

CIVIL SERVICE COMMISSION

MINUTES

Thursday – November 21, 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
John Hester
Paul Lane
Jenny Martinez
Ric Bailey, Chief Examiner

1. CALL TO ORDER/ROLL CALL

Chair Atkinson called the meeting to order at 4:34 p.m. A quorum was established.

MEMBERS PRESENT: Jeannie Atkinson, Tray Abney, John Hester, Paul Lane, Jenny Martinez and Bertha Mullins.

ALSO PRESENT: Ric Bailey – Chief Examiner; Tracy Chase – Chief Deputy City Attorney; Robert Chisel – Director of Finance & Administration; Julee Conway – PRCS Director; Jerry Frederick – Local 39; Jo Ann Malugani – Civil Service Technician; Renée Runġis – Director of Human Resources and Bill Thomas – Assistant City Manager.

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.

Chair Atkinson: I want to talk about the process that we are going to use tonight. Item 7.A. is an informational item from Human Resources. Item 7.B. will be a presentation by the City of its staffing plan for the Parks, Recreation & Community Services Department (PRCS). After they do that presentation we will then open this discussion up to public comment. Many of you are here to speak to that staffing plan. That would be an appropriate opportunity to do so. There is a sheet for sign in if you wish to speak. There are two items. Item "B" which is the staffing plan. That talks to how the City is choosing to move forward in staffing PRCS. Item "C" is a request before this Commission for time extensions that allow them to make that transition. As with Item "B" we will allow an opportunity for public comment if there any comments on that extension request.

Chief Deputy City Attorney Tracy Chase: At the beginning of the agenda you are required to take public comment on any agenda item as well as general public comments. So there is an opportunity you have to provide to the public on Item 2 as well.

Chair Atkinson: Correct. Item 2 on the agenda is a standing item. It is public comment open for any comment a member of the public may wish to make. It may relate to at item on the agenda or an item not on the agenda.

Chief Deputy City Attorney Tracy Chase: We can request you to wait for the item to be called to give your public comment, but if you choose to give it on Item 2, we will take it on Item 2.

Chair Atkinson: When you do appear to make public comment under the specific item I would ask you to do a couple of things. Please make sure your comment is relevant to the agenda item itself and keep your comment under three minutes if at all possible.

Items 7.D. & 7.E. are items that relate to an amendment to the Civil Service rules. Those items have been withdrawn at the request of the City Attorney's office so that there may be opportunity for additional legal review. My expectation is we are looking at a tentative return date of February on that.

Chief Deputy City Attorney Tracy Chase: Legal recommends you either take strictly public comment at the beginning or the end of the meeting, but if you are going to open it up (like the Chair is indicating) to individual agenda items that you allow it for all agenda items.

Chief Deputy City Attorney Tracy Chase: I think we should move the meeting because depending on who is speaking it may be hard to hear in the outer area. Everyone under open meeting law should be entitled to hear the meeting. We will relocate down to the first floor and will put a notice here so if anyone comes up they know to come down to the first floor.

At approximately 4:45 p.m. the meeting was moved to City Council Chambers.

Chair Atkinson opened Public Comment.

Teena Prary, citizen, stated her son is a student at Westergard Elementary and she expressed her concerns about the Sierra Kids program. There is no other program out there.

Laurel Pedrick, City of Reno part-time employee, commented about the importance of part-time employees and the consistency for the customers. Ms. Pedrick stated that if you remove part-time staff from the Community Development Department, you are reducing revenue generation because you are taking Revenue Compliance Officers off the street. Training is also a consideration. The learning curve is steep.

Licette Aguilar, Sierra Kids, stated that she has been working for City of Reno Parks & Rec Sierra Kids for five years. She has a petition with 1100 signatures regarding cutting the Sierra Kids program. Ms. Aguilar discussed issues regarding the Sierra Kids Program.

Paulina Rios, Sierra Kids, stated she has been working with the program since 2008 and is approaching her sixth year with the City. She commented on the impact of the Sierra Kids program.

Tony Marini, citizen, stated his children are part of the before school program at Westergard Elementary. Mr. Marini talked about the program and relationships. He stated that all of the staff knows his kids by name, and they have a significant role in their lives.

