting.