

# CIVIL SERVICE COMMISSION

## MINUTES

Thursday – August 22, 2013 – 5:30 p.m.

Reno City Hall – Room 709

One East First Street, Reno, Nevada

### MEMBERS

Jeannie Atkinson, Chair  
Bertha Mullins, Vice Chair  
Tray Abney  
Maureen Cole  
Milven Hooper  
Paul Lane  
Jenny Martinez  
Ric Bailey, Chief Examiner

### 1. CALL TO ORDER/ROLL CALL

Chair Atkinson called the meeting to order at 5:30 p.m. A quorum was established.

**MEMBERS PRESENT:** Tray Abney, Jeannie Atkinson, Maureen Cole, Milven Hooper, Paul Lane, Jenny Martinez and Bertha Mullins.

**MEMBERS ABSENT:** None.

**MEMBERS EXCUSED:** None.

**ALSO PRESENT:** Ric Bailey – Chief Examiner; Andy Bass – PRCS; Tracy Chase – Chief Deputy City Attorney; Robert Chisel – Director of Finance & Administration; Julee Conway – PRCS Director; Brad Drum – IAFF 731; Darryl Feemster – PRCS; Jerry Frederick – Local 39; Robert Larson – RPD; Jo Ann Malugani – Civil Service Technician; and Renée Ruņģis – Director of Human Resources.

2. **PUBLIC COMMENT** – This item is for either public comment on any action item or for general public comment and is limited to no more than **three (3) minutes** for each commentator.

None.

### 3. APPROVAL OF AGENDA (For Possible Action)

*It was moved by Vice Chair Mullins, seconded by Commissioner Cole, to approve the August 22, 2013 agenda as written. The motion carried unanimously.*

4. **LIAISON REPORT** (*Item for announcements and informational items only. No deliberation or action will be taken on this item.*)

Chair Atkinson stated the she and Ric had lunch with Dwight and he has three different things on his schedule for this evening at 5:30. He is going to try to stop by for a few minutes. He understands that the Commission would like him to be present.

5. **MINUTES** – *Approval of the July 25, 2013 regular meeting minutes. (For Possible Action)*

*It was moved by Vice Chair Mullins, seconded by Commissioner Abney, to approve the July 25, 2013 minutes as submitted. The motion carried unanimously.*

**6. CONSENT AGENDA**

- A. Request to approve employee confirmations. (For Possible Action)
- B. Request to approve eligible list for Accountant. (For Possible Action)
- C. Request to approve eligible list extension for Deputy Chief of Police. (For Possible Action)

***It was moved by Vice Chair Mullins, seconded by Commissioner Cole, to approve Consent Agenda Items A, B, and C as submitted. The motion carried unanimously.***

**7. REGULAR AGENDA**

***7-D. Discussion of request to approve Police Sergeant incentive bonus points to be added to passing final grades on future exams from Mac Venzon, Acting Deputy Chief of Police and possible action thereon. (For Possible Action) [Out of Order]***

Lieutenant Larson: I believe Mr. Hooper asked us a few months back to return with some type of educational incentive. We went to the Sergeant's Association and asked them what they felt would be appropriate. What they put on the table is:

- ¼ point for Intermediate P.O.S.T.
- ¼ point for Advanced P.O.S.T.
- ¼ point for Associate's Degree
- ½ point for Bachelor's Degree

The Bachelor's is ½ point because assuming if you have a Bachelor's Degree you have an Associate's so you wouldn't get ¼ point as well. A person taking the test could earn up to a one point advantage. When we met with RPPA they were not in favor of adding any points at all. It took some talking with them to get them to buy into it (that is the Officer's Association) realizing that they had no dog in the fight, but they did see value to it as well.

Commissioner Hooper: When you talked with the representation, why did they give you the feedback that they didn't feel that the point system for education was appropriate? Did they give you a reason?

Lieutenant Larson: I worked with the RPSAE primarily and they are actually the ones that presented what we have here today. The RPPA didn't really give a reason.

Chair Atkinson: If someone has an Intermediate P.O.S.T. and an Advanced P.O.S.T. – only one of those count?

Lieutenant Larson: No, for the Intermediate and Advanced, they both get ¼ point because those are two separate certificates. However, on the Associate's Degree if you have a Bachelor's we are assuming you have an Associate' so you would not get the additional ¼ point. There is a one point total.

***It was moved by Commissioner Hooper, seconded by Commissioner Lane, to approve Agenda Item 7.D. as submitted. The motion carried unanimously.***

7-A. *Discussion and possible acceptance of report from Renée Ruņģis, Director of Human Resources, per Rule VII, Section 12. (e) roster of temporary employees and non-civil service part-time employees. (For Possible Action)*

Robert Chisel, Director of Finance & Administration: First off on the roster there is a list of the temporary positions, the 1560 positions categorized into several areas – over 18 hours which are the 1560s and some of the under 18 hours. As we were directed back in June we have reviewed all of these positions and as requested by the Commission we are reporting back to you on these items. We acknowledge there has been an issue on the appointment. It appears that we have not ever sought approval from the Commission of the 1560 temporary employees from at least 2000 which is as far back as we could go. Apparently these positions have never been approved nor did we seek approval so that is an error on our part. Does anyone have any questions on any of these items? Do you want to go through them?

