

# CIVIL SERVICE COMMISSION

## MINUTES

Thursday – October 24, 2013 – 4:30 p.m.

Reno City Hall – Room 709

One East First Street, Reno, Nevada

### MEMBERS

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

### 1. CALL TO ORDER/ROLL CALL

Chair Atkinson called the meeting to order at 4:30 p.m. A quorum was established.

**MEMBERS PRESENT:** Jeannie Atkinson, Paul Lane, Jenny Martinez and Bertha Mullins.

**MEMBERS EXCUSED:** Tray Abney.

**ALSO PRESENT:** Ric Bailey – Chief Examiner; Robert Chisel – Director of Finance & Administration; Julee Conway – PRCS Director; Darryl Feemster – PRCS; Jo Ann Malugani – Civil Service Technician; Peggy Nelson-Aguilar – RAPG; Susan Rothe – Deputy City Attorney; Renée Ruņģis – Director of Human Resources and Joe Wilson, Recreation Supervisor.

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 Martinez, to approve the October 24, 2013 agenda as written. The motion carried: Chair Atkinson, Commissioners Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.*

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

None.

5. **MINUTES** – *Approval of the September 26, 2013 regular meeting minutes. (For Possible Action)*

Vice Chair Mullins: I wasn't present at the meeting so I can't approve.

Deputy City Attorney Susan Rothe: You can if you have read them or you can wait and defer.

Vice Chair Mullins: Well, I did read them.

Deputy City Attorney Susan Rothe: Bertha can vote in favor of them if she has read them and if she feels comfortable in voting in favor of approving.

***It was moved by Commissioner Martinez, seconded by Commissioner Lane, to approve the September 26, 2013 minutes as submitted. The motion carried: Chair Atkinson, Commissioners Lane, Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

## **6. CONSENT AGENDA**

- A. Request to approve employee confirmations. (For Possible Action)
- B. Request to approve eligible list for Development Permit Technician. (For Possible Action)
- C. Request to approve eligible list extension for Evidence Technician. (For Possible Action)
- D. Request for one-year extension to be placed on the re-employment list for Community Service Officer II from Lori Heidenreich. (For Possible Action)
- E. Request to approve minimum qualifications and probationary period for Lead Payroll Technician. (For Possible Action)

Chair Atkinson: I'd like to pull Item E and move down to discussion.

***It was moved by Vice Chair Mullins, seconded by Commissioner Lane, to approve Consent Agenda Items A, B, C and D as submitted. The motion carried: Chair Atkinson, Commissioners Lane, Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

Item 6.E.

Chair Atkinson: I looked at the class spec and I have a couple of concerns about it. Under education and training it talks about completion of twelfth grade which is essentially high school level and supplemented by college level course work in accounting, finance, or a related field. I am opposed to that last piece – supplemented by college level course work. The reason is it is too general. Basically if there are specific courses or degrees that can be listed – fine, but a general statement like that is very difficult to measure. It is very difficult to demonstrate that there is any correlation between the study itself and performance on the job.

The second concern is I think it needs to be simplified. When I look at the experience there is an attempt to ladder the different levels of experience one gathers as they build their career. From my perspective the only thing that you really want to capture in that statement is the highest level of experience that you are looking for. The assumption being that anything before that will be incorporated in the fact that you are now at the highest level. I would like to modify that to read: *Two years of work experience equivalent to a Payroll Technician with the City of Reno.* That does one other thing. It opens it to an external recruitment possibility. As it is currently written, it seems to me it is restricted to just internal use and I'm opposed to that.

Renée Ruņģis, Director of Human Resources: The reason the phraseology of the college level course work in accounting, finance, or a related field is because that is the language in the

Payroll Technician job spec that this Commission approved in July 2011. There was quite a bit of discussion at that time about the wording on the MQ's for the Payroll Technician. In fact, the Commission did make some changes and clarifications in the Payroll Technician job specs in 2011 so just trying to build upon that discussion.

The other issue about the experience in a position with the City of Reno is because certain positions in public safety as well the public works maintenance area use that same type of phraseology that this Commission approved. One was Police Sergeant in 2013 and Police Lieutenant in 2012. The Maintenance Worker series has been that way for a number of years. I was trying to parallel descriptions based upon that giving City of Reno employees preference for promotional opportunities.

Chair Atkinson: My concern is that this excludes anybody from the outside. The only access that someone can actually make is if they came into the City and worked into the system and worked up. I think that is too restrictive. If there are other specs that actually have that same language without some kind of contingency, some reasonable consideration, then I would suggest that we bring those back and modify them as well.

Renée Ruņģis, Director of Human Resources: I would just like to bring to your attention that Police Sergeant and Police Lieutenant specs. Perhaps if you want to discuss those in the future that's fine, but I just want you to be aware that is the language that is there.

Chair Atkinson: Just as a point of information, Police Sergeant and Police Lieutenant are public safety. This is not a public safety position. One of the reasons that language requires that internal ladder is because of the nature of the training that the individuals receive. That training is fairly intense and it is pretty agency specific. There is some justification when you are in a public safety position to say that you must come in and come up through the rank, but when I am looking at an office technical position I can't make that same argument. With respect to the general course work, unless there is some direct correlation between that course work and the type of work that they actually do and I looked at the spec very closely and 99% of this is stuff that somebody learns once they are in a position. They learn how to do it on a job. I suppose you can take a specific course that talks about a specific aspect of tax reporting and that type of thing, but unless we are willing to list it I believe that this is very difficult to validate. It's my suggestion that this Commission remove it.

***It was moved by Chair Atkinson, seconded by Commissioner Martinez, to modify the Lead Payroll Technician minimum qualifications to read:***

***Education/Training: Equivalent to the completion of the twelfth grade.***

***Experience: Two years of work experience equivalent to a Payroll Technician with the City of Reno.***

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

## **7. REGULAR AGENDA**

7-A. *Consideration, discussion and potential direction to the Chief Examiner regarding posting amendment to Rule VII – Certification of Eligibles, Appointments & Probation, Section 12. Temporary and Provisional Appointments. (For Possible Action)*

Chair Atkinson: There was significant discussion at our last meeting regarding amendments to the rules for temporary to clarify and to assure that the future use of those rules are consistent with the intent of this Commission and the requirements of Charter.

As I recall from that meeting we asked staff to bring back language with options listed. There are two options listed (Option A & Option B). The first portion of this deals with the language under Section 12. Temporary and Provisional Appointments.

