

STATE OF NEVADA

**DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCE MANAGEMENT**

Legislative Counsel Bureau, Room 2135
401 S. Carson St.
Carson City, Nevada

and

Grant Sawyer Building, Room 4406
Gaming Control Board
555 East Washington Avenue
Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

**REGULATIONS WORKSHOP
MINUTES**

Wednesday, April 16, 2014

Speakers Present: Shelley Blotter (Deputy Administrator , DHRM), Peter Long, Deputy Administrator, (DHRM).

Present in Carson City: Bill Hoffman (NDOT), Kimberley King (NDOT), Kareen Masters (DHHS).

Present in Las Vegas: Susie Bargmann (NDOC), Renee Depaoli (DPBH), Alys Dobel (DMV).

1. CALL TO ORDER

Shelley Blotter, Deputy Administrator, (DHRM): Opened the workshop. Overviewed workshop agenda and procedure.

2. REVIEW OF PROPOSED CHANGES TO NAC 284:

Regulation Leadline:

Rate of Pay: Effect of Promotion NAC 284.172

Peter Long, Deputy Administrator, (DHRM): Said this amendment will simplify the regulations so pay grade errors do not occur and all employees are treated equitably. He stated the division does not have the resources to conduct in-depth audit of all employee records transactions so compensation errors have occurred as a result of promotions. He said the current regulation may dissuade an employee from voluntarily demoting to change their career or enter a new class, limiting pay in possible future promotions. He stated the proposed change removed the limitation governing the pay upon promotion when a demotion has occurred in the past. He stated this change is in alignment to Amendment NAC 284.173 Grade of Pay Effect of Demotion proposed and passed at the April 1, 2014 meeting of the Personnel Commission. He also read into the record that Janine Nelson from

Buisness Center North University of Nevada, Reno (BCN UNR) was not able to attend but she sent an email saying that they are supportive of removing Section C of NAC 284.172. He then opened the floor for questions.

Kimberly King, Human Resource Manager, Department of Transportation (NDOT): Stated that they are in support of the proposed change. She said they are asking for additional change to the language regarding Section 1 of 284.172 include additional language: "Except as otherwise provided in NAC 284.204 and 284.206 the following provisions will govern the rate of pay." She said that DHRM is interpreting the promotional language to not allow for using NAC 284, 204, and 206 for promotions when state employees are hired off an open competitive list. She stated that the NDOT's proposed regulation language change would benefit current employees in regard to equality of treatment with outside applicants.

Bill Hoffman, Deputy Director, (NDOT): Recommended the language amendment proposed by Kimberly King. He also seconded the need for equality between current state employees and outside applicants. He stated that NAC 284.204 and 284.206 have been interpreted to not apply to their in-house promotional end item employees. He read the new proposed language. He also said the change would allow state agencies to address existing disparities in pay among its employees. He said there are employees promoted into supervisory positions making less than their subordinates. He said the disparities affect NDOT's ability to carry out its mission in an effective manner. He stated the new changes would help them retain their best and talented employees.

Kareen Masters, Deputy Director, Dept. Of Health and Human Services (DHHS): Commented she supports the language change proposed by NDOT. She spoke of the history of the regulation change and said the intent was not to remove 204 or 206 from applying to promotions. She stated that 284.172 subsection II talks about the present level of pay and references the special adjustment to pay pursuant to the provisions of NAC 284.206. She this would indicate that there was a recognition that employees may have a special adjustment to salary. She then commented on the regulation as proposed as far as removing subsection I-C. She stated she has concerns regarding removing it and suggested putting some parameters around it. She asked for clarification on the proposal by example: If an administrative assistant through Grade 27, Step 5, they could demote to an administrative assistant to and be paid at Grade 25, Step 7 to maintain their salary and then later if they promote again to administrative assistant III, they would paid at Grade 27, Step 7.

Peter Long, Deputy Administrator, (DHRM): Responded that this interpretation is correct. He explained that the intent is for people who want to change career paths. He explained that the regulation that passed last Friday for the Personnel Commission allowed an employee and an appointing authority to agree on a lower step. He stated the current regulation only provides one step maximum for a pay decrease. He said it had to be agreed upon by both but did not believe there would be that many instances where employees are demoting and then promoting and getting that higher rate of pay as opposed to the number that are not being caught. He also said there is an equity issue.