Chair Atkinson: Let's table that and perhaps come back to it.

Robert Chisel, Director of Finance & Administration: We are seeking temporary ratification of the 1560 employees that are listed here and at least 60 or 90 days and we will come back at the next meeting, September 26, with a further action plan to further address the issue. Also we are seeking clarification of the rules for temporary appointments as the rules currently stand.

Chair Atkinson: Are there other comments. Being none, let's bring it back to the table for discussion.

Commissioner Hooper: Why is there additional time needed?

Robert Chisel, Director of Finance & Administration: As we go through we are going to be further working with our departments, particularly Police and Parks & Recreation, to identify the positions that truly are needed to be in the 1560 categories. Also, one of the things we do need from the Commission is further clarification on the wording of the 1560 hour temporary appointment positions and how that would be interpreted going forward.

Commissioner Hooper: Where would you get the clarification from?

Robert Chisel, Director of Finance & Administration: From you, you may want to clarify the rules or get a ruling from the City Attorney.

Chair Atkinson: Because I did not hear 100% of what you said, would you repeat what you are asking the Commission to do under Item A.

Robert Chisel, Director of Finance & Administration: It would probably be more likely to fall under Item B.

Chair Atkinson: So, Item A. was presentation of the report. On presentation of the report does the Commission feel there is any need to take action on receiving the report in light of the fact that Items B. & C. are on the agenda. There was no further discussion on Item A.

*7-B. Discussion and possible action regarding request for blanket extension of all temporary and 1560 hour appointments. (For Possible Action)*

Chair Atkinson: Mr. Chisel, would you repeat what it is you are asking of the Commission.

Robert Chisel, Director of Finance & Administration: We are requesting that since it appears that none of the 1560 hour employees ever (at least going back to 2000) were brought to the Commission for approval, we are asking for a temporary ratification of the individuals on the report so that we can come back at the next meeting with a further action plan to address the issue. We would request a 90 day temporary ratification of these positions. The second thing is we would also seek further clarification of the rules under temporary appointments.

Chair Atkinson: Is there anyone in the audience that would like to speak to this item.

Jerry Frederick, Local 39: Are you talking about just approving the over 18 hours (1560 employees) or are you talking about the entire packet.

Robert Chisel, Director of Finance & Administration: We are talking about the 1560s – the over 18 hours. There is page 1 of 1 which is non Parks & Rec and there are pages 1 through 15 which are Parks & Rec.

Jerry Frederick, Local 39: Do these positions have class specifications and job descriptions.

Renée Ruņģis, Director of Human Resources: Yes, they do.

Jerry Frederick: All of them. Are they readily available?

Renée Ruņģis, Director of Human Resources: Yes, but I would like to point out the only class specs that there are for these positions are two different types. One is Recreation Program Specialist and the other is Public Service Intern. On the report there is a very brief description of what these folks do because the Commission had asked at prior meetings what does this Public Service Intern do in Police, for example. Where you see job title/description, it is really the description of what that individual does not their job title.

Jerry Frederick: Why do we call them Interns? Are they here to learn practical experience like the true definition of an intern?

Renée Ruņģis, Director of Human Resources: It's just a title that has been around for a while.

Jerry Frederick: So it is a generic title "Public Service Intern" and they could do something different in PD than they do in Community Development.

Renée Ruņģis, Director of Human Resources: Correct.

Jerry Frederick: Are there minimum qualifications?

Renée Ruņģis, Director of Human Resources: Yes.

Jerry Frederick: Knowledge, skills and abilities for each individual job they may perform if they have a generic job description?

Renée Ruņģis, Director of Human Resources: No, it's generic.

Jerry Frederick: I can possibly see that being problematic. The other question that I have is on Page 1, the first two names are Pedrick & Barrera. They have already been extended so are you requesting that they get an extension also.

Renée Ruņģis, Director of Human Resources: No, they are only on this report just because they are part-time (temporary) employees. It is noted that they were extended six months as a history note. It is not the intent that their appointments would go longer than the six months that the Commission approved in May 2013, I believe.

Jerry Frederick: My other question is if the Victim Service Intern is the old Victim Services Coordinator position that used to be grant funded.

Renée Ruņģis, Director of Human Resources: No. It is in that unit, but it is not that job.

Jerry Frederick: How do the duties differ because when I was looking at just this brief little title and then I went to the Victim Services Unit Volunteer Coordinator job description it appears to be almost taken out of here verbatim?

