MEMBERS PRESENT:	Chairman Dini Vice Chairman Schofield Mr. Craddock Mr. DuBois Mr. Jeffrey Mr. May Mr. Mello Mr. Nicholas Mr. Polish Mr. Prengaman Mr. Redelsperger
MEMBERS ABSENT:	None
GUESTS:	Mr. Harvey Whittemore, attorney Ms. Norma Bivens, Washoe County Senator Keith Ashworth Mr. Joe Cathcart, North Las Vegas Mr. Jack Warnecke, Supervisor, Carson City Mr. Dave Nielsen, District Attorney's Office, Carson City Mr. Bill Bernard Mr. Bob Gagnier, SNEA Mr. Jim Wittenberg, State Personnel Div.

Chairman Dini called the meeting to order at 9:00 A.M. He asked Mr. Whittemore to make some remarks on SB-560 - Requires reconveyance of vacated street without charge if reconveyed to person who dedicated property.

Mr. Harvey Whittemore: SB-560 was the suggestion of the Nevada Resort Association the adoption of this bill will eliminate a conflict between NRS-244.276 and NRS-278.480. Both of these sections deal with the reversion of vacated streets to abutting property owners. NRS-244.276 clearly provides that when a street that was acquired by dedication is vacated, it reverts to the abutting property owners without charge. If the county acquired the property in the first place as a gift, it cannot turn around and make a profit on the gift. The section of NRS-278.480 that SB-560 would amend, appears to give the governing body the right to charge for a vacated street acquired by dedication in violation of NRS-244.276. I have been advised by zoning counsel for the Resort Association that in their experience, the Clark County Commission and the Washoe County Commission have always followed NRS-244.276 and have never sought to impose an additional charge for vacated street acquired by dedication. Apparently, they realized that NRS-244.276 being adopted later in time would control over NRS-278.480. However, having the conflict between the two laws, puts property

owners who wish to have dedicated areas vacated in some jeopardy, as was demonstrated recently in Clark County. A property owner who owned all the property adjacent to a small area that had been dedicated without charge and had never been used as a street or improved in any manner, sought vacation. Another property owner located some distance away who was in a fight with the first property owner tried to harrass his opponent by demanding that the county commission charge full and fair market value before vacating the parcel street. He claimed the right to do so under NRS-278.480. The county commission went ahead and vacated the property without charge under NRS-244.276. However, this is an example of the mischief possible when statutes are in conflict. Under both statutes the local government must find that it is in the public interest to vacate a street. SB-560 simply puts them in agreement that no charge can be made for property that was given free of charge to the government. In virtually every case, these vacations involved rights of ways that were never developed or used as public streets, and it is usually of benefit to the local government to get them on the tax rolls.

This concluded the testimony on SB-560.

Mr. Mello moved a DO PASS on SB-560, Mr. Nicholas seconded. Motion carried.

The next bill to be heard is SB-595 - Authorizes counties to designate county treasurer as collector of personal property taxes.

Mrs. Norma Bivens, Deputy Treasurer from Washoe County, in charge of personal property: Washoe County has for the past five years under ordinance been the agent of the Assessor's Office and has had all collection duties with the exception of seizure. It works very well. We collected over $6 million so it is not an insignificant amount of money we are talking about. Let the Assessor's Office assess, the Treasurer collect.

Mr. Dick Franklin, Assessor's Office, Washoe County: I just want to go on record that the Assessor's Office approves this bill.

Senator Keith Ashworth, Clark County, Dist. #3: This bill was requested by the Washoe County to put into practice what they are doing now. It is their practice to have the County Treasurer collect the taxes. There was some concern that the Treasurer would not have the powers necessary to do it. We feel that the testimony we had was that they do have the rights and powers under the constitution as the Assessor has, so we passed the bill without amendment.

This concluded the testimony on SB-595.

Mr. Schofield moved that we DO PASS SB-595, seconded by Mr. Jeffrey. Motion carried.