Before we start, I would like to make one amendment to this under Option A and Option B on the second line it says “**without** approval of the Civil Service Commission (CSC)”. I think given our experience to date, I would like that now to read “**with prior** approval of the CSC” so that those come to us before they are actually filled. I would like to propose another amendment to sections (c) and (d) and I have a handout for that (copy on file). This handout takes section (c) as it is written – part of what was asked in our last meeting was to go back to the City Attorney’s office to find what actions we would be able to take when we find violations of our rules so the amendment to section (c) incorporates some language that deals with what this Commission may do (some of the recourses available to us) when they find that an employee has either been misclassified or mislabeled or used as a temporary when in fact they are no longer a temporary. So that is in response to that particular request.

The amendment to Section (d) clarifies the language to make it crystal clear that what must happen is that they have to have an official class specification which accurately describes the work that is being assigned and being done and which includes minimum qualifications that the CSC has approved in advance and that becomes the sole basis on which people are selected and appointed to temporary positions. The reason for that is because these appointments are civil service appointments under the Charter and there are certain standards that must apply. In the past this has been a delegated responsibility that has not been expressly stated what that responsibility is and in order for that to be understood we need to have all of these particular structural pieces in place so that we know that appointments are being made based on certification, based on qualification and not necessarily based on the thought of the moment. Not to suggest that you guys are doing that, but our purpose is to clarify these rules and to make sure that these rules are easily understood by all readers.

Commission, I will tell you as a member of this Commission I support Option A.

Chair Atkinson opened public comment.

Renée Ruņģis, Director of Human Resources: I have just maybe a process question first. In the packet, there are several pages of proposed modifications so are we going to look at each proposed modification separately or in total because as you know they kind of build upon each other in many cases. I certainly don’t want to hinder any discussion by accidentally overlooking something that we may not have discussed adequately just because we are not familiar with

how we are going to proceed. I understand your second proposed amendments that you distributed this evening, how that fits in with the overall because from prior meetings (and it's not that can't change), but my understanding was that the Commission was really going to try and clarify temporary appointment versus 1560 or some characteristic thereof and talk about duration. We seem to have a lot more than that here so I want to get a clear understanding of the process before we move forward.

Chair Atkinson: Here is the process. 1560 has been misused. We are eliminating it altogether. It will not exist in the future. The question becomes how do we define our temporary period – is it a six month period with opportunity for three month extension with prior approval of the Commission with a designated break in service; is it a nine month period of time with no opportunity for extension with a designated break in service. Options A & B speak to both of those and provide language for this Commission's consideration for the public's consumption. There are additional references on here that actually explain in further detail what those options include. We had a diagram at our last meeting that talked about some of the issues and it incorporates the electronic job application and requisition software. It incorporates the request that you made to get an extension on the period of time available within which to make your report. It clarifies provisional appointments – that provisional appointments are in fact confirmed classified employees. They are not used as a means of filling a position on a temporary basis from the outside, but rather under exigencies that there may be a need to bump somebody up for some legitimate reason. It clarifies under status of employees that they are confirmed in the classified service which is that portion of the civil service that comes in through a recruitment examination process, serves a probationary period and also then is confirmed into the position with certain property interests. As I mentioned earlier 12 (c) is new language to specifically address what has been a persistent issue before this Commission and that is calling people temporary when in fact they are defacto permanent employees. They are being used in a fashion that is totally inconsistent with the temporary appointment. The other part would be once or should we find out that how do we respond to that. Where do we take it, who do we notify and what are our opportunities with respect to that. Section (d), again, is a structural component that says if you are to make temporary appointments you may make those without going through a recruitment and testing process; however, in order to make those you must have a class specification that accurately describes the job. It must have minimum qualifications that have been approved by this Commission and that may be the only basis on which the selection is made. You cannot deviate from that. Part of that is to protect the City's interest that appointments are being made in a way that is wholly defensible.

Renée Ruņģis, Director of Human Resources: If we are just going to consider 7.A. first maybe we could just talk about that because 7.B. is quite extensive. I want to address a couple of points. One is on the issue about Section (d). If the Commission were to adopt this, it seems to me that it would be in conflict with Rule V, Section 4 which talks about the Commission only approving minimum qualifications for positions that are in and designated for the classified service. It seems like it needs more clarification there. Madam Chair, you said that you prefer Option A. Under Option B there is a note. I'm assuming that the drafter meant for the note to go to Option B, but that is not necessarily true I guess. If the Commission does consider the issue of hiring a regular permanent employee for nine months and then they are off for three. This creates a reduction in force situation which is not only difficult for the individual involved, but it also difficult politically for elected and appointed officials as well as the staff involved. It is

not only the ones leaving, but the staff that remains behind. I think it is a concern given that the City has gone through three or four RIFs in the last three years.

Chair Atkinson: Option B is a temporary appointment. Temporary appointment is time limited so the individual comes in with prior notice. I've seen the enrollment packet that the department uses. It specifies that the appointment is for a period of "x". Right now it says six months unless extended by the Commission. None of this goes through a RIF. None of the temporary appointments have ever gone through a RIF.

Renée Ruņģis, Director of Human Resources: Well, look at the note: *If a position requires nine months of employment then hire a regular permanent employee for the nine months and they are off for three.*

Chair Atkinson: In that event, the option that the City has, (and this is practiced by the way of the State and in a number of agencies) they hire these individuals as seasonal hires with a nine month period of time. At the time of hire (the condition of hire) is that you work for a certain period of time during the year. You then have a period of time where you are not in an active hours capacity and then you come back the following year and that schedule reoccurs. That is a traditional permanent position working a three-quarter schedule. It does not necessarily involve a RIF. You could lay them off payroll. What is contemplated here is that you wouldn't have to lay them off payroll. You would hire them under a condition of a nine-month work period and that reoccurs from year to year to year so that you have continuity in the work force at the very least.

Renée Ruņģis, Director of Human Resources: I think if the Commission were to go that way that it needs to be more clear because I think it is open to interpretation.

Chair Atkinson: That language comes out; it is simply a note that won't be published as part of the rule.

Renée Ruņģis, Director of Human Resources: I am concerned that the rule is not clear to the average person who is not sitting here right now.

Chair Atkinson: Which part of the rule?

Renée Ruņģis, Director of Human Resources: That if it is a nine-month position and it goes on for year to year (you are saying a permanent nine-month position) and then you are saying it is not part of civil service so I am confused.

Chief Examiner Ric Bailey: Over the years we have been employing Park Maintenance Workers with that in our announcements. Jeff has been hiring nine-month employees. They know that they are going to be off three and that has been part of something that the previous City Manager Charles McNeely really wanted us to do. We have been employing Park Maintenance Workers in that manner.