Renée Ruņģis, Director of Human Resources: I will have to get back to you with that detail. I would need to talk to someone in the Police Department to get that information. I don't have it.

Jerry Frederick: My concern is that one time this was a grant-funded position and I believe it was sometime in September 2012 the grant funding ran out and they decided they were going to try to make it a general fund position. I have a letter that I sent to the City requesting to bargain over the new title and job description. I don't know for a fact, but I believe that the Chief Examiner may have done some minimum qualifications, K, S, A's – I don't know if he tested for it. Can you answer that, Ric?

Chief Examiner Bailey: We had the classifications brought to the CSC for minimum qualification approval about last August or September. Then, I did two recruitments. One for Crime Analyst and the other was for (Victim Services) Volunteer Coordinator.

Jerry Frederick: You did the recruitments and tested? Did you have any eligibles on the list?

Chief Examiner Bailey: For the Crime Analyst, we actually did the test and we provided the list to the department and they decided they did not want to do that. They felt like they had classified the position incorrectly. They wanted someone who was better with graphics and not someone that was basically a statistician, but they were asking us to recruit and test for a statistician called a Crime Analyst. The other was for the Volunteer Coordinator and at that point we had the assessors contacted, we had the people set up for the testing and then the supervisor of that unit said that she was unhappy with the MQ's and unhappy with the salaries and therefore wanted me to put everything on hold. The last time that I spoke with her, she said that she was going to bring forth another set of classification ideas and MQ's. Of course, I

said that she has to go through Ms. Ruņģis in HR and then bring it to the Commission. She felt that basically the classifications did not really capture what her real needs were and so she wanted to have it revamped.

Jerry Frederick: It appears that rather than make this a civil service position that the City is asking for you to make this a 1560 employee, but if you look at the number of hours that this employee has worked in the two months of the report. That is 164 hours a month. There is only 173.3 regular working hours in a month. It appears it is a full time position and they recruited for a full time position, but now they don't want to call it a full time position. That is my concern.

Renée Ruņģis, Director of Human Resources: I'm sorry, Jerry. What are you looking at now?

Jerry Frederick: K. Callahan, Victim Service Intern. You tested for a Victim Services Unit Coordinator. I think all we did is change the name from Coordinator to Intern to make it a 1560 employee.

Renée Ruņģis, Director of Human Resources: What did you say about the hours worked?

Jerry Frederick: It shows they worked 328 hours in two months.

Renée Ruņģis, Director of Human Resources: In three months, it's a quarter.

Jerry Frederick: But they only started in May. The quarter ended in June. That's only two months.

Renée Ruņģis, Director of Human Resources: I see, okay.

Jerry Frederick: The other question I have on that same page is we have a K. Hull as a terminated employee. She started on 6/25/12 and terminated on 9/28/12. Then if you go to the third name down, K. Hull is back but it still shows that she started on the same date (6/25/12).

Renée Ruņģis, Director of Human Resources: That was a typographical error. She started on June 25, 2013. She works the sewer rebate program. She worked three months in 2012 and then the plan is she will work through the end of September 2013.

Jerry Frederick: I really didn't understand the entire report. Does anybody know what a Facilities Assistant is because it sounds awfully close to being a Local 39 position? Is there a job description for that?

Renée Ruņģis, Director of Human Resources: It's the generic. It's the Recreation Program Specialist. Perhaps Julee can respond to exactly what position that is.

Julee Conway, PRCS Director: Can you refer to what page you are referencing?

Jerry Frederick: Page 3 of 15 in the over 18 hours per week.

Julee Conway, PRCS Director: We refer to them in the generic sense of a Day Porter. So what they do is they are there to provide support for the rental program for individuals or

businesses who may rent a building. They will be at the building and assist the group while the building is being rented. The title of Facility Assistant means that they assist those who are renting the building. In past practice it was called a Day Porter, but it is a Facility Assistant in that it helps individuals who are renting the building during the time that they rent the building.

Jerry Frederick: What type of duties are they performing?

Julee Conway, PRCS Director: They will find out how many chairs are needed. If they have questions by the renter of where are the restrooms, I need to get water for the coffee pot – that type of work. It is low skill. It is generally an entry level position and those positions are provided to the renters on a basis to support the rental program of the building.

Jerry Frederick: On page 8 of 15 of over 18 hours - at the very bottom of the page you see two names both with the name Williams and both Park Ranger Assistants. My question is that we had Park Rangers that were both laid off in May 2010 so what Park Rangers do they assist? What I find most appalling is that in May 2010 we laid off our Park Rangers, but we hired a temporary Park Ranger Assistant in July 2010.

Julee Conway, PRCS Director: Is that a question that the Commission would like me to respond to?

Chair Atkinson: Please.