The next bill to be heard is SB-65.

Mr. Joe Cathcart, North Las Vegas: We do support SB-65. This is the changing of our Charter extending the term of the judge from two to four years. This was sent to the vote of the people and passed unanimously.

Mr. May moved a DO PASS, Seconded by Mr. Schofield. Motion carried.

The next bill to be heard is AB-646.

Mr. Jack Warnecke, and Mr. Dave Nielsen testified next.
Mr. Warnecke: We would like to go on record as being in favor of this bill. The population limit of 20,000 we think should be raised. Whether 100,000 is an adequate number of not, I don't know, but we think it should be raised above 20,000. We separately elect school boards, hospital boards, and we think they should have the ability to do what they want with their money.

Mr. Nielsen: There are some safeguards built into the statutes that require some pretty specific reporting monthly to the county treasurer and also, there is an additional safeguard that the Board of County Commissioners, if it determines that there is clear evidence of misuse, can discontinue these separate bank accounts and bring them back into the treasury. We think the safeguards are adequate and for the record, as part of my duties, represent Carson-Tahoe Hospital, which is also in full support of this. It is a more efficient system and it gives us the flexibility, both the hospital and the city, to put in something that we think will be more efficient, as far as handling the monies for the different entities. Also, one of the supervisors in Carson City is an ex officio member of the Carson-Tahoe Hospital Board of Trustees, so there is an additional safeguard there and he gets monthly reports at the board meetings, together with financial reports.

Mr. Dini: With the new population of 30,000 people, you would not be under this law. You were previously under the law and you are not now. Is that it?

Mr. Nielsen: We were previously under the law and we had separate bank accounts and we want to continue that. We think it is working well.

Mr. Dini: The 100,000 really doesn't affect anybody except Carson City, Elko and Douglas. This will put you back to what you are doing now.

Mr. Redelsperger moved a DO PASS on AB-646, seconded by Mr. DuBois. Motion carried.

The next bill to be heard on AB-416.

Mr. Dini: We had a hearing on this bill and at that time we directed the parties involved to talk over their differences and attempt to resolve their problems and see if we could work a bill up that would be satisfactory to both parties.

Mr. Jim Wittenberg: As you indicated, Mr. Dini, we got together and talked on two or three occasions with Mr. Gagnier in an attempt to resolve the differences. The result was this: we resolved the differences in all areas but one. We had language in the other areas worked out, primarily the examination area, which is one of the important facets of this. As the recommendations were made by the Task Force and as we have determined looking at reform studies in the merit system across the country, we are spending too many of our resources examining and we are not delivering good enough service and quick enough because of that. The primary thrust of this bill provided that we would not examine in areas that it is really not necessary to examine and it is a waste of time, a duplication of effort. Those primary areas were discussed with Mr. Gagnier and we reached agreement with him, with language worked out that was acceptable from his standpoint, from the concerns that he had with reference to the Employees Association, it still provided that we could accomplish what we wanted to accomplish with reference to the examination process - streamlining it somewhat. There were three or four areas that embodied that. The next important issue as far as Mr. Gagnier was concerned, was the rule of ten which we were proposing. We agreed on that to make modifications that were satisfactory to him in terms of the rule of ten. This rule would apply only on open competitive examinations and not on promotional and the promotional rule of five would remain intact, which is what we have now. The whole score issue was conceded to drop that because there was some question as to what that really would add up to in terms of names, so that was no longer an issue.

The point on which we were unable to reach agreement on was the issue of promotional requirement. As you know, the current statute reads that whenever practicable, promotions will be made from within the state service. That has been interpreted for some twenty years. I think, judiciously, the vast

as we indicated to you in our last testimony, the vast majority of promotions are from within the state service. 80% to 90%, anyway. We recently got an Attorney General's opinion which narrowed that authority. The Attorney General indicated that their opinion was that we had less discretion in that area than we have exercized in the past. That is what we have on the books now, which we are willing to live with. That is one alternative that we offered on this. The second alternative or proposal that we offered in compromise on this issue was to provide that we would have... well, I would like to pass out a report showing the results of our negotiations with SNEA. I will focus on the last issue and that is NRS284.295, because that was the only remaining difference that we had. The report is attached hereto as EXHIBIT A, and made a part of these minutes.
Mr. Mello: How much compromise was there? Was there any give and take and what was the percentage of each?