Chair Atkinson: This is actually incorporated in the Local 39 contract. There is language that talks about the nine-month appointees. There is precedent in the City for a nine-month appointee that works a regularly funded permanent position that works three-quarters time.

That is not part of this rule. This rule amendment refers only to those positions and those appointments which come into a position of limited duration. They start; they work a period of time; they stop; they go off payroll; they observe a break in service. That is all that this language refers to; it's but one component of the staffing flexibility available to the City and Parks & Recreation Department.

Renée Ruņģis, Director of Human Resources: Okay, I don't think it's clear. The other point, going into Option B, it talks about the temporary position shall not exceed nine months and a threshold of 1,040 work hours which is different than 1560 and I totally understand the Commission wanting to eliminate "1560" terminology. My question is then if a person is hired in this nine-month capacity then they are only to work 1,040 hours and no more than that.

Chair Atkinson: Correct, but you can pattern the work period out over a nine-month period as opposed to keeping it within six months. I looked at all of the people that are currently employed on the list that the City has provided over the last several months. This language actually applies with the exception of a few because you have been very diligent about keeping them within the PERS definition of 1039, which by the way is not a civil service definition. It has no value in our discussion. It is a term that refers to the PERS eligibility under the State law. For purposes here, you have been very diligent about insuring that you do not incur that additional benefit load. 1,040 allows you to pretty much work someone in exactly the same fashion as you have in the past, but it puts definition to the length of calendar months that they may be on payroll and how long they have to observe a break in service. My concern with Option B is it simply recreates exactly what we currently have and what we currently have does not work. I think it would be foolish to simply to recreate what we have knowing that it hasn't worked over the period of time that it has been in place and hope that it might work in the future. I think once we get things squared away and everybody gets on the same level of understanding about how these apply we can reconsider doing something more generous perhaps within this context, but not now.

Robert, do you have any concerns or comments that you would like us to weigh?

Robert Chisel, Director of Finance & Administration: No.

Chair Atkinson: If there is a conflict with Rule V, Section 4, I've asked Ric to go through (once we have dealt the specifics of temporary appointments) and bring back language which is general update language for our rules based on AB9 which came through the Legislature and then some other minor clarifications. We can take a look at that time and make sure that is clean?

Chief Examiner Ric Bailey: Yes, ma'am.

Renée Ruņģis, Director of Human Resources: Has the City Attorney's office reviewed this?

Deputy City Attorney Susan Rothe: Yes, we have reviewed this.

Julee Conway, PRCS Director: With me tonight is Darryl Feemster, Youth & Senior Services Division Manager and Joe Wilson who is our Recreation Supervisor; however, for the next two weeks he is the acting Recreation Manager. The rule changes do have a significant impact on

our department – and for clarity purposes I want to bring this up again, although Chair Atkinson you just mentioned it. The department based on the discussion and the understanding the department had with the CSC is that we work on a 1560/1039 basis. 1039 is up to 20 hours a week and the 1560 (for us) is up to 30 hours a week. As you have seen from the documentation that we provided you and you are correct that we have been diligent through the years to maintain those hours to make sure that they comply with PERS rules. Our programs are built, whether it be at a facility (Neil Road or Evelyn Mount Community Center or at a pool) and we will hire an individual and they will understand that it is a position, for example, up to 30 hours a week. We would hire them into the position and they would be trained and become, for example a Lifeguard. They would work in that position and go to school or whatever their other endeavor is. They may come back year after year in that they work at that facility more than nine months or more than six months; however, they will work through the year and they may work for example through their entire school term for four years at up to 30 hours a week. The challenge that we have in the rules and the changes that we need to look at tonight is how that will affect (and I have read the proposed rules that have been presented – these options) in that what would occur is we would have that employee who has been working up to 30 hours a week through the entire year and possibly for three years. We have trained them; they have a relationship with the staff/patrons and we would say that you are now going to be laid off after nine months because of this rule. It is most likely that the employee will not return to the City because they will find another position. We would then need to start over, as was stated in the rules that we would look to another individual on the list. We would also be responsible to make sure that the continuity of training for those essential employees, such as a Lifeguard or some of our other employees, is maintained in our service level. I wanted to give you that example and I appreciate the opportunity to share with you how these rules will apply and how we require time to be able to see how we are going to be able to integrate whatever the Commission comes up with because it is going to have a significant impact upon our operation. The other example relates to working with our youth programs and our facilities which are open from early in the morning to 10 or 11 at night so therefore require someone who is there for a very long period of time. We are looking at how we would change that because the CSC is anybody who is working over 18 hours a week. Obviously that employee's hours and the term are going to change.

Darryl Feemster, Youth & Senior Services Division Manager: I have very serious concerns with the idea of the layoff because in 2011 and 2012 we employed 32 part-time people. In the course of a year, 15 of those people worked under 500 hours; 8 worked under 1000 and 9 were between 1000 and 1560. Basically those individuals that worked less than 500 hours, they didn't work a full year. They came in and left; came in and left. In our Youth Division in 2011 and 2012 employed some 279 individuals. Of those 279, 151 worked under 500 hours in the course of a year. That means we had to replace, at one point or another, 151. Either they started and stopped or they started and finished at the end of the year. I would think that the majority of staff that we lose is due to pay and not being able to work a sufficient number of hours. If we are saying that we are reducing people's hours and also laying them off for three months of the year. That three-month layoff, we run before and after school programs and we also run summer camp programs. The before and after school programs run the nine months of the school year, but in order to prepare those staff it takes at least one to two weeks. If we laid off all of those staff on the day school ended, we would have approximately two months and a week or two before we need to bring them back in order to have them properly trained and prepared to start the next school year. I'm not sure what we would be able to do to make it

work under this new rule, but I can tell you that it would be extremely challenging to have properly trained staff and look after the 700 plus kids that we currently supervise daily.