Julee Conway, PRCS Director: There are two individuals as noted. The positions work 30 to 35 hours a week during high season to support the Park Permit program and closing restrooms. They do not do the breadth and scope of work that the full time positions did and during the winter season (now) they work less than 18 hours a week. The full time staff did interpretation programs and other types of support as a Park Ranger would do. These are Assistants in that they do, only at this point, restroom opening and closing and they check park permits. We have individuals who use our picnic shelters and so similar to the Facility Assistants they are there to support and assure that those renting our picnic shelters are appropriate to be there. They have no enforcement power or authority. Currently, their hours would vary each season and during the week. Due to budget constraints right now, they possibly work six to eight hours on Saturday and Sunday and possibly two to three hours during the weekdays.

Jerry Frederick: This is just for the Commission to note that on pages 10 and 11 of 15 you will see a bunch of Customer Service/Payment Clerks – several on those pages. It would appear that if you have that many people working 1560, why couldn't these people be regular civil service employees? That is an awful lot of people with thousands of hours between them. The other question is on page 11 of 15 we have a B. Mahan and D. Moser that were both hired on 3/22/13 so they worked five months, but one of them already has 1500 hours and the other one 1400 hours. How can you get that many hours in five months?

Julee Conway, PRCS Director: I would like to clarify and this is a discussion that our department had with Renée Ruñgis, the Director, wants this Commission who had reviewed this issue at the last meeting (sic). The terminology of 1560 is a terminology that is used here as a 1560 however; some of these employees when we look at them some work between 18 and 20 hours; others work more than 20 hours a week. We looked at the PERS and PARS

rules as well because that is critical for us to follow those rules when we are budgeting. In that case in looking at 1560's those are employees that work more than 30 hours a week. 1039 meaning employees that work 20 hours or less a week through the PARS system and even though they are included on this list as 1560's from the State's system they are considered PARS employees, not PERS employees. I want to clarify that this list includes both employees that work 18 to 20 hours and employees that work more than 20 hours a week, so you are seeing both. If there is an employee that you would like to speak to that is on this list that says 1560, depending upon the employee, it may fall into that category of 18 to 20. We have approximately 168 from last year that fall into the 18 to 20 category and approximately 59 that work over 30 hours a week. The Civil Service Commission will by Charter – it says 18 hours or more are the employees that this Commission reviews.

Back to your question Mr. Frederick, on page 10 the Customer Service Clerks. Some of these for example K. Sampson worked 363 hours last year so that would be considered (in our world) less than 20 hours a week. Whereas, looking at D. Holmes at 1047 that would be considered, again, a 1560 or working more than 30 hours a week. These are located in different locations within our department and they work different hours because most often they are students. We advertise them as part-time positions because that is the schedule that they want and need and what we need is to have those part-time positions that will fill in over different days and times because we operate, in some cases, seven days a week. We operate sometimes more than eight hours a day. We advertise those a part-time positions because of the seasonality and the locations that we have and because of the part-time nature of the job and the individual who is interested in the position is interested in part-time work. With me tonight is Andy Bass who is the Recreation Division Manager and also Darryl Feemster who is the Youth & Senior Services Division Manager so I am relying on them as well if there needs to be clarification.

Jerry Frederick: Before you go any further since you are on that page can you look at J. Gundersen. Do you see the hire date (6/14/13)? How did they get 1014 hours?

Renée Ruņģis, Director of Human Resources: In the reporting on several of these positions, the hire dates are incorrect. She/he did not start in June 2013 – started in May of 2010.

Jerry Frederick: Because there are several of those.

Renée Ruņģis, Director of Human Resources: Yes, there are. I apologize for that.

Jerry Frederick: So when it says position date and it says the start date. It's not necessarily the position they had is it? They could have started at a different time, correct?

Renée Ruņģis, Director of Human Resources: Correct.

Darryl Feemster, Youth & Senior Services Division Manager: A lot of these start dates that you see are the dates that these employees transferred from one position into another and somehow we reported that transfer date instead of their actual start date.

Jerry Frederick: Based upon those remarks I would say that this report has several flaws and errors and that this Commission may want to rethink if they really want to approve it at this time.

Chair Atkinson: As a point of clarification before we begin our discussion each of the Commission members has a chart (copy on file). This chart attempts to make a distinction because we have terminology that is overlapping that is misleading. The only positions that this Commission is concerned with, because of the way the Charter is specifically written, is anyone who works in excess of 18 hours or more a week. So you have two sets of data in the packet that we got for employees who work less than 18 hours. Those employees are outside of Civil Service consideration. Those that are 18 hours or more are within our consideration. Our concern is only as it relates to appointment status. There are only two types of appointment status – temporary or permanent. When people refer to part time, seasonality of the work schedule or when they refer to intermittent those are all about work schedule. Work schedule applies in equal fashion to somebody hired as a temporary. You can have a temporary full time, a temporary part time, a temporary who works in a seasonal program, a temporary who simply works on an intermittent basis. At the same time you can have a permanent position that is ongoing in nature that can work full time, part time, seasonal call-in basis or an intermittent basis. The only distinction that exists here is temporary versus permanent. This distinction between temporary and permanent is the expected duration of the position. Temporary, by our definition, is six months unless extended by this Commission or 1560 hours as long as those have received prior approval of this Commission. And, it is implied in our rules that the 1560 is limited to one year.