Mr. Wittenberg: I think the give and take was at least 50-50 in terms of our bill. In view of the fact that we reached agreement on every issue except this, is indicative of the give and take in the process.

On Page 2, Section 8 of 284.295. This is the crux of the disagreement. We had proposed at the outset in 416 to allow for open competitive examinations anytime that the appointing authority felt that it was in the best interest of the organization, which was considerably broader than what it is now. We offer now is a compromise on this, to exclude administrative positions and officials, which are clearly defined in the statute elsewhere, and those are the standards we wanted to use. That would then allow, as an example, a recruitment effort to get a captain, a custody captain at the prison. The Director of the Department of Prisons would have the option to request an open competitive examination at that level if he felt that it was in the best interests of the organization to do that. The kind of situation that you might have, given that situation, is five or six lieutenants who barely meet the qualifications for captain. Therefore, you would five or six promotional candidates. In the opinion of the administrator, the best approach to take would be to see what we could get outside of the state service and how those people would compare to the promotional candidates within the state service. It seems to me that this is a necessary alternative that an administrator has to have. An administrator is charged with the responsibility of an organization. If there are problems anywhere in the organization as the result of anything, it is that administrator's responsibility, ultimately. They have got to have reasonable choice. Our suggestion was to say basically all of the

positions in the state service at the lower levels could be promotional only. I philosophically disagree with that, but that was a compromise that we made. At the lower levels, outside of administrators and officials and those positions that are clearly definied now in the statutes, would be subject to promotional examination. That was one compromise. The other, as I said earlier, was to live with the status quo, which is a statute that I just cited to you and also an Attorney General's opinion which narrows our discretion, but there is some discretion and that discretion could be exercized prudently, but we would at least have the latitute to, in critical situation or very important situations, go competitive. Now, either of those alternatives were offered as compromise. Neither were acceptable to Mr. Gagnier. At that point, he entered into the negotiations with the idea in his mind that if we didn't reach total agreement, he was totally opposed to the bill. I assume that is his position now. When we reached that point, that was the last major issue and we simply were not able to resolve it. I feel that the two compromise proposals we have made are reasonable. It certainly gives him a great deal of what he is concerned about and I understand his concern, but I think there is also the other side of the coin. I think the administrator has got to have some discretion in some cases to go open competitive.

Mr. Dini: Do you have a copy of the Attorney General's opinion?

Mr. Mello: The cooling off period was my suggestion. You both agreed to my suggestion?

Mr. Wittenberg: I think we had three to five days and we felt that the intent was three working days, or that that was your intent, so that was agreed to.

Mr. Wittenberg: We will get a copy of the AG's opinion, Mr. Chairman, I thought we had a copy with us. It does say that we have limited discretion, more limited than we had been interpreting it in the past. The Attorney General's opinion is attached hereto as EXHIBIT B, and made a part of these minutes.
Mr. May: Everything is pretty well narrowed down to this one particular issue, is that basically correct?

Mr. Wittenberg: That's correct.

Mr. May: What was common practice where it now reads: vacancies in positions shall be filled so far as practicable by promotion within a department or agency from among persons holding positions in the classified service. What had you been doing up until the AG's opinion was sent down?