Chair Atkinson: I passed out a sheet (copy on file) that is a simple diagram. What is not currently presented in the rules that we are looking at today because it is under review and it may or may not actually pan out once we get done with research of the legal review on it, but it is something that we are attempting to address and that is the very issue that you just raised. That is to create what is called a **“Student Temporary Employment Program”**. That, in concept, allows you to hire a student in over a course of several years while they are enrolled in school and actually meeting certain thresholds. They have to have a certain GPA; a certain course load, that kind of thing. You would be able to hire within this program to meet that very specific need. I don't know whether or not that program will actually pan out because there is a lot of research that still needs to be done on it, but what I can tell you is that it has at least been drafted in a conceptual form and is now going through the review process. Hopefully what that will do is provide an answer for that particular conundrum that you have. Let's look at this in a larger context. One of the reasons that we are hitting hot and heavy on temporary: temporary has a definition and the definition and distinction between temporary and permanent is that temporary has a fixed, limited period of time that it is used and that person then leaves employment. The minute that distinction becomes indistinguishable (once you start working them year to year, year after year with no break in service), you lose the use and the right to use the word temporary. That brings back to you the potential for a very large back pay liability on two levels. Our civil service system as it is designed under the Charter basically creates a property interest in the jobs once people come in through a certain process, serve a certain period of time and satisfy a probationary period. Those are the regular appointees. Temporaries we have excluded out of that entitlement by rule. Not by Charter, but by rule. When you break the rule, then the question comes up do those individuals acquire property interest in the job. In addition to that are they entitled to a larger benefit and pay package because they are no longer temporary within our definition. The reason we are hammering hard on this is it needs to be cleaned up now. We have talked about this for two years and four months. We have talked about it at ten separate CSC meetings. We have had enumerable meetings with Renee, Mr. Chisel, Bill Thomas, Andrew and Dwight Dortch as a means to convey our concern on this. We have invited feedback in terms of rules that might work. Basically where we are at in my estimation is the end of the line of this. We have to make the changes. We can't discuss it anymore. We have discussed it to death. At the same time, Darryl, I am not the least bit unsympathetic to what it is you are dealing with so we are trying to create a concept that you can work within that we can defend in the long run. I would hope that we may be able to bring this language back for consideration at the November meeting, but we can't wait today for this to pan out because our timeline is fairly short. We need to take action here so there is clear direction to anyone that is looking at temporary appointment what the guidelines are and that the confusion has been minimized.

You actually have a fair amount of staffing flexibility. You have less than 18 hour positions which are exempted from civil service. You have total control over how you hire and how long you keep them. The only condition is that you may not work them more than 18 hours a week. We are waiting for an opinion as to how that is interpreted. Is that on a quarter or weekly basis? Once we know that, we can put that into play. You can appoint these people on a regularly funded basis. I know that in Mr. Thomas' letter which we will get to later – that there is a budget impact. From my perspective that budget impact is completely under the City's

control. The resolution under which they are paid is a resolution that is adopted by Council. It can be amended by City Council. It does not belong on this table. It does rest there. If you need to make amendments in it to deal with the concerns about budget impact, that's where you go to make the amendments. He also was concerned that this hadn't been incorporated into the strategic planning of the City and from my perspective, two years and four months is a long time to get it incorporated into strategic planning. I personally feel that we are at the end of the line and need to have some progress on this, but at the same time there is still a piece that is out there that may help if we can actually get approval for it and bring it back. That may help to deal with a huge number of the people that you employ.

Joe Wilson, Recreation Supervisor: A lot of people look at pools as being seasonal operations. We have two year-round pools. What we find with recruiting especially in good economic years (going back to the years of 05/06/07), we had a hard time getting enough Lifeguards so to actually retain some of the staff was a real benefit to our operation. The idea that we would lay the staff off in six months, there simply would not be enough Lifeguards to go out in the community and rehire to keep these operations going. I would really like to hope that there would be some consideration, like with Darryl's programs, with aquatics we really do operate 12 to 15 hours a day, Monday through Friday at our two year-round facilities. It is hard to get folks to come in with 35 hours of training that have the swimming ability to complete that training. We have been very fortunate to retain that staff by allowing them to work year round. It's actually one of our tools to try and keep them from going and making more money in the summer when we need them the most when we have four pools operating. It has been this way since I was hired as a Lifeguard back in 1986. I've seen the trend through those years and at no point from 1986 on have I ever seen us get by under a different system. I think if we do get to a point where we start laying off these Lifeguards and trying to quickly train other ones and rehire them we are going to be looking at a different source of operation than we have in the past, likely leading to some operation closures.

Julee Conway, PRCS Director: Just in summary without getting into the next agenda item, we understand what the Chair just mentioned and said and certainly I understand what the Charter and CSC rules are now. Therefore, based on what the Commission does today and what you are looking at, I'd like to see that you are looking at some type of potential staff or even having seniors who use this kind of operational opportunity of being employed so I would like to see that occur. I wanted to recognize that we understand that we have to do something differently.

Peggy Nelson-Aguilar: I just wanted clarification if they work 18 hours or less, they can work year round.

Chair Atkinson: If they work less than 18 hours.

Peggy Nelson-Aguilar: So it is only if they go over 18.

Chair Atkinson: Then you pop into Civil Service.

Darryl Feemster, Youth & Senior Services Division Manager: I would just say that we don't have a service or activity that I am aware of that working less 18 hours a week that we could staff. Our teen program which is the least hours a day runs for 4 ½ hours a day – from 2:30 until 7:00. Again, if we are saying that individuals would only be able to work less than 18

hours (a week) that would mean that each of our staff would come in for three hours and leave in the middle of their shift and we would bring in a second crew. Or else, we would reduce the hours of operation which I think would have a significant impact on the young people we are trying to work with and impact.

Chair Atkinson: Historically what we have done with that 18 hour rule, which is less than 18 just as a technicality, is we have looked at it on a quarterly basis so that you can staff within the 234 hours and you may front or back end load it but once you get to the 234 hours they rest and go out of paid status for a while and come into the next quarter. We have asked for an interpretation, as I mentioned earlier, from the City Attorney's office in terms of how we can apply that, what is our flexibility in how we can apply that.

Julee Conway, PRCS Director: Do you anticipate that by the November meeting?

Chair Atkinson: I don't know.

Renée Ruņģis, Director of Human Resources: It has been really confusing because we have been talking about that concept for months and at one meeting it's strictly less than 18 a week which is what the Charter says and I don't quite honestly know how we can supersede that with an interpretation, but that is not my area of expertise.

Deputy City Attorney Susan Rothe: She is going to look at the legislative history.

Renée Ruņģis, Director of Human Resources: Or on a quarterly basis and it makes it really tough for the departments because we are trying to comply here and we are getting mixed messages.

Chair Atkinson: At least in my experience I have always referred to it as 234 hours in a quarter, but when we are defining it and when we are speaking to it to be technically correct it is less than 18 hours per week, but we measure it on the basis of the hours worked within a quarter. My argument in defense of that is that it would be labor intensive to try to measure it on hours per week particularly given some of the difficulties that we have had in trying to extract data from the heart of the computer system.

Chair Atkinson closed public comment.