Having said that I will also give you a little more background, Ric and I had the opportunity to meet with the City just prior to this meeting. Present at that meeting were Renée and Mr. Chisel, as well as Andrew, the City Manager. We had a very candid discussion. In that discussion I expressed my dismay at this report. That I believe the report did not provide what we were asking of the City; that in providing the report that a request for a blanket extension was completely inconsistent with a case-by-case review. I went through the history, again, on how we approached this and I believe that the City heard what it was that I said. I think in asking for this Commission to now not provide a blanket extension for 100% of these employees but rather to first do a retroactive ratification of the 1560 appointments, which corrects a huge defect in this report, for a period of 90 days with the promise that they will come back at our next meeting with an action plan that specifically addresses how are you going to deal with what appear to be career appointments. We have nothing here that deals with that. I'm hesitant to say that I like that solution, but I think the only other solution that rests with this Commission, and it certainly is one that you can exercise, is to either deny the City's request which has the impact of closing down the programs effectively. The individuals would no longer be employed. It closes the programs down and it has an impact on the public that seeks service through those programs. It has an impact on the employees that are in those programs because they effectively lose their jobs. The other aspect of this is to simply not allow them temporary status. That has ramifications as well. By that I mean that the positions appear, at least in the report, without any additional explanation (and we have gotten some stuff that has floated up tonight) they appear to continue quarter to quarter and year to year at least in a large number of those cases that are under the Civil Service jurisdiction. So it raises a real question in my mind whether or not those positions are actually temporary or permanent in nature. I'm still unclear as to how those appointments – how long people have been in positions. Whether or not there have been discernible breaks in service; whether or not the appointments to those positions have been truly temporary in nature. I am willing to give one more meeting to allow the City to come back and put on the table explanations for what it is that they are trying to do with this program from my perspective, but I do believe that is up to this Commission and there

may be other options that each of you have thought of. I was not happy with the report. I will say that again. After two years of discussion, it was not what I expected.

Commissioner Hooper: I have to agree with you. As I stated in the last meeting, there are multiple reasons why temporary positions are not desirable. One would be, indeed, multiple times people are approved or continued to work as a temporary and they are not really as far as I am concerned a temporary. Others don't get an opportunity to work in that position which would extend monetary value to others. As was stated this evening, positions or people that have been laid off (or full-time positions) should be the goal of the City in order to have continual and experienced workers providing services to the citizens of Reno.

Vice Chair Mullins: I think there is a difference between temporary and part time. Is there a difference? In reference to the Commission our responsibility relies with the 18 and over, is that correct?

Chair Atkinson: Correct. Part time simply defines the work schedule and that work schedule is universal. It is a universal term that applies in equal fashion across everybody. You have people who work on a permanent basis – do a career where they work a 20 hour part-time schedule. You may also have people that are hired to do work of limited duration (temporary) that work a 20 hour schedule. They could work an 18 hour schedule or a 40 hour schedule.

Vice Chair Mullins: I understand that; however, I think there's a little confusion here because according to what we were looking at part time within a block of 12 months.

Chair Atkinson. Not exactly, our rule is specific about six calendar months. It does not concern itself with hours worked.

Vice Chair Mullins: But within the six month period, they could come back and ask the Commission for an extension – that is where I came in with the annual.

Chair Atkinson: Yes, you can do six months and with prior approval of the Commission you can do some additional months. It doesn't matter if you work 20 hours a week or full time. There is one other appointment that is a sub category of our temporary rule which is the 1560 appointment. That is effectively a three-quarter time position. My understanding of the history on the three-quarter time position is that it is temporary, which means it comes on and goes off payroll every year. There is a discernible break in service from an individual working on one 1560 hour appointment to the next. The 1560 hour appointment is not to exceed 12 months in length. Admittedly when I looked at our rules very closely, our rule is not precisely clear on that – that it does not exceed 12 months in length. It is implied in the way the rule is written, but it is not expressly stated. So I do think that, reluctantly, I will agree that it gives rise to some confusion on the part of the department in its manner of use.