Mr. Wittenberg: I think that between 80% and 90%, 8 to 9 out of ten positions were promotional. I would say that one or two out of ten were examined for in an open competitive basis. Approximately 90% are agency promotions. The other is a statewide promotional which gives every employee the same status in state government. There are fewer of those than the specific agency promotional exams. The Attorney General's opinion said that we should examine more frequently for promotions. We have to reduce the practice that we have had, which is, say, nine out of ten. He didn't give us any formula. He simply said that if you have five promotional candidates in the agency, you probably have to have a promotional examination. That is the precise language, which is still subject to interpretation. He further said that you have to have some reason to give an open competitive examination, given five promotional candidates. Going back to the captain example, a captain in a prison system is a key custody person in the system. Let's say there are five or six lieutenants in the system who qualify, who barely qualify for captain. They do not have extensive experience in custody work. That would be what we would feel is a justifiable reason. Let's say there were two captain vacancies. Six or seven promotional candidates who barely met the minimum qualifications for captain, did not have extensive custody experience, and in the opinion of the agency director, there was a feeling that he would like to get somebody with ten or twelve years with custody experience, higher qualifications, than are available within the organization. Those would be the kinds of reasons that we would think would be valid. The Attorney General's opinion says that we would have to have that kind of premise. You couldn't simply say that because in the opinion of the administrator, it was necessary.

Mr. May: Who writes the specs for those jobs?

Mr. Wittenberg: We do, in coordination with the agency. The agency provides input in terms of what they think is necessary as to experience, background; we are concerned with continuity throughout the state service in terms of the class specification.

Another example would be administrative ability of an individual for a supervisor to determine that. A lot of times, it is a judgment call. He has to make the judgment of who has that administrative ability. It is not really the time and grade, or how long they have been in dustody service, it is whether or not they can handle people, deal with people and be an effective supervisor.

Mr. Schofield: How do you expect marginal qualified people to get experience?

Mr. Wittenberg: Let's say those same lieutenants have a couple of more years in the maximum security facility. You might have half of those lieutenants that had spent half or less of their time there. They may have six years of experience in the prison system, two or three years in a max situation where the security is a tougher issue. It simply would allow them to broaden that experience. More experience at the lieutenant level would give them that is necessary to qualify or to be at the level, let's say, the Director of Prisons would feel confident in considering them.

If an agency has had problems in their operations and there are some definite changes that need to be made, as a result of studies, that might be a good reason to take a look on the outside, to be able, at those higher levels, and see what kind of competition there would be with the employees in the organization, at least be able to compare. He might want some new blood to help the organization.

Mr. Mello: Have you done anything about putting into computers open positions and the applicants that are applying for those positions?

Mr. Wittenberg: We, at one point, made a presentation to the last session for funds to be able to computerize the certification process itself. Those funds were not granted. It is going to cost us at least $150,000 to $200,000 to computerize this. We are computerized in practically every other area. A determination was made that the system is not large enough. This was about four years ago. That there are not enough numbers or people in the system to really computerize it. We are now beyond that point now. It is a question, however, of simply funding to be able to do it.

Mr. Mello: Have you asked the monies committees for the money to do this, and they turned you down?

Mr. Wittenberg: Yes, it was turned down in the legislative process or the budget process. One or the other. It was not included in our budget this year. It was included two sessions ago. There were other occasions when there was money included in there where we could incrementally move ahead and those categories, I think, were trimmed.

Mr. Mello: The reason I ask this is that you are trying to streamline the state personnel system and I don't think that your system is so big that it would cost that much money.

Mr. Wittenberg: Mr. Mello, I can get you exact facts.