Chair Atkinson: Let's bring it back to the Commission. The piece that is before you is just the piece that defines the temporary component. It doesn't deal with the less than 18 hour folks. It doesn't deal with regular appointments. It doesn't deal with the potential of a student employment program that we may be able to look at in the future. What we need to do at this point is to decide so that we can give staff instruction as to how to post this because the next step is to post it to make sure that employees have an opportunity to look at it and the unions, City Manager and City Council get a copy of it. We need to tell them what to post.

As I said earlier, I prefer Option A in the context of the whole. I realize if we had only one vehicle with which to staff this department you may want to go with a larger, more generous piece. This is but one vehicle and there are others out there. As a consequence it needs to be defined very tightly so that we can avoid the problems that we have wrestled with over many

years and so that somebody reading it understands what the expectation is and also understands when they have exceeded the language that is allowed. The rest of the language is basically language that builds the structure around whichever option you choose.

Commissioner Lane: I like the tightness of Option A as well. We are here at a spot that has been troublesome. I think Mr. Chisel said there are some things going back even to the year 2000 that were problematic with some of the stuff. Tighten it up and rein it in and be aware. We want to avoid any possible liabilities for back pay issues and any other liabilities. We don't want those to be extended. Obviously, I understand staffing and structure and it will be challenging. Hopefully these other things will come to fruition. Hopefully that flexibility in 234 will help as well. I think Option A does provide that nucleus on which to build.

Commissioner Martinez: I agree with what you have said – Option A.

Vice Chair Mullins: Actually, by the time it gets to the other people who need to hear it, the year will be over. Next month there is a couple of groups this needs to go before.

Deputy City Attorney Susan Rothe: It could be adopted next month.

Chief Examiner Ric Bailey: Tonight is the decision to direct me to post either Option A or Option B.

Deputy City Attorney Susan Rothe: Then it is posted and would come back for adoption by the Commission at the November meeting.

Chair Atkinson: That window is a rolling window. It is not linked to 2013/2014/2015. It is a rolling window that starts when the employee is hired and ends six months later.

Vice Chair Mullins: I have some sympathy for staff within Parks & Rec because I am very tied to the community and also the age group – the students and the senior citizens. I'm just really not sure in reference to the timeline. I am for Option A because this has been a liability for the City for some time. I wish there was an easier way.

Chair Atkinson: It is like a building block like structure. It creates a building block within a larger program. Please bear in mind that any appointment that does not fall within less than 18 hour or temporary or should we adopt a program that talks about student temporary employment – any appointment that does not fall within that can also as well fall under regular appointment. Nothing here is exclusionary, but what it does do is it creates definitions and it says if you are to use this block, you must use it in this fashion. If it doesn't fit, then look at another block. Look at another place because you have other options.

***It was moved by Chair Atkinson, seconded by Commissioner Lane, to instruct staff on Item 7.A. to proceed with publication (posting) of the rule change for Rule VII – Certification of Eligibles, Appointments & Probation, Section 12 using Option A incorporating the rule changes to Section 12 (c), 12 (d) and 12 (a) as previously discussed and amended and changes in Section 13 as well. The motion carried: Chair Atkinson, Commissioners Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

*Note: Changes amended in discussion are:*

*Section 12 (a) would be: **with prior** approval of the Civil Service Commission. . .*  
*Sections 12 (c) and (d) as amended in Chair Atkinson’s handout (copy on file)*

*7-B. Consideration, discussion and potential direction to the Chief Examiner regarding posting amendment to Rule III – Definitions. (For Possible Action)*

Deputy City Attorney Susan Rothe: A lot of the definition changes fall from the rule changes that were just approved. As to 45 & 46, you have already approved Option A so by fallout on action on Item 7.A., those have to go with Option A.

Robert pointed out a very good change in the definition to discrimination. We need to add sexual orientation in there as well.

Chair Atkinson: That will come.

Deputy City Attorney Susan Rothe: Let’s add it in now since we are making a change.

Chair Atkinson: I do have a couple of changes, so let’s go through these. I have no changes to the first page. I am going to use the new numbers. On 13 & 14 it appears to me that we have inadvertently dropped out the bracketed language. There should be some bracketed language that is deleted so everything that shows in 13 & 14 is the proposed new language. It is a clearer definition in both of these, it doesn’t alter anything in a material fashion. It is a cleaner definition of what a classification plan is as opposed to a process and what a class spec is.

Deputy City Attorney Susan Rothe: We are missing the omission then. We need to be clear and give the direction now that the language that is being stricken be shown on the amended posted change.

Chief Examiner Bailey: I will do that.

Chair Atkinson: 15 is a new paragraph and should be shown in red for clarity.

We are going to add sexual orientation to Item 23 Discrimination.

On Item 36 (Position) I would like to change that definition at the very end it says “assigned to one position”. In fact it is assigned to one “employee”.

Renée Ruņģis, Director of Human Resources: I have an issue with that definition also because position can be a full-time position; it can be a part-time position; it can be vacant; it can be over filled; it can be under filled. There is a whole myriad of descriptives and I don’t think this quite captures it. It sounds more like the definition of a class to me than a position the way it is worded here.

Chair Atkinson: Just for purposes of discussion. A class incorporates a number of positions. It groups positions of similarity together and then defines the class. So what we are attempting to say is a position actually is that piece, that assignment that goes to a single individual. When

we talk about a position vacancy, it is the vacancy that occurs from one person. When we say that “Paul has this position” we are talking about a single assignment. There may be more than one employee that has similar assignments, but it is that one piece/component. I looked at the State’s definition and it is very similar to what they use. We did add definitions for part time and full time so that we have a common reference source for the terminology. If you have a suggestion as to how we may word that to meet your needs I would certainly entertain it.

Renée Ruņģis, Director of Human Resources: Well, your part time talks about an employee. It doesn’t talk about a position.

Chair Atkinson: Because the work schedule attaches to the employee.

Renée Ruņģis, Director of Human Resources: Right, and that’s fine for that definition, but it doesn’t speak to a part-time position. They are different in my mind and they are different in the way the City describes it in terms of position control.

Chair Atkinson: How do you describe it in position control?

Renée Ruņģis, Director of Human Resources: Because it could be vacant, unfunded, part time, full time, overfilled, underfilled. It can be a number of things and that’s just a point. I think it is a concern just because of the way it can be interpreted. I understand what the Commission is after in terms of pre approving part-time positions before they are filled.

Chief Examiner Ric Bailey: The rest are statuses or schedule assignments. This is a scientific definition for the use of taxonomy for what this represents as far as position in the organization. How you use that position is then clarified by calling it full time, part time as far as scheduling, but a position is what we are saying here is the place in the organization.

If you want to get more technical from the EEOC guidelines at Auburn University, a position is a job performed by one employee. That is as far as it goes.