Vice Chair Mullins: I'm not in favor of any programs being interrupted and I'm not in favor of (terminating) any of the current employees who were hired for specific programs in PRCS at this time because this has been an issue for a few years in coming to deal with the problem. It has made it this far. I think in reference to going forward as to how the City can correct it, there has to be a plan. I don't think you can implement it without terminating employees which I am not in favor of. I believe there was a request for them to go back. I'm just dealing with an

implementation period and where do you start in with dealing with that. Its peoples' lives and we as Commissioners are here because of the employees.

Commissioner Cole: I agree. I don't think any of us would feel comfortable putting someone out of a job tonight and frankly I don't really think it is the responsibility of any of these employees to say, "Wait a second, I'm at my hour limit here". That's management's responsibility and as far as I can see it has been abdicated long ago and so that's what we need to fix. But by the same token, for crying out loud, how do we even begin to fix this when we can't determine when somebody started. And you print page after page after page and "oh, no that's a mistake and that's another mistake and that's a different mistake". Can't we, at least, determine when somebody started working for the City and then write it down and print it. I'm shocked; I'm absolutely shocked that we can't get that after as much discussion as we've had. Really, there are so many situations that clearly cannot be correct. People who started in the 4<sup>th</sup> quarter of the year who have hours tallied up in Q1; Q2 - that's not possible if we are counting things correctly. We do need to go back and get the data straight. When did these people start and how many hours have they worked in the timeframe that we are reporting. I think that gives us something to work with.

Chair Atkinson: One thing that is important to bear in mind and it is something that Jerry brought up, is that there are individuals that have been on this list now for – some of them go back to 2002. They are hired, being paid and treated as temporary employees which means they gain no right or no benefit under the civil service system because our language specifically excludes them. We have, in looking at this and in deciding what course of action as a Commission you want to take, wages and benefits of a monetary nature outside of our consideration. But by the same token, we have people who should be gaining some form of tenure in the system itself, some form of protection against termination without due process. So part of what is happening here is when you look at this a very amorphous quality to the people that are in this big pot. Some of them clearly don't appear to be of a temporary appointment nature. Others have not received prior approval which was required in order to be hired way back for a long time. We do have a little bit of confusion in our rule as to whether or not that 1560 rolls from year to year or whether there has to be a discernible break in time. That needs to be clarified. Again, I think in trying to wrap your heads around this you kind of grab the whole issue and look at it. I will go back to what the City has asked for and that is temporary ratification of these individuals with a 90 day window to allow them to specifically address every person listed on that list in one form or one fashion and bring it back to this Commission, as opposed to giving us a list and asking for a blanket extension.

Commissioner Martinez: I'm thinking of what are the civil rights of the people that work for the City and also I'm thinking of how tremendous I do respect some of these people that are sitting up here and of them and their work. I have this other thought about the people that work for PRCS – you go to skills, knowledge and abilities of certain departments or organizations but some of the people that I know that work for Parks & Recreation I kind of think of their personalities, skills and needs. What I'm trying to say is sort of what Vice Chair Mullins was saying, I don't want anybody to be without a job, but at the same time we need to come up with a plan because I know how professional these people are and the organization is and I am pulling for them. When you think about PERS & PARS rules do we need to come up with a new rule? Do you need us to come with another position/title description?

Chair Atkinson: PERS & PARS are monetary benefits. They have no bearing at all in our discussion. It is completely outside of us. That is a purely financial point of view and is not even within our purview. PERS, PARS and part time are not part of our consideration. It is just temporary or permanent and if these are in fact permanent they are not holding the positions legitimately. If they are temporary they are not holding those positions legitimately either because they have not been preapproved or they extend so far beyond the six month window that they are out of sync with everything in our language and all of our rules. So the question is how do we get from here which is a very confused amorphous beast to where we need to be which is to have positions declared either as permanent or temporary in nature, true to the term permanent and temporary in nature, to have appointments conform with the concept that temporaries can come in work six months and go home or can come in and work three quarters of the year and go off our payroll and not continued year to year or they are permanent and go through that competitive, recruitment, testing selection appointment process which is what the public demands of us. In the meantime we have a lot of external considerations which is there is a financial consideration from the City's point of view. There are continued employment considerations from the people who are performing the work. They weigh into the whole equation.

Commissioner Lane: Unsavory, I guess. When someone is hired as a temporary employee. I'm assuming if you hired me and said come to work for six months, your job is going to be here for six months. I expect at the end of six months to be out of the job. They could say we need you a little longer, going to get a six-month extension. I take a look at some of these people and I guarantee that they are all working hard and doing a great job, but really they have been benefiting by lack of management for a long time. I don't want them to lose their jobs, but it is also one of those things that when they signed on they were really hired for a specified time frame. I also think that to debilitate programs and have them stop full bore is not right. You can't do that either. We are sitting in this position to do the City, employees and taxpayers overall and make sure that it is not just one dimensional. It is a sticky wicket. I don't have any solutions presented here tonight and I think it is going to take a while to come up with some. I would have to go with what you are thinking about – a couple of months to see what we can work with and get some specificity to the data. We need to have a better handle on it and make sure things are put correct on course for the future. That is what the Commission is here for.