Mr. Bob Gagnier: I think I should start off by making it clear that we oppose AB-416. I would like to discuss the fact that when approached by John Capone, formerly of the Governor's Office, to meet with him and eventually with representatives of State Personnel to see if something could be worked out about AB-416, we did and we had about four or five meetings. Mr. Capone, with Mr. Brust and Mr. Wenner, not all at the same time, met with us. I have to say from the outset that in our consideration of AB-416, we have to consider that the bill, to begin with, is an all-take bill, so, any modification on our part is still to let them take something away that we have at the present time. When you say a compromise has been reached on a bill that does nothing but take from us, then we are still giving a great deal. When they indicate, as I just read in the document I received this morning, that they have acquiesed, what have they acquiesed? Nothing. Our discussions from the outset did center on one factor. I think Mr. Wittenberg is correct in that. That one factor does affect many other sections of the bill. We have no objections to Section 1, as proposed to be amended with Mr. Mello's amendment. But that one doesn't affect the heart of the bill. That is one of the problems when you try to put too much into one bill and maybe some good things get bogged down with the bad. If you look at it in the perspective that all we are being asked to do is to give things away, then you can see our reluctance to want to compromise without getting something in return, some guarantees. That is the critical nature of Section 8, or NRS-295.

The first area that we have to talk to about a major disagreement is Section 5, at the top of their page 2 of their handout. This has already pretty much been taken care of in SB-45, which has been passed by the Senate and by the Assembly earlier this week. Their Section 11, in the bill, raised difficulties, that is, Page 5, subsection 3, starting on Line 24, and it has been taken care of that in other legislation. In Section 12, apparently, they did not intend what it says, because in testimony in Senate Government Affairs, subsection 1 of Section 12, they said was an error. The corrective language on Page 6, Lines 11 and 12 have been taken care of SB-606.

On Page 2, Section 4, starting on Line 43, we are talking about two sets of rules. You are going to have a different set of rules for different types of people. In Mr. Wittenberg's language on the front page of his handout, they talk about blanket certification and application. This is something they have been doing now and, in our opinion, is illegal under current law. The bill says: 'certifications, appointments, layoffs and reemployment'. In other words, we can have two sets of rules for not only certification and appointments, but for layoffs. So that anyone making below $12,500, might not even be subject to the layoff rule. We have a very complex layoff

2315

rule, and it is one it took us a long time to work out. It could be different, according to this section. We don't believe there should be two sets of rules for different people. The next area of obvious concern is the ten names and they have indicated in their handout that they are willing to change, on Page 3, Section 6, the word 'ten' to 'five', which is what it is now, and then they say, that except that a position filled by open competition may be certified by ten names. Then they want to broaden the ability to have examinations on open competition. So, the two have to be taken into consideration. If you are going to have a wide open system and be able to go open competitive on examinations anytime you want, it will always be a rule of ten. And, that is what they want.

Getting into Section 8, which is the most difficult one and the one where we insisted, where our people feel so very strongly, that we need tighter language if we are going to have these other things. On the bottom of the second page of their handout it says: 'the appointing authority may recruit on an open competitive basis for positions designated as officials and administrators'. We do not have a legal definition of 'officials and administrators'. This is very broad language. What are you doing except taking all of the top and best paying jobs and you are saying that you are not necessarily fill those by promotion. So, what have these people been working for all these years when you are going to take the top jobs out of the promotional system. The next sentence says: ' A class or class series which is peculiar to a particular state agency may also be recruited for on an open competitive basis...'. Why? That seems to me to be the very area that attacks the Attorney General's opinion and attacks the promotional system. Some examples: Welfare Eligibility Certification Specialist. It is peculiar to not only the Department of Human Resources, but the Welfare Division. It is a very large class group. So, all of a sudden, you are going to say that all of the supervisory positions in that series can be filled by open competition because they are peculiar to the Department of Human Resources. Driver's License Examiner Office Managers can be filled by open competitive because there is only one agency that has them, the Department of Motor Vehicles. You can go on and on. Every agency, I would assume, would have a few of them.

Mr. Dini: If you have an employee who is marginal and is in line for a promotional job because someone has left, at what point does the supervisor, knowing that the employee may not be able to cut the job, have the authority to send him back to his old job, or does he have the option to do this?

Mr. Gagnier: Whenever you take a promotion and you have to serve a new promotional probationary period, most of those are one year. There are very few jobs that have a six-month probationary period. Within the probationary period, the manager has a right to revert that employee to his former position. There are procedures for that which include periodic evaluations.