Chair Atkinson: My suggestion is let’s delete it at this point and when we come back with the other cleanup language we can fix that and look at Renee’s concerns and see if there is a way to define that so the issues she raised can be addressed.

Chief Examiner Ric Bailey: I think that would be valuable.

Chair Atkinson: We are going to delete 36 at least for the time being and we may see that again in the future.

Going further down, we would delete Option B under 45 and Option B under 46 based on our earlier action.

I do have one change under 46 Option A on page 5 of 5 the next to the last word should read “these” instead of “this”.

Are there any other comments on this before we open it for discussion?

Renée Ruņģis, Director of Human Resources: The definition of Incumbent #28. Again, I think this a little misleading because this talks about it as for purposes of reclassification which I guess is one piece of it. Usually when one refers to an incumbent in a position, it is a position they hold not necessarily a position they are trying to get reclassified because they are doing something else. Within the term of art that we use it here we talk about incumbents in a particular classification.

Chair Atkinson: I agree with you and I had that very discussion with Ric when we looked at this. The reason that we have included it to begin with is that we have a specific rule that has reference to it so we needed to define it for purposes of that specific rule that's why it is qualified. I think there is a more general use of the word incumbent that is pretty universally recognized which you just pointed out. I'm not uncomfortable with this because it is qualified, but I think without the qualification the definition itself would beg some clarification.

Deputy City Attorney Susan Rothe: One rule of drafting is do we need to necessarily have this as a separate definition or can you define it in the substantive provision where it is referred to.

Chief Examiner Ric Bailey: Within the context of the reclassification rule itself. That would be something I could do in the cleanup language and that would remove any of the confusion that Ms. Rungis is concerned about.

Renée Ruņģis, Director of Human Resources: What rule is it, Ric?

Chief Examiner Ric Bailey: It is the reclassification rule, Rule V, Section 5.

Deputy City Attorney Susan Rothe: Then you really don't need to have it as a separate definition if it is only used in that place then put it there. It is a good rule of drafting. When you fix it in Rule V, they you will delete from the definitions. It won't hurt the rule deleting it now.

Chair Atkinson: My preference would be to leave it where it is.

Deputy City Attorney Susan Rothe: Leave it as is without any changes. Do not approve any change to the current 23 (new 28) and then when we do the next round, we will totally delete it.

Chair Atkinson: Right, so that is simply doesn't get lost with the understanding that we will be coming back at some point in time to take it out and pull it into the rule per Susan's recommendations.

Chief Examiner Ric Bailey: So we will leave it as is currently written in the rule book. I want to clarify that there will be some numbering changes needed.

Renée Ruņģis, Director of Human Resources: Number 30 Laid-Off-List – in my experience with the City there seems to be some confusion about reinstatement lists and re-employment lists. I think they both should be defined and what they are for. We don't call it a Laid-Off-List, we call it a Re-employment List, don't we Ric?

Chief Examiner Ric Bailey: Well, no. A reinstatement is when we bring people back from a RIF. A re-employment is when an individual has retired or resigned in good standing within

three years can apply to be re employed without testing; however, that re-employment is based on the option of the department head. Those are defined in each of the rules.

Deputy City Attorney Susan Rothe: Where does Laid-Off-List show up in the rules?

Chief Examiner Ric Bailey: Laid-Off-List did show up in our RIF rule.

Renée Ruņģis, Director of Human Resources: Also, I don't think there is a good definition anywhere in the rules (maybe I just haven't seen it) about what a re-employment list is the way Ric just described it. I think it would be well served to put that in the definitions as well.

Chair Atkinson: Because this needs to go forward because it is part and parcel of the item we just ruled on, I would like this to go forward without those but let's make a note when we come back we will add reinstatement; we will add re-employment and move incumbent to Section V.

Deputy City Attorney Susan Rothe: Do we even really need a definition for Laid-Off-List. Again, is it already defined in the substantive rule or can we just tie it in.

Chair Atkinson: We can look at it when we do the general cleanup language.

Renée Ruņģis, Director of Human Resources: As long as we don't forget, that is my concern. Other things have shown up here tonight that you voted on and I don't understand why the same thing doesn't apply here, but that is alright.

Chair Atkinson: Can you be more specific on that.

Renée Ruņģis, Director of Human Resources: This item for example, this is what the Commission adopted (this language) and that just came tonight. It was not in the packet.

Chair Atkinson: Correct. You know we are time limited.

Renée Ruņģis, Director of Human Resources: Provisional Appointment I'm just maybe not understanding, but I thought that there was something, Ric, in the rules that says if you are given a provisional appointment it doesn't take the place of a probationary period in that particular class.

Chief Examiner Ric Bailey: No, Provisional Appointment is only an appointment that is made from an individual who is in effect working at a higher level position – one that they might promote into at a later date. They don't acquire any seniority at that higher class. It is best described as a Sergeant to Lieutenant. You can have a provisional Lieutenant that is a Sergeant; however, they acquire no seniority as a Lieutenant. They are simply fulfilling that particular function until that Lieutenant position is handled by the Police Department.

Renée Ruņģis, Director of Human Resources: If they are ever officially promoted to Lieutenant, it doesn't count toward their probationary status, but they continue civil service seniority.

Chief Examiner Ric Bailey: You are correct. It is seniority from the get go, it is just the classification seniority is not acquired.

Chair Atkinson: I'll bring it back to the table for discussion.

Chief Examiner Ric Bailey: Rule Section V, Section 3. ...FIRST: From the **laid-off list**, the same numbers of names as there are vacancies, in the inverse order of their layoff, for positions to which they are eligible.

Chair Atkinson: What we have before us out of the discussion is that there is an adjustment to:

- Items 13 & 14 to show the deleted language which was inadvertently dropped
- Item 15 show in red because it is new language
- Item 23 Discrimination – addition of sexual orientation to definition
- Item 28 Incumbent – we are going to leave it in for the time being, but we will look to move that to Rule V, Section 5 when we do the third phase of the cleanup

Deputy City Attorney Susan Rothe: Actually, it will remain the same. You won't add the new language in the posting. It will be as it is currently.

Chair Atkinson: I want to leave it is as it is amended and as it is positioned under Item 28. Down the road take 28 lock, stock and barrel and move it over to the rule minus the qualification that says (as used for purposes of reclassification) because that will become clear within the context of the rule.

- Item 30 Laid-Off-List we are going to leave in because it has an anchor back in the rule itself
- Item 36 Position will be deleted and we will look at it under cleanup language
- Items 45 & 46 delete Option B
- Item 46 Option A change next to last word from "this" to "these"
- Eliminate explanation text

Chair Atkinson: Are there changes that members of the Commission would like to see other than those we have already discussed? Are there changes that we have discussed that you would not like to incorporate?