Commissioner Abney: I don't disagree with anything that has been said. I think we need accurate data. I think that is key. Obviously, I think we need to grant them an extension to figure this out. I see us as being here for the employees, but I also see us as being here for the taxpayers of the City and they deserve the services that they are paying for. We don't want to shut those down. Obviously, this stuff has been going on long before the staff members that are sitting here today ever came to their jobs. I think we can work with them and they can bring us information and we can figure out how to work it out. I definitely support an extension of 90 days or whatever the Chair and rest of the Commission feels is appropriate.

Commissioner Cole: I think 90 days is probably a reasonable period of time, but I am concerned about what happens if it doesn't get resolved in 90 days. Do we go another 90 days; do we go a year. How do we put an end time to this at some point.

Chair Atkinson: From my perspective, we have been at this now for more than two years since June 2011. I think the Commission has been pretty clear about its expectations and concerns. We have struggled in getting accurate data and now we are struggling once we have gotten, at least, usable data (there still may be errors in the data itself), but it is pretty clear when I looked at that report, the series of positions listed, that we have people beyond temporary level. I'm tired of fighting the battle. I think as a Commission you have several options. I believe you can take an option tonight to simply terminate 100% of the people listed, refuse the extension and terminate the people on the list. That obviously has ramifications that you discussed. I think you can agree to do a retroactive ratification of those appointments that didn't get prior approval and give them a 90 day window. I think you can require the City to be back with specifics – item by item, person by person at the next meeting. That is a fairly short window given how much struggle we have had getting data to this point in time. Whether you are willing to consider two months, instead of a single month, to get that accomplished is up to you. In any event whichever course of action as a Commission you wish to choose I think there's some things that need to be clarified.

- There needs to be class specifications for the jobs.
- Those class specifications need to come to the Civil Service Commission for approval of the minimum qualifications whether they are temporary or permanent in nature because the department is effectively using them as a selection device. There needs to be some oversight on the minimum qualifications so that we can ensure that we don't have indefensible positions out there.
- We need to get some clarification on our rule because as I mentioned earlier there is an argument that 1560 isn't limited to the twelve month cycle. I don't agree with that argument, but I accept that there is an argument. That the rule is not expressed in that regard. That it is implied so that needs to be clarified and perhaps we even need to look at the temporary rule altogether. Maybe we don't make the distinction, maybe we bring it all back into a single period of time with a required break in service consideration.

The question is what do we do with the existing. I personally am not willing to look at those people continuing in the status quo for any lengthy period of time. I think we are already there, but I could another month or two if we can actually get this thing corrected.

Commissioner Hooper: ***I am not able to approve agenda Item 7.B.*** That is my last comment.

Chair Atkinson: 7.B. as it is stated is a blanket extension.

Commissioner Hooper: I am unable to approve that.

Chair Atkinson: Is there a second to that motion.

Commissioner Lane: ***Second.***

Chair Atkinson: It has been moved and seconded to deny blanket extension for all temporary 1560 appointments.

***Motion carried unanimously.***

Chair Atkinson: I would ask you to go back to what Mr. Chisel did ask which is actually modification off of what was asked for in the report - I believe in good faith after our meeting and that is to do a temporary ratification of the appointments and make them legal for the moment and give them some period of time to come back with an action plan and specifics on each individual as to how that individual fits into a larger scheme and what they are asking of this Commission for appointment status. Is this Commission willing to do that? Basically the people have a 90 day window and the City has a 30 or 60 day window to get serious about this.

Commissioner Cole: ***I would be willing to make that motion with the addition of an “or else”. If it can’t be concluded successfully in all cases for all of these individuals within that 90 day period that then we have to just start over again. If it means someone loses their job then perhaps that is what it is going to take to make the point that this has to be corrected. If we have a report in 30 days and 60 days then we should be able to see that it is going to be successfully concluded in all respects in that 90 day window.***

Chair Atkinson: ***We have a motion to grant the City’s request to do a temporary 90 day ratification of all existing employees listed on the 18 hour and over appointment schedules. In addition, the City will come back in one month at our next meeting with an action plan that lists individual by individual exactly what appointment status that individual is in and what action they are specifically asking of this Commission with respect to those individuals and that failure to meet those deadlines (so that is a 30 day deadline) results in an “or else” and that is the appointments will be ordered to be ended and start from ground zero.***

***Commissioner Lane seconded the motion.***

Vice Chair Mullins: I would like to ask Human Resources if they feel that they can meet that request within 30 days.

Renée Ruņģis, Director of Human Resources: Yes, we can.