Mr. Redelsperger: Mr. Wittenberg stated that you had agreed to almost every issue except Section 8. Is that correct?

Mr. Gagnier: We cannot agree with Page 1, Section 4. We have some difficulty with that. There are some other things that are not mentioned in here in Mr. Wittenberg's handout, some rather important sections.

Mr. Redelsperger: Somehow, you were to get together and reach an agreement on Section 8, so you could live with the bill.

Mr. Gagnier: I would say that if you would take about three sections out of 416, with some amended language, and put them into 439, yes, we would live them. 439 is the bill we introduced in the committee to put into law and require the Personnel Division to live by the rules they have had in effect for a long time.

Mr. Redelsperger: What do you think of Mr. May's suggestion to give Nevada residents an additional 5 points?

Mr. Gagnier: That has some problems. We are not too keen on preference points at all. Resident's preference based upon the current interpretation of the law is useless because all you have to do is indicate an intent to be a resident and live here for one day and you get resident's points. In order to get preference points, you have to pass the examination first. Because a large number of our promotional examinations include an oral exam, you can fail a person in the oral exam and they don't get the preference points. We would have to think about the additional five points. It is a new concept.

In answer to Mr. May's question as to the makeup of the Commission referred to at the bottom of Page 2 of the handout, Mr. Gagnier replied: a minister from Las Vegas, an attorney from Las Vegas, a housewife, a businessman from Reno, a former personnel analyst who worked for both the Highway Department and Mr. Wittenberg. We would like to see some appointees on that Commission. They are supposed to be the arbitrators. They are all appointed by the Governor and if the Governor's office takes a position, how do you suppose they are going to vote?

Mr. Gagnier continued: In Section 8, Page 4, Lines 8,9, 10 and 11, of the bill, we do not have a problem with the language. Subsection 5, of course, still has that 'ten' in there, and I know that the committee previously indicated that they were not too keen on the word 'reasonable' and it was suggested that it be changed to 'extensive', on Line 13, and again the word 'reasonable' appears on Line 46.

Mr. Redelsperger: Obviously, I guess they didn't reach much of an agreement.

Mr. Gagnier: I think you have to understand the limitations within the Attorney General's opinion and one of those is that it only applies to promotions within an agency. The opinion really doesn't do everything we would like to see done. We have many agencies that contain five, six, ten people. It will never apply to them. So, the Attorney General's opinion doesn't really go far enough.

Mr. Wittenberg: I have a couple of comments on questions raised by committee members with reference to the negotiations and the agreement. Bob sits here now and finds a lot of problems with a lot of language that he had agreed to. We had every section agreed to down to 284.295. Language that was acceptable to him and to us, and at the time, he said: 'if we don't reach agreement on every issue, I am opposed to the entire bill', so, he is back to opposing the entire bill. We had language that was acceptable to both sides down to that one issue-he thinks he has reserved the right to come back and argue, no we didn't. That's the only reason we would have admitted that we did have agreement, was if we could have reached agreement on all points. We did not. I think that needs to be clarified, because we were at that point, without any question. Another point that Bob makes is that we have been violating the law in two or three areas for ten years. He has no hesitancy at all to go to court, if we are violating the law and I would raise the question: why hasn't he done that. He has the legal staff, he well knows the process. It is evident, the fact that we are not blatantly violating any law. The question of interpretation of that particular statute, I think is open to some interpretation. What is practicable? That's a judgment call.

On the issue of licensing and certification, that is an area that really is important to us. If we go out and recruit someone for a master's in speech therapy, we may get one, or three applicants. We do not need to have a formal testing process to do that. That's a waste of resources. In nine times out of ten, those positions are manpower shortages. You can't find those people. This simply means that we don't have to go through a formal testing procedure, which is subject to appeal, all the way through the court system. A great deal

of our resources are spent now on the very issue. Appeals of examinations. As long as you have a formal examination process, it is subject to appeal right up through the courts. We are trying to pull ourselves out of those areas where examinations are not necessary. When you are looking for a graduate civil engineer, if we find ten civil engineers and the Highway Department or the Transportation Department need eight, we don't need to go through a formal examination process. They have degrees from accredited colleges. What are we doing examining them? The hiring authority ought to be able to talk to those people and based on their decision or judgment, should be able to proceed without a formal structured examination process, which we are now required to do. The way the rule reads now it does apply to M.D.'s and highly professional people. We need to broaden it down to areas below that, where adequate testing has already occurred.