***It was moved by Vice Chair Mullins, seconded by Commissioner Martinez, that all of the proposed changes that have been recommended regarding the document (Rule III – Definitions) be submitted for change and direction to post. The motion carried: Chair Atkinson, Commissioners Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

*7-C. Request for temporary extension of Parks, Recreation & Community Services Department 1560 Hour Temporary Employees to June 30, 2014. (For Possible Action)*

Julee Conway, PRCS Director: We are currently fully operating, as the memo states, and have specifically planned for the coming seasons. We plan approximately three to six months out for our services. We are budgeted through the June 30<sup>th</sup> time period for our staffing and service levels. As you have read in the staff memo that I have provided you, in recognizing that you are interested in implementation of the rule changes. I also want to take into account that at

your last meeting you discussed the timeline implementation approach. You had a time to post, of getting this information to City Council and have this be a formal hearing at your meeting in November. I respectfully request that you permit the department to extend the employees that we currently have and show on this list through the end of the fiscal year. This will allow us to provide the services we need to provide as well as to implement the changes that will occur as a result of the vote that you have taken tonight. You have a public hearing that is coming at the November meeting and due to that public comment or due to your additional conversation and discussion that November timeline will start the clock on our need to implement these new rules. As I indicated in the staff memo on page 2, I already mentioned the approved budget and we have already staffed up for our timeline and service levels. In addition to that, it is critical to us – not only the service level for the public – we are very concerned about our employees and that is item 3 on page 3 of my staff memo. We have employees based on these rule changes that will need to be notified and then make alternate plans as we look to implement the new rules. I respectfully request that the Commission consider and approve our request to extend these employees to the end of the fiscal year which would be June 30, 2014.

Chair Atkinson: This particular (exact) request was debated and decided at the August meeting. At that meeting the City requested a blanket extension. That blanket extension was refused by every member sitting here at the table today. The City was instructed that it would have 90 days within which to clean up the problem after two years and several months of discussion on the problem. There was also an “or else” as part of that motion. The “or else” as stated in the motion is a clean slate. That basically if these issues with temporary appointments could not be corrected within that 90 day period that the slate would be wiped clean and we would start new. That was the motion that was made and adopted by this Commission in August. I believe that motion stands at this point in time because it is already in progress. We cannot go back at this point in time and reconsider. That would have had to happen earlier in the process.

Here is my thought on this. We have talked about the possibility of an additional extension, but in each of those discussions it was conditioned and qualified on a showing of progress which is: Yes, we may be willing to entertain an extension at some point in the future if that that extension actually moves us toward solution. That was the qualifier. I believe a blanket extension that moves us into the end of the fiscal year doesn't meet either the intent of the motion that was adopted by this Commission nor does it meet the conditions that have been placed on any kind of reconsideration. Part of that progress was in terms of fitting people in and allowing a phase in of the break in service period. My thought would be at this point in time I do not believe we are in a position to modify the motion that was made and adopted at the August meeting. We can reaffirm it that we are dead serious that this is going to get cleaned up or we are going to clean the slate. I looked at the people that are on payroll right now. Some of those people have been on payroll as a temporary for 18 years. What that means is the individual has no protection under civil service. They have been treated in their employment status as a temporary when somebody who works side by side who is labeled as a permanent or regular employee is treated differently. I do not believe we can condone that. 18 years by anybody's definition under the most generous application in the entire world – 18 years is too long. In fact, 25% of the people on that list have more than five years of service. We do have about 75% of your population with less than five years of service.

Chair Atkinson: My suggestion is this.

Deputy City Attorney Susan Rothe: Just a point of order. The only item on this is their request for temporary extension to the end of the fiscal year. There is no room for direction on that. On “D” there is.

Chair Atkinson: Coming back to the Commission, the only option is to deny the request. From a parliamentary point of view it is already in progress and there is no way to modify at this point in time.

***It was moved by Commissioner Lane, seconded by Chair Atkinson, to deny the request. The motion carried: Chair Atkinson, Commissioners Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

*7-D. Discussion and direction regarding possible timeline extension on November 21 deadline of 1560 temporary appointments. (For Possible Action)*

Commissioner Martinez: I fully respect Julee and am I right in assuming that we are not changing rules, we are just simply clarifying the language in the rules so that the employees can be properly treated.

Chair Atkinson: We are changing language, but in changing language what we are doing is providing clear definition to purposely insure proper application going forward. The dilemma that we have and Julee has at the moment is that she has 175-176 people (a few more because of the golf course) that are in the box. The question is how do you get them from the box to the next step. So let me take us on to Item D.

Item D. we added as a place holder because we knew that there would be some need for massaging the conceptual implementation plan. My suggestion is we know that there is the possibility of another program coming in that would be available for your use for students' employment purposes which may be a huge number of those people that fall in the under five year pattern. What you don't have, unless you convert them to a regular appointment or remove them entirely from payroll, is a box to put those that have five or more years of service.

What I would like this Commission to consider is to instruct Ric to go back to open recruitments using the class specifications which the department has testified are available; to prepare eligibility lists from which those appointments can be made so that at least we have done our part when that deadline comes and that the transition can be made. Whether or not the transition is made would be up to the City.

Vice Chair Mullins: It should not be just for the youth, it should also be consideration for those seniors.

Deputy City Attorney Susan Rothe: It would be any – not just restricted.

Chair Atkinson: As I understand your structure today, you have a Rec Specialist I, II, III, IV & V and that each of those positions are slotted into one of those classes. Within those classes they each have different job descriptions which are more specific to their actual duties.

What I would like Ric to do is take your class specs; take whatever job descriptions you actually have; post it and open it up.

Deputy City Attorney Susan Rothe: This is actually beyond the agenda item as to timeline extension so you couldn't do this as part of a motion, but this is part of the discussion indicating what you would like Ric to do. If you want this as an actual motion, you will have to bring it back.

Chair Atkinson: We can't have him start today?

Deputy City Attorney Susan Rothe: In your discussion you have indicated what you would like him to do.

Chair Atkinson: Right, we just can't do it as a motion. As a Commission, we may want to let Ric know what your individual preference would be. My concern here is I don't want to wait until November 21 and then go through a period of time trying to get those eligibility lists established from which those appointments might be made.

Deputy City Attorney Susan Rothe: So November 21 right now is the deadline?

Chair Atkinson: Right and that is why there is a push to get this done. That would be my suggestion in terms of how to hopefully offset what might be impact of current incumbents – using the broader context of incumbent. At the same time, we will try to bring back the temporary student employment program so that positioning within that can also take place as close to that November 21 deadline as possible.