Commissioner Martinez: So when the City comes back hopefully with a more detailed spreadsheet regarding individuals, their job title and start date, will it be expected at that time for the department heads to come back and ask for an extension if we find that there are employees where their status needs to be changed. My feeling is that this is an incomplete spreadsheet. It is just kind of thrown together and it could be better. At the benefit of the City if someone started in 2010 and perhaps taken on several different non-permanent positions. So we find that and there is somebody on the list on a non-permanent-position for more than six months that is expected at that time for the department head to ask the Commission for permission for extension of that employee’s position.

Chair Atkinson: Let me look at Maureen who made the motion. My understanding is that what the City will be bringing back is not necessarily the spreadsheet (which is data). What they are going to be bringing back is every individual, one by one. They are going to talk to us about what position that individual currently occupies, what is the extended duration of that position (is it a temporary position or permanent) and what the proper appointment status for that person will be within that position and what they are asking from us in terms of either approving an extension of that or conversely creating recruitments if permanent positions that allow them

to quickly move people from this temporary abyss into a more permanent status. That is my understanding of your motion.

Robert Chisel, Director of Finance & Administration: I just want to make sure that we are clear. There are different types of positions as we have stated. There is the under 18 hour positions; there is the temporary employees and then there is the 1560 hour temporary appointments. What we are talking about here are those 1560 hour temporary appointment positions. We would be coming back with an action plan for those on that list that we were discussing (page 1 and pages 1 thru 15). We will come back with those, but what we are also requesting – we are going to need clarification on the definition of the 1560 temporary appointment as it reads in the Civil Service Rules. So that may drive some of those actions.

Chair Atkinson: That I don't think needs to be part of the motion, but I do believe it does require the City, City Attorney's Office and Ric to sit down and hash through that.

Robert Chisel, Director of Finance & Administration: I just want to be sure that everyone is clear that there may be – that is still an open item.

Chair Atkinson: Just as point of clarification. When Ric and I met with City staff prior to this meeting we disagreed over the application and interpretation of the 1560 appointments. At this point it would be proper for us to move that into the City Attorney's office to get a ruling as to whether or not our interpretation stands or whether or not we need to reconsider some of this in light of an opinion from the City Attorney's office. We will follow up on that, but I don't believe that needs to be part of the motion.

Commissioner Cole: I don't think so either because that will factor into the individual plan of action for each employee. We may think of them in one way right now, but the City Attorney's office may change that characterization and then that would be part of the plan for that individual employee based on the interpretation of the rule.

Chief Deputy City Attorney Tracy Chase: We will do our best to try to get an opinion out in coordination with the affected staff members.

Chair Atkinson: Is there any clarification needed from anybody involved in this?

Chair Atkinson called for a vote.

***The motion carried: Chair Atkinson, Commissioners Abney, Cole, Lane, Martinez and Vice Chair Mullins assenting; Commissioner Hooper dissenting.***

*7-C. Discussion and possible direction to the Chief Examiner regarding request to amend Rule VII, Section 12. (e) from Renée Ruņģis, Director of Human Resources. (For Possible Action)*

Chair Atkinson: There was a request as part of the City's report to look at some rule modification language. May I suggest that we table that and look at what we have at the moment and at the same time ask Ric to go back and start looking into some rule modification ideas that can come back and be viewed at a time separate from discussion of this immediate

issue because the rule that we are working under right now is the rule that has to apply. We don't want to do a rule change in the middle of working with this issue, but we don't want to be blind to the fact that perhaps there are some ways that we can modify or clarify the rule to prevent reoccurrence of what we have seen in the report that we have before us. Is that acceptable to you, Renée?

Renée Ruņģis, Director of Human Resources: Yes.

## **8. IDENTIFICATION OF FUTURE AGENDA ITEMS**

Chair Atkinson: Other than the one we just talked about, there was one question - at one point in our discussion when Lt. Larson was here before I asked if they were looking at modification of the minimum qualifications for Sergeant to do that well enough in advance that people could prepare for that. Could I ask you to double check with him because if they are looking at doing something with those MQ's they need to bring them back as soon as that test is completed.

Chief Examiner Bailey: We just did a Sergeant's list so we have ample time to look at that. I believe the decision that I heard in talking to the Union representative is they were not interested in changing the MQ's at this time, they were only asking for the bonus points.

Chair Atkinson: Okay, as long as that is clear.

Chief Examiner Bailey: I'll be glad to clarify that with Lt. Larson.

## **9. SET NEXT MEETING DATE (For Possible Action)**

The next regular meeting of the Civil Service Commission is Thursday, September 26, 2013 at 5:30 p.m.

**10. PUBLIC COMMENT** – This is for general public comment limited to items that do not appear on the agenda and is limited to no more than **three (3) minutes** for each commentator. Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda.

## **11. ADJOURNMENT (For Possible Action)**

Chair Atkinson adjourned the meeting at 6:52 p.m.

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Jeannie Atkinson, Chair

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Date