Lori Schoen, citizen, stated that she has a child that attends the program as well. She expressed her concerns about continuity and consistency that her child has had and the relationships that she has been able to build would be taken away.

3. APPROVAL OF AGENDA (For Possible Action)

Chair Atkinson: Items 7.D. & 7.E. have been withdrawn.

It was moved by Commissioner Abney, seconded by Commissioner Lane, to approve the November 21, 2013 agenda as amended. The motion carried: Chair Atkinson, Commissioners Abney, Hester, Lane and Martinez and Vice Chair Mullins assenting.

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 October 24, 2013 regular meeting minutes. (For Possible Action)*

It was moved by Vice Chair Mullins, seconded by Commissioner Lane, to approve the October 24, 2013 minutes as submitted. The motion carried: Chair Atkinson, Commissioners Lane, Martinez and Vice Chair Mullins assenting; Commissioners Abney and Hester abstaining.

6. **CONSENT AGENDA**

- A. Request to approve eligible lists for Combination Inspector and Plans Examiner. (For Possible Action)

It was moved by Commissioner Abney, seconded by Commissioner Hester, to approve Consent Agenda Item A as submitted. The motion carried: Chair Atkinson, Commissioners Abney, Hester, Lane and Martinez and Vice Chair Mullins assenting.

7. **REGULAR AGENDA**

- 7-A. *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. (Not for Action)*

Renée Ruņģis, Director of Human Resources, reviewed her reports and stated that the reports that were sent out in the agenda packet on the item that showed all of the PRCS employees who worked more than 18 hours a week also inadvertently included employees who worked less than 18 hours a week. There were a total of 105 employees who didn't show up in the next item which is the transition plan of Parks moving forward. 82 of those were in the 18 hours or less per week and 23 of those were not in the transition plan that Parks brought forward. Copies of the revised reports were available and distributed.

Jerry Frederick, Local 39: I am looking at the report that is 18 hours plus per week and everybody is a Recreation Specialist I through V. I went to the City website which directs you to Neogov. There is no job description for Recreation Specialist I, II, III, IV or V. It is my understanding that a Recreation Specialist I in aquatics may not be the same as a Recreation Specialist I in daycare. I honestly believe that we are talking about transparency in government. The taxpayer (the client) should be able to go to this and see what does this person do, what is their job and where is their job description. What are we paying for? I think

having generic job titles will not work. There has to be a reason why we have these titles and it should reflect what they do in their job.

7-B. Presentation by the City outlining the City's plan for temporary employee staffing within the Parks, Recreation & Community Services Department. (Not for Action)

Julee Conway, PRCS Director: I would like to reference the memo (copy on file) that you received that is tied to the information that Director Rungis just referred to and that is the clarifying memo related to an amendment to Item 7.C. I'm not going to go over that until you get to Item 7.C.

Ms. Conway reviewed the proposed transition plan. The plan is to allow us to transition from where we are now, to provide service in the future and allow us (with the consideration and approval of the Commission) to retain and/or modify the employees that we currently have employed to get us to the next stage of our services and also how we staff our services.

I want to call you attention to the PRCS biannual guide that can be viewed on reno.gov. It shows the PRCS Department services. This particular guide relates specifically to the staffing levels that this transition plan refers to. I am pleased that this guide is a representation of what the City of Reno does for the community. It is important that we provide these services in a safe and structured environment.

Bill Thomas, Assistant City Manager: As far as the management of the City of Reno, I am here on behalf of the City Manager who couldn't be here just to let the CSC, as well as the employees and the public, know that management is very concerned about the services that we provide to the community and decisions that are made in terms of how we run the City and how it affects people in the community. However, I think it is important that people understand that the CSC does not hire or layoff people or make any decisions in terms of what services are provided by the City. I just want to make that clear particularly for the audience that it is not your (CSC) decision what programs the City provides or how we put those people in those positions. It really is to establish rules that are set out by law and all of us have to work within the laws that are set out as far as guidance under which we work, which includes City Council and their policy and directions and the rules that they have to follow. It is very clear to us looking through the history of what's happened how we got here today. There was a lot of flexibility on the part of the CSC working with the City as an organization to try to adjust and be responsive to what the needs are in the community. Perhaps in that flexibility and adjustment some things have got out of the comfort zone of the Commission in terms of what we should or shouldn't be doing as management. We see with this plan that Julee presented to you what we believe you are looking for which is how do you strategically get from where we are today to where we need to be based on the rules that you've established, based on the rules that have come down from the federal government, based on the labor laws, based on all of these constraints that we are work with. I just wanted to stress that what is most important to us is the service that we provide to the community and making sure that we provide those services in a way that are consistent with law and with the policies that come from this Commission. We felt like this latest version of the plan really was the answer to the question that you have been asking us which is how do we go from where we are today to where we need to be. You will see very specific timing changes to different programs based on transition points.