To get down to the real bone of contention, 285.295, we would be willing to see language put in there that specifically says: these are the kinds of situations under which you may go open competitive, that's fine. We just want some latitude. That might eliminate the problem that we have with reference to abuse.

Mr. Nicholas: Bob, is the bill important enough to the state employees so that in the absence of the passage of the bill a study should be made after the session?

Mr. Gagnier: There is a study proposal to study the entire state personnel system, under the provisions of AB-528. As to whether this bill is important to us, no, it is not. There is nothing in this bill that we want, nothing.

Mr. Nicholas: Is the bill important enough to the administraton so that in the absence of the passage of this bill a study should be made?

Mr. Wittenberg: It definitely is. I think, however, there are a number of issues that need to be addressed and will be in the study, such as performance, base pay, collective bargaining. If nothing happens on this issue, we have had two very comprehensive studies, one of which was the recent Governor's Management Task Force, that indicates these are some changes that need to be made. We don't want to wait two years to make these kinds of changes. This is latitude we need now to start doing a better job in terms of the agencies that are suffering from increased demands and reduced staff, reduced resources.

Mr. Nicholas: There appears to be more latitude for negotiations involving study than any we have found so far.

Mr. Dini: Mr. Gagnier, do you want to make any comment?

Mr. Gagnier: As you know, the administration has opposed collective bargaining. It is obvious they don't know anything about collective bargaining. It is not unreasonable to go into negotiations and say, there is no agreement until we have total agreement. That is a standard bargaining practice. Besides the fact that many of these sections are interlocked and you cannot consider them without considering the total.

This concluded testimony on AB-416.

Mr. Dini: Do you want to report, Mr. May, on SB-518?

Mr. May: We met with representatives of the counties and came up with the following recommendations:

On Line 7, Page 1, a bracket be put before the words: 'be contiguous', and a bracket after the word 'must' on the first part of Line 8. On Line 8, on the back page, to bracket out beginning after Section 2, starting with 'Chapter 473' and down through Line 13, where you bracket out 'Section 3'. All that language, all of Lines 8, 9, 10, 11 and 12, and Section 3 would then become Section 2.

Mr. May moved for a DO PASS, seconded by Mr. Jeffrey. Motion carried.

Mr. Dini adjourned the meeting at 9:40 A.M.

Respectfully submitted

Lucille Hill
Assembly Attache

ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

GUEST LIST

Date 5/15/81 PLEASE PRINT

PLEASE PRINT YOUR NAME	PLEASE PRINT REPRESENTING:		I WISH TO SPEAK FOR	AGAINST	BILL NO.
BOB GAGNIER	SNEA			✓	416
Dave Nielsen	Carson City Dist. Atty.		✓		646
Joe Cathcart	City of North Las Vegas		✓		SB65

2321

NEVADA
STATE PERSONNEL DIVISION

ROBERT LIST
Governor

HOWARD E. BARRETT
Director of Administration

Personnel Advisory Commission
DANIEL S. HUSSEY
Chairman
ROBERT FERMOILE
MRS. CONNIE JO PICKING
MRS. FLORENCE SUENAGA
REV. I. W. WILSON

JAMES F. WITTENBERG
Personnel Administrator

CARSON CITY

MEMORANDUM

TO: Members
Assembly Government Affairs Committee

FROM: James F. Wittenberg, Administrator
State Personnel Division

DATE: May 15, 1981

SUBJECT: Result of Negotiations with SNEA

The following represents major concessions made by us concerning our various proposals contained in Assembly Bill 416:

Section 1 of NRS 284: Our proposal was to prohibit an employee withdrawing a resignation once it had been submitted.