Kareen Masters, Deputy Director (DHHS): Suggested keeping subsection I-C and reword it to say if an employee has been demoted within the past two years she or he may not receive a promotional increase in pay that in greater than the increase when he or she would've otherwise been entitled to receive had she or he not been demoted without approval by the administrator, referring to the administrator of the Division of Human Resource Management. She also cautioned against abuse of the system.

Peter Long, Deputy Administrator, (DHRM): Commented that the regulation just passed by the commission allowed for these parameters.

Shelley Blotter, Deputy Administrator, (DHRM): Asked Kareen Masters for the language she proposed for inclusion.

Kareen Masters, Deputy Director (DHHS): Agreed to send it.

Shelley Blotter, Deputy Administrator, (DHRM): Asked for comments from participants in Las Vegas. There were none.

Shelley Blotter, Deputy Administrator, (DHRM): Opened the floor for other commentators. She reminded participants of a new procedure regarding comment cards.

Alys Dobel, Personnel Officer III, Department of Motor Vehicles (DMV): Identified herself for the record. She stated her support and the support of the Department of Motor Vehicles of what NDOT and Kareen Masters stated regarding the interpretation of the regulation and would not like it limited. She stated they are in agreement about removing the time limits from demotions.

Shelley Blotter, Deputy Administrator, (DHRM): Clarified the DMV is in support of the suggested change to Subsection I and Subsection III and for not proposing the two year limitation on I-C but its removal.

Alys Dobel, Personnel Officer III (DMV): Stated that was correct.

Peter Long, Deputy Administrator, (DHRM): Asked if DMV was in support of NDOT's suggestion that verbiage relating to 204 and 206 be inserted in paragraph one.

Alys Dobel, Personnel Officer III (DMV): Stated that was correct.

Peter Long, Deputy Administrator, (DHRM): Clarified that 204 and 206 were not removed from paragraph one. He stated they were cut out completely and moved over. He clarified again that 204 and 206 were not in paragraph one about being an exception but stated they could look at adding it.

Susie Bargmann, Personnel Officer II, Department of Corrections (DOC): Stated that the Department of Corrections also supported adding the changes recommended by NDOT "except as otherwise provided in 284.204 and 284.206." She supported time restrains on subsection C in regards to promotion and demotion.

Shelley Blotter, Deputy Administrator, (DHRM): Asked for any final comments.

Renee Depaoli, Personnel Officer II, Division of Public and Behavioral Health (DPBH): Supported inclusion of subsection I-C. She stated concerns about abuse that removing the subsection could bring.

Peter Long, Deputy Administrator, (DHRM): Asked Renee Depaoli if she did not want to see subsection I-C removed at all or if she would support a limitation on it.

Renee Depaoli, Personnel Officer II (DPBH): Stated she needs to read the language.

Peter Long, Deputy Administrator, (DHRM): Explained the proposal is to remove that part of the regulation completely so if someone demotes they could promote at a later time and maintain their step and obtain the increase. He stated that he thought Kareen Masters suggested a two-year limitation put be put on as a restriction with there being an additional line that would allow the DRHM administrator to overrule that.

Renee Deaoli, Personnel Officer II (DPBH): Stated she would be in support of that.

Kimberly King, Human Resource Manager, (NDOT): Stated NDOT supports the removal of subsection I-C, but could also support a limited period of time. She stated they would prefer an exception to be the appointing authority for the department.

Peter Long, Deputy Administrator, (DHRM): Asked if the exception would be the appointing authority within the department or the DHRM administrator.

Kimberly King, Human Resource Manager, (NDOT): Said they would prefer that the appointing authority could make the determination to allow for promotional increase during the time period. She suggested finding language addressing both concerns of abuse and flexibility with to current employees.

Peter Long, Deputy Administrator, (DHRM): Stated that with the MSIs coming back July 1st this won't be an issue anymore.

3. ADJOURNMENT

Shelley Blotter, Deputy Administrator, (DHRM): Asked if there were any comments. There were none. She closed the workshop.