Vice Chair Mullins: I appreciate those comments in reference to the differentiation between the responsibilities of the City and the responsibilities of the CSC, which is totally different. There has been some time and history so we did not just start this process. We have a responsibility to obey the CSC rules as established.

Chair Atkinson: I would like to open public comment. I would like to reiterate what has just been said to provide clarity on this issue. The staffing plan that we are looking at under this item is a plan that falls under the sole authority of the City. This Commission does not have authority to modify that plan, it does not have authority to reject that plan, it does not have authority to accept that plan. It is a plan that came from the City. My suggestion to those of you who are affected by the plan is that you may wish to make your comments and direct them to the City so that they can understand the implications of the plan and they can weigh that in their decision making process.

Julee Conway, PRCS Director, reviewed the key components of the plan for Item 7.C. This would require that the Commission approve a one-time extension (beyond the six-month period) of 125 temporary employees. We are also looking at implementing an additional 127 employees to less than 18 hours a week beginning November 29th. Also in the amendment for Item 7.C. distributed tonight (copy on file) there are 23 temporary employees that were not included in the original November 21, 2013 staff report. Of those 23, eight are no longer employed. Of the remaining 15, the requested action is given on the attached report (attachment 1) for the Commission's consideration and approval. Attachment 2 identifies six temporary employees that have worked more than 18 hours per week, but have not yet worked a maximum of six months. We are requesting that the termination dates of those would be at the end of their six-month term.

Copies of the plan were provided to the audience (copy on file).

Commissioner Abney: Julee, if we weren't talking about six months and we were talking about nine months, how would that change this whole conversation?

Julee Conway, PRCS Director: The term of six months – it would help us to have additional time because of the nature of our programming, especially with our golf program because our golf services run a nine-month program. As it relates to the breadth to our other services, the ability to have staff stay with us longer would give us additional time to train, to provide consistency and to service youth and senior programs. Having a greater period of time would give us additional flexibility.

Commissioner Abney: Are there a lot of people that work longer than the nine months in the year?

Julee Conway, PRCS Director: Some work longer than nine months, some don't. It depends upon what type of program that we have them in. The majority of them, if they are available, if possible we would work them all year long. When you look at less than 18 hours a week (those employees), if they are available we measure out those hours and track those closely and keep them possibly all year long.

Commissioner Abney: How about the over 18 hours a week folks, if it was nine months instead of six.

Julee Conway, PRCS Director: I cannot tell you exactly how many because it changes depending upon the season. We have had a lot of individual employees who have worked the entire year at different jobs within the department because they are very highly skilled. When I say highly skilled, I mean we train them to do certain things and support the programs that they are skilled in and others focus in on a particular area as well. Assistant City Manager Bill Thomas stated that yes, nine (months) would give us a lot more flexibility than six.

Chair Atkinson: In devising your transition plan, did you look at whether or not you could add regularly funded ongoing positions to accommodate those individuals who work quarter to quarter, year to year?

Julee Conway, PRCS Director: This transition plan, based on the Commission's request that November 21st was the deadline, is the recommendation to transition us immediately. At this point, this does not include looking at the potential for full-time employees right now because that decision has to be made through the budget process. Yes, I have looked at that potential and explored potentially how we might propose that to the City Manager who would then evaluate that and potentially propose that to the City Council; however, this is an immediate transition plan because of the requirement that the Commission was going to put in place on November 21st - the termination of all employees over 18 hours. Because of the City Charter, that is something that we were going to abide by. This transition plan helps to do that. That does not mean that I will not proceed with and look at other budgetary requests to help fulfill needs; however, that would be done at a later time and would be decided for next fiscal year's budget which starts July 1.