We have conceded to allow three working days for a "cooling off" period for the employee to withdraw the resignation.

Proposed Language: Page 1, line 4. Between the word "revoked" and "by", add after three working days.

Section 2 of NRS 284.013: We have agreed to remove language which specifically places the Nevada Gaming Commission and staff of the State Gaming Control Board in the unclassified service.

Proposed Changes: Delete proposed language on page 1, line 12 and line 13. Current statute wording will remain in effect.

Section 4 of NRS 284.155, Subsection 2: We proposed to allow for blanket certification and application to agency appointments for all open competitive examinations.

We have conceded from that position and restricted this type of certification to classes at grade 20 and those classes where promotional applicants are not normally available.

Proposed Language: Delete the wording between the words "adopted" on page 2, line 44 and "These" on page 2, line 46, and substitute the wording where regular examination and certification procedures are impractical for positions in classes having a maximum salary of $12,500 or less on December 31, 1980, and for classes where promotional applicants are not normally available.

23322

Exhibit A

5345 DOE

Section 5 of NRS 284.177, Subsection 2: In defining continuous service we have agreed to remove this statute change from AB 416 and use SNEA's proposal contained in Senate Bill 485.

Proposed Changes: Delete 284.177, page 3, lines 4-17.

Section 7 of NRS 284.265: We proposed to expand the appointing authority's flexibility to consider the top ten names or whole scores in making an appointment for vacancies.

We have acquiesced to allow only five names to be certified on promotional positions and ten names on open competitive examinations. We have also removed the whole score proposal.

Proposed Language: Delete the word "subsection 5" on page 3, line 33 and substitute the word subsection 6.

Delete the word "ten" on page 3, line 36 and substitute the word five.

Delete the wording on line 37, page 3 and substitute the wording names at the head thereof except that positions filled by open competition may be certified ten names.

Section 8 of NRS 284.295, Subsection 1: We had intended to allow the appointing authority to make the determinations on whether to fill vacancies on a promotional or open competitive basis. This should be a management right as evidenced by practices in local jurisdictions and other State governments throughout the country.

However, we would agree to stipulate that all vacancies in the classified service be filled by promotion where there are five or more qualified promotional applicants interested with the exception that an administrator recruit on an open basis for positions designated as officials and administrators. Also included would be a class or class series that is peculiar to a particular State agency. These classes or class series would have to be approved by the Personnel Advisory Commission which would further guard against abuse of this management right.

Proposed Language: Delete subsection 1, on page 3, lines 39 through 44 and substitute the wording 1. Vacancies in the classified service must be filled by promotion from among qualified persons in the classified service of the State where five or more qualified promotional employees apply, subject to the exclusions in subsection 2.

NO DEF.

Add new subsection 2 on page 3, line 45 to read as follows: The appointing authority may recruit on an open competitive basis for positions designated as officials and administrators. A class or class series which is peculiar to a particular state agency may also be recruited for on an open competitive basis provided it is approved by the Commission.

Change subsection 2 on page 3, line 45 to subsection 3,
Change subsection 3 on page 3, line 50 to subsection 4,
Change subsection 4 on page 4, line 5 to subsection 5,
Change subsection 5 on page 4, line 12 to subsection 6,
Change subsection 6 on page 4, line 17 to subsection 7.

SNEA will only agree to removing positions at grade 40 and above.

Another alternative we would recommend is to let the existing statute on the subject remain as is.

Section 9 of NRS 284.300, Subsection 1: Our initial intention was to prohibit an employee who promotes to a position in another agency from returning to the position from which he left if he did not satisfy the probationary period. We would agree to remove this provided SNEA agrees with the language in Section 8 of NRS 284.295, Subsection 1 and 2.

JFW:akb