Vice Chair Mullins: I would like to ask the employees' Director – Is there any other possible ways that you have thought about how you would address this issue knowing that it would come up today?

Julee Conway, PRCS Director: What I would like to do before I directly answer that is if I may ask for clarity based on legal opinion. As a Commission you will come back in November, have the public hearing and formally act on these rules after your public hearing. They are effective as of that day. We were requesting an extension because we did not know what was going to occur with the rules until that time that they were enacted so there is really nothing we could have done until that time. If you cannot act tonight with the Chief Examiner to have those positions posted to inform the employees that they would apply for positions. Can we speak to that as far as integration.

Deputy City Attorney Susan Rothe: So you are saying if it is adopted on the 21<sup>st</sup> maybe implementation (effective date) of that rule not be the 21<sup>st</sup>. Really what you asking for is an effective date that is later than the 21<sup>st</sup> of November. That is an option that certainly could be done. I'm not talking about a long one.

Julee Conway, PRCS Director: That would allow Ric and I to be able to get the job specs, let the employees know. That's the holidays. They need to know if they are going to reapply for that position, what does that mean. Obviously, they are going to get posted notice as of Monday, Ric?

Chief Examiner Ric Bailey: No, I won't be in town. I'll have to make a plan on how I do that based on the rest of my schedules.

Julee Conway, PRCS Director: I will need to give them information so we will work on that together, but what I am saying is realistically it can't happen the same day and allow the employees sufficient time to apply and us to provide service. I would gratefully and respectfully ask the Commission to consider that effective date to be not on the 21<sup>st</sup> and still meet your goals of getting the job specs to him to post.

Chair Atkinson: Here is my consideration. Two compartments – we have current employees that have to go someplace. Some portion of those (25%) have more than five years. We know that they can't fit into a temporary category unless you are willing to take them off of payroll and bring them back in six month increments. That doesn't make sense to do. Plus there may be some liability attached to doing that. The question is how do you move that cluster of people to what is the most reasonable position. The most reasonable position is a regularly funded ongoing position.

Julee Conway, PRCS Director: That won't happen until next year.

Chair Atkinson: Then you are going to have a gap. Now that there is clear information on the record and there has been substantial discussion on the career defacto permanent nature of these individuals I don't think you afford not to do it quite frankly. As I mentioned earlier, even though it may not have been incorporated in your budget the City has the ability to do budget amendments. It also controls the rate of pay and benefit structure through its resolutions. Perhaps you need to be looking at those with that in mind. Ultimately, I think it's fair to project that these individuals will be regularly funded permanent employees. You may want to be preparing on that side because that falls outside the jurisdiction and authority of this Commission, but it does fall on your side. The second thing that we know is that you can appoint from an existing eligibility list to fill temporary positions. So there is no harm done in getting people to file an application, go through an application review process, check the boxes going down and have an eligibility list available which you can use in different ways. You can also use it to transition those individuals that have been long time career employees for the department. It meets our needs and it protects you in terms of how they are categorized. 75% of your population falls under five years; the majority of those under four. Those are going to be a lot of your student employment people.

Darryl Feemster, Youth & Senior Services Division Manager: Just to clarify when you say that 25% that have worked over five years. That 25% makes up 50% of our workforce year round because 50% of our workforce doesn't complete a year.

Chair Atkinson: The problem is that they need to be properly placed. They need to be titled correctly. They need to be granted whatever rights or entitlements they have earned by virtue of the fact that they have worked for 13, 14, 15, 18 years.

Darryl Feemster, Youth & Senior Services Division Manager: I would say that I absolutely agree with that. My challenge is how do we do that and continue to supervise the 700 plus kids that we are required to supervise on a daily basis.

Chair Atkinson: We need to bring it back on topic. Taking it back to the topic, my suggestion is it is advantageous to go ahead and take that step even if that step – that we may not prove to use 100% of those lists. Let's at least get that ready so that it is available as we approach this deadline. I would be willing to share the proposed language once it clears legal. Can we do that? Invite comment from the department and HR.

Deputy City Attorney Susan Rothe: That would be part of the vetting process.

Chair Atkinson: You would have an opportunity to look at it and match it against what your real circumstances are. This is what I would like to see from you at our next meeting (assuming all of this falls together) is a list of how you would take your current employees and those that qualify under that program and where they would slot if you just moved them straight across. Hopefully at that point we can make that a seamless transition for you. That is my goal.

Commissioner Martinez: I agree.

Commissioner Lane: Perfect.

Chair Atkinson: That is not an action item, but a discussion for staff's benefit.

Chief Examiner Ric Bailey: We'll get prepared to take on that task.

Chair Atkinson: To do that we do need the job specs and any job descriptions so Ric has some place to start. There is also one thing that I should mention. Minimum qualifications will not have been approved by this Commission so it may be necessary to post those as pending Commission approval. I think we have done that in the past.

Chief Examiner Ric Bailey: Yes.

Chair Atkinson: Then bring them back for Commission review and approval hopefully at the November meeting. I don't know the amount of work that entails, but that is my hope.

Renée Ruņģis, Director of Human Resources: What if the MQ's dramatically change?

Chair Atkinson: Between when and when?

Renée Ruņģis, Director of Human Resources: Between his posting and pending of hiring people versus what you guys adopt later.

Chair Atkinson: Then we have to be careful and I have to be generous. I think it's the way to do it. My purpose and commitment is to try to make it as seamless of a transition as possible. If you need to modify those MQ's moving into the future, we can do that for prospective recruitments. At this point in time, I think it needs to be a vehicle that works to make that transition as opposed to one that is technically accurate.

Chief Examiner Ric Bailey: I would be glad to work with Julee to be sure that we have a clear understanding and hopefully what we bring for formal adoption is something will not be too problematic. I've seen the MQ's and the style of things and where the limitations are.

Julee Conway, PRCS Director: That is why I'm seeking more time and realistically for the employees benefit. You are talking about employees who are going to be very concerned about this. That is why we need to have that time to do that.

Chair Atkinson: I'll have you guys get together and discuss that.

**8. IDENTIFICATION OF FUTURE AGENDA ITEMS**

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

***It was moved by Chair Atkinson, seconded by Commissioner Martinez, that the November 21<sup>st</sup> meeting be posted to start at 4:30 p.m. The motion carried: Chair Atkinson, Commissioners Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.***

**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 6:23 p.m.

\_\_\_\_\_  
Jeannie Atkinson, Chair

\_\_\_\_\_  
Date