Chief Deputy City Attorney Tracy Chase: As background for the City's budgetary process, the City of Reno goes through a budgetary process every year. All of the departments are in the process of looking right now at their next year's salary projections. Those will go through the process in the next month to 45 days. At that time, too, each department can do what is called a program change request. A program change request would be an addition of positions; so as Parks Director Conway indicated there is consideration at that time if there is funding for it for Council to make that request. That request is made at this point in time and is taken through the budgetary process which takes the City Council into May timeframe of next year. By June 1st they have to have an adopted budget so the process to establish a fully funded position would take that period of time just for the Commissions background.

Chair Atkinson: I would also like to just qualify a statement. The Commission doesn't have the authority to terminate appointments. I think that may have been a statement that was made. The Commission is responsible for insuring that the appointment process is properly followed. In saying the deadline was this evening's meeting that was the outgrowth (and this is background for the audience) that has now grown into two and one half years of discussion with the City in which the Commission has pointed out its concern with regard to having department issues in temporary appointments in which we have asked them to go back to look at their employment practices and to work to bring them into conformance. We are here tonight after 2 ½ years of discussion and 12 public meetings. I realize that many of you perhaps just

got notice of this which is unfortunate but at the same time this has been an ongoing dialogue with the City over a course of a fairly significant period of time.

Commissioner Martinez: We are here for you to make sure that you have your civil service rights and they are followed. I'd like Madam Chair to explain the statuses.

Chair Atkinson: This is a reasonably complex issue so I'll see if I can narrow it down. There are two types of appointment statuses for the City of Reno. One is the appointment to a temporary position. One is an appointment to a permanent position. Those are the only two statuses that exist. For those positions that fall under the authority of the CSC, and that is defined by the City Charter, temporary is defined as limited to six months and then there is a break in service. A permanent position is defined as an appointment through a competitive process to a position, serving a probationary period and acquiring tenure in the position upon successful completion of that probationary period. What has been an issue is some misunderstanding about how a temporary has to come on, serve a certain period of time which is of limited duration and then go off payroll. What the City is attempting to do now after 2 ½ years of discussion on this issue is to bring its employment practice back into conformance with those mandates.

Commissioner Hester: My understanding because we pulled Items 7. D & E is we will have the rules in place in time for the City to prepare the budget for positions for next fiscal year. We also have a transition plan for the remainder of this fiscal year. Does that work as a smooth transition?

Chief Deputy City Attorney Tracy Chase: Your idea in generalities is accurate. There are current Civil Service rules though that the Commission is seeking compliance with and that has been part of the two-year process to bring them into compliance with current rules, establish new rules to better that compliance with our Charter, state law and then to transition. So I think there is another prong of your idea that the CSC is also seeking and that transition plan – I think the Commission has indicated it's hopeful that it will work so that there is transition of services for the public as smooth as possible.

Public Comment:

Edgar Macias, Sierra Kids, stated his issue is if the changes go through for only six months he doesn't think they will have enough staff to sustain the programs. Currently, there is a ratio of two staff for every 25 kids. If the hours are cut to under 18 per week a lot of the people will not continue to work for the City. Voluntarily they will leave.

Jesse Recanzone, Sierra Kids, commented on child care issues. Ms. Recanzone stated that she has been working at Stead Elementary and the City of Reno for three years. She stated the impact of this amendment will be detrimental to the children and the Sierra Kids Program.

Commissioner Martinez: Jesse, what is your status. Are you a temporary or regular employee?

Jesse Recanzone: I'm a temporary employee, but I have been working here for three years consistently.

Commissioner Martinez: How many hours a week do you work?

Jesse Recanzone: On average probably 27.5.

Commissioner Martinez: I just want to tell you how much I appreciate you. We are here for you. You should be a regular employee with civil service rights.

Jesse Recanzone: Having a temporary job is better than not having a job at all.

Michael Breyles, Sierra Kids, talked about the effects of changing staff every six months would have on the program.

Amy Mayo, Sierra Kids, stated she has worked off and on for the City of Reno since 1993 in the Youth Division. Reducing her hours would affect her livelihood, as well as other employees and the children that they work with.

Chair Atkinson: Just to clarify for the record. This Commission does not establish the hours that you work. We do not define the days of the week that you work. We do not have authority to instruct the City as to how to staff these programs. What we are asking the City to do is to recognize your appointment status properly. Rather than calling you temporary employees and working you in a permanent status that if they have the need to staff their programs on a permanent basis that they do that, but that they not continue a pattern of denying rights to individuals who have been worked on a permanent basis. Please understand that our authority is limited, but the resolution that we are seeking through this is for the City to bring its employment practices into conformance with the mandates of Charter, with the mandates of our rules.

Barbara Melendez, Sierra Kids, stated she has been working with the City on and off since 2008. Ms. Melendez stated that she understands what we are trying to do, but at the same time they signed up knowing that this was going to be a temporary position. She expressed her concerns on the effects a change would have on all the kids. She stated that they know that they are not getting things that they need to get, but they are not asking for that. She stated it is frustrating that we want to cut her hours to six months out of the year and she can't live on that.

Chair Atkinson: I am going to reemphasize something. Your comments really need to be directed toward the City. The City is making a choice as to how it staffs the programs. If it chooses to staff those programs as a temporary appointment, there are restrictions on that. If it chooses to staff those programs with ongoing appointments so that there is continuity in the services that you provide to the public, those are regular positions. There are reasons behind those rules. Those reasons go up to federal law and come down through state law. They are reinforced through the Charter which is the authority in which the City operates and this Commission operates. So again, let me reemphasize. We are not telling the City what choice to make. We have provided them options. They can hire and staff those programs with temporary appointments. They can hire and staff those programs through regular appointments, but they need to do it properly.

Kelly Logoteta, PRCS, stated that she really appreciates what we are doing to fight for them. She expressed concerns about the testing process regarding going from a temporary to a permanent employee.

Chair Atkinson: We have offered, as part of our last meeting with the City, to open recruitments that allow you to fill out applications. Those applications will be evaluated on the face and that becomes the test. It meets our need to insure that there is a competitive merit based process and it also facilitates transitioning from where you are today to where you may be tomorrow. What does drive this; however, is whether or not the City feels it has the funds and the capacity to create program positions or whether it feels from a staffing level that it has to maintain a temporary level.

Kelly Logoteta: It is my understanding that for every one 1560 that would be hired, three have to be let go in order for the budget to meet. It is scary for people who have been in their positions for so long and only they know what they do and then bring someone else in to do their jobs. Ms. Logoteta stated that a lot of them did not know about this until the last meeting.

Chair Atkinson: There is not a member of this Commission that is sitting up here with a callous disregard for the circumstances that you are working in. We have worked diligently with the City in an effort to get them to understand not only the reasoning behind why they must bring their practices into compliance, but also to try to facilitate that in a way that minimizes impact on you.

Maria Martinez, Sierra Kids, asked for confirmation that the CSC is not the one making the decisions, but they are enforcing them.

Chair Atkinson: Yes, but let me qualify the statement. We do not have the authority to make this decision. If we had the authority to make this decision, I believe it might look differently. The City does have the authority and they have the responsibility for exercising that to the best of their ability. The testimony that you are bringing to us tonight is equally as valuable to the City in their deliberations when they make these decisions and so what I am suggesting to you is that this is information that really should go to the City because that's where the decision really rests.

Commissioner Martinez: It is my hope that the directors and department heads will heed your words and move for regular appointments – regular funded ongoing appointments.

Chair Atkinson: Remember there are two types of appointment. There is the temporary appointment which is distinguished by limited term of six months, you go out. Many of you signed a form that acknowledged that when you were originally hired. There is also permanent appointment. Permanent appointment is by its very nature ongoing. As long as there is money to pay for it and as long as there is work to perform. It rolls from year to year to year. Those appointments on the permanent side can either be part time (It can be 20 hours a week.) or full time (It can be 40 hours a week.). It can work on an intermittent basis where there is no established work schedule, but you come and go as the work demands. There is a number of different flexibilities that exist in the use of permanent appointments. We have simply offered up to the City the different boxes that they can use for purposes of hiring. Please color within

the lines. Please stay consistent with the nature of the appointment. Don't say it's temporary and then use someone as permanent.

Commissioner Hester: I believe we are just talking about the transition plan, correct?

Chair Atkinson: Correct, the rule will probably come back again in the first part of February. So at this moment we are operating under our existing rule which is defined as six months.

Maria Martinez, Sierra Kids: So the rule will be made after a lot of these jobs are gone?

Chair Atkinson: I believe the transition plan alters the way that you will work.

Alan Easley, citizen, stated that he is a parent of a kid in the Sierra Kids program. So the Commission says here are the rules. The City is not playing by the rules so you are telling them to play by the rules. I appreciate that. The City needs to understand that the Sierra Kids Program is an essential vital service to this community. It is not a tap dancing class or underwater aerobics. As a single parent of an only child with asthma I depend on the stability of this staff to take care of my child every working day. Please understand that the Sierra Kids program is a vital service. I could sign up for belly dancing. It is great that the City offers these other services, but they are not vital to this community. Mr. Easley expressed concern about having staff switched out every six months.

Robert Chisel, Director of Finance & Administration: I would just like to clarify the City's role in this issue. Currently, the rules that are in place with the CSC and with the City Charter allow for different types of employees. There are the under 18 hour employees. If you work less than 18 hours per week you are exempt by Charter from CSC rules. CSC rules also define temporary employees as six month employees as we are discussing. The current rules also discuss a 1560 hour employee which says if the CSC approves certain positions at the 1560 level (That's 1560 hours per year or season.) that is also allowed. We came to the Commission in August and got a 90 day extension to those 1560 employees which terminates today, November 21. Last month we did ask for an extension of those positions. That was not granted, hence is why we came back with the transition plan that Julee presented. That is the City's role. We do not want to shut these programs down. We do not want to hurt our kids. These are our community kids. We do care for them.

Matt LeClaire, stated that he has worked for the City for almost four years. My issue is you are saying my last day is January 10th. How is it that this is being enforced on past work? If anything if this passes today, the six-month mark should begin today because these stipulations are coming after our employment. You are penalizing individuals who had started working before it was enacted. I am completely with you guys. I do not think that the way that we are treated as temporary staff is anyway right. Four years – in what world is that a temporary staff? Jesse has been there for 13. In what world is that temporary? Mr. LeClaire shared stories about various situations with the kids and their families. The City needs to know that it is not fair that we are considered temporary, especially all the extra things that we have to go above and beyond for. It's not them (CSC), it's the City. I think one of the most ridiculous asinine things is that the City Manager had the balls to come and speak to us and ask Youth Services what we needed to make our program better. He knew very well that this was coming

along. I'm with this gentleman that there are other programs that could be cut. That could keep us afloat. The City needs to change.

Danny Smith: I have worked for the Sierra Kids program in the past. My girlfriend, who works for the City of Reno, came to me and stated that Sierra Kids program informed her of this issue. I was shocked and to hear that you have been talking about this for 2 ½ years. I feel very let down by the City in the way this was handled. It came so suddenly. You should have been having meetings with your own staff.

Brenda Mahan: I work for Senior Services. I have been employed for almost two years. I love what I do and the services are awesome. The question I have for the CSC is if this has been going on for more than two years, how did it get started? Who entered into this agreement that the City could hire us as temporary employees and then for two years you have been massaging this and there has been no outcome. Now we are forcing the issue and looking at what is going to happen to services being provided in the City of Reno.

Chair Atkinson: In June 2011, this Commission received one of the first quarterly reports. That was our first quarterly report over an extended period of time between the one previous to that and the one in June 2011. On the face of that report, it became apparent that there was a possibility that there were career temporary appointments taking place. The question was raised at that time. The problem; however, is that the data needed to get into the meat of the issue was not readily available. There were complications with the payroll system and actually being able to get that data was a very difficult task. So over the course of several months we were working on getting a report that was actually reliable. Once the Commission had a working report that we could use and make reasonable judgments from, we then began discussion with the City as to the intent and application of our rules. There was disagreement. We ironed out that disagreement. That did not happen quickly. Starting in April of this year, we started to say to the City we have now done everything we can to educate you with respect to this problem. We are now asking you to take affirmative steps to bring it into compliance. We have had continuing discussions about what that looks like. In August the City came to the Commission and they asked for an indefinite (blanket) extension for all temporary employees. The problem with that request is that the very issue that we were dealing with is that some of these appointments did not qualify as temporary appointments. An indefinite extension does nothing to correct the problem. At that point this Commission gave clear instruction to the City that it had 90 days to bring back something that would show progress towards correcting these issues. Tonight is the end of the 90 days.

Brenda Mahan: I'm still befuddled as to what took so long to force the issue. I applaud you on wanting to protect us. We are due rights. I hear two things. I hear that you are not the authority on what is going to happen. You are putting it in the laps of the City of Reno and I am defending the City of Reno because you are the Commission and you allowed this to happen.

Matt LeClaire: I am also a master student for the criminal justice department at UNR. When I was reading the document that you supplied with the amendments and with the definitions of everything, one thing that goes along with what Ms. Mahan was saying is why did you not define yourself. You define all the City aspects, the individuals, temporary employment, but you never define yourself as the Civil Service Commission. My question goes with hers. Why did it take so long to notice anything and see if anything is wrong? Because is one of the things

with the City is if you look at our paychecks, most of the people in this room at one point during peak season has gone over 40 hours. Do you know what the protocol is for us going over 40 hours? We put those extra hours that we should have gotten overtime on the next paycheck. So if you work 43 hours in one week, you add three hours to the next week's check. I would like to know why you guys never caught onto any of that.

Chair Atkinson: Please understand, we do not do payroll.

Matt LeClaire: But this goes along with your position as trying to defend us. Where was that defense?

Ross Rytting: My question deals with the 1560 hour employees which is currently under the Charter for you guys to consider, correct?

Chair Atkinson: It is a language within our rule, yes.

Ross Rytting: The City brought the 1560 hours to you guys in August asking for an extension?

Chair Atkinson: They asked for a 90 day extension.

Ross Rytting: Did they bring it back again for another discussion on the 1560 hour employees that you guys denied?

Chair Atkinson: Tonight.

Chair Atkinson closed public comment.

Chief Deputy City Attorney Tracy Chase: This is Item 7.B. This is a "Not for Action" item. The actual "Action" item will be Item 7.C. which is the request for an extension.

7-C. Request from the City of Reno for additional extension of temporary appointment status for existing temporary employees in the Parks, Recreation & Community Services Department and/or discussion and consideration of alternative approaches. (For Possible Action)

Julee Conway, PRCS Director: I have highlighted the report in Item 7.C. in the prior presentation. I did present tonight the additional amendment to the item and receiving your approval of both Item C and also the amendment because that addresses the additional staff that were presented in Director Rungis' presentation so both of those items need to be considered. We did come in October requesting the employees to be extended to June 30, 2014. The Commission denied that and asked for a transition plan.

Public Comment:

Alan Easley: I am a parent of a child in the Sierra Kids Program. If I am reading this correctly, if you fail to approve the transition plan this will result in the termination of the Sierra Kids Program. Obviously that would create an extreme burden on this community.

Chair Atkinson closed public comment.

Commissioner Hester: I am ready to make a motion to accept the City's transition plan. We will have new rules in February. I think it is a win win. It allows the employees who are currently working in these programs to finish out the season. It allows the City Council and City Manager time to set policy next fiscal year on what programs they want to provide and what levels. Most importantly for the time being, it keeps the public receiving services.

It was moved by Commissioner Hester, seconded by Commissioner Lane, to accept the City's transition proposal.

Commissioner Abney: Potentially, when the proposed rule changes pulled from tonight's agenda come back in February, the rule may look different. It may not be six months; it may be nine months; it may be something different than what we are working under today.

Chair Atkinson: At this point, the Commission has looked at a proposed rule and put that forward. That is a six month rule; however, just as a point of information, the City Attorney, myself and Mr. Bailey are meeting with the City over the course of the next month to actually work through where there may be differences in how that rule can work and we will be bringing that back the outcome of those discussions to the Commission.

Commissioner Abney: It could change depending on legal. I am concerned with making these changes because while it is an extension, there are immediate consequences to some of these employees even with this extension plan. The six month issue - that is a civil service rule that this Commission could change, correct?

Chief Deputy City Attorney Tracy Chase: Currently that is a civil service rule and there is a 1560 civil service rule. Anything that is not exempted by the City Charter (and there is a lot of exempted type positions in the City Charter for management, City Attorney's office; there is a lot of different positions that don't even come under Civil Service) But those positions which come under Civil Service, the Commission has the ability to formulate rules within the guidance of state and federal laws.

Commissioner Abney: What does state and federal law say about temporary versus permanent? How much leeway does this Commission have to say we think temporary employees are nine months, ten months or eleven months?

Chief Deputy City Attorney Tracy Chase: We have been looking into that question. A lot of the examples are based upon employee hours how they classify them. Six months is clearly within a temporary position. The longer you go out without a service break, the more questionable it becomes. Then you get into case law that is based upon a factual scenario, based upon the facts and circumstances of the employment at the time. Part of the rule review that Chair Atkinson, Ric Bailey, myself and the City is going to do is we are going to scrub that issue before it comes back before the CSC.

Commissioner Abney: I know that we are talking about the current rule and the current rule is six months but with such a potential disruption to both the people and the citizens and the taxpayers that we serve and the employees that we have heard from tonight, it seems not to

make much sense to move forward with a transition plan that is meant to get us to the next rule change when the rule may be different. Is it possible to make a blanket extension until we come up with that new rule? It is a very nebulous situation right now. There has been a problem with temporary employees, but this problem goes back multiple City administrations. I don't think that you can wave a wand and make everybody permanent that would be eligible for that and all of the extra costs that go along with that. If the rest of the Commission wants to endorse the transition plan, that's fine because that is one of the best of all the bad options that we have. I would frankly support an extension for everybody at status quo until we finalize the rule in February or whenever that comes.

Vice Chair Mullins: I would not say a blanket time, but I really feel that there should be an extension given to the City. I would be more specific in setting a time as we have done in the past. I'm in favor of a specific time period.

Commissioner Hester: I like what these two Commissioners are talking about as well.

Commissioner Hester withdrew his motion. Commissioner Lane withdrew his second of the motion.

Chair Atkinson: The motion has been withdrawn. I would like to say a few things for the record. The City has made a step in the right direction in attempting to bring its practice into conformance with the rules as they stand today. I also understand the impact on you as individuals. There is an aspect to this transition plan which is based in business necessity that isn't based in the recognition of the fact that we in the heart of the holiday season. This is a very difficult time for people to suffer loss and I believe that this Commission cannot compel the City to use additional time, but I think we can offer them the opportunity for some additional time for purposes of transition that maybe will help to facilitate transition and also to relieve the immediacy of taking action. I do support both Tray and Bertha in allowing some additional time for compliance, but I want to qualify that. In allowing additional time for compliance; compliance is still needed. We have been on this path for 2 ½ years. It is essential that we find some solution to this. You have brought some ideas to us tonight that have great value and I hope that for all of those involved in the decision making process that your voice is really heard, but I also agree with what Commissioner Abney expressed that the City is faced with some financial constraints. As far as this Commission is concerned, I do support an extension that would allow an easier transition from where we are today to where we need to be as we go forward.

Vice Chair Mullins: ***I would like to make a motion taking into consideration what we have heard tonight extending to the City a 90 day expansion to start a new plan.***

Julee, given what we have heard tonight would a 90 day extension ease that somewhat?

Julee Conway, PRCS Director: Thank you for the acknowledgement of the work that we have put in working with the CSC on this item. Ninety days would get us to February 21st. We have the funding currently in this fiscal year to keep our programs and our employees in their current status. We are able to keep things flowing and operating between now and February 21st. Just for clarity, is that to allow the Commission time to discuss the rules and then we would integrate that with the transition plan with your new rules? Just so I understand your expectation.

Chair Atkinson: The extension is to February 21st

Vice Chair Mullins: There hasn't been a decision by this Commission as to the new rules.

Chief Deputy City Attorney Tracy Chase: The plan that we have set forth to review the rule is we have already setup weekly meetings throughout the month of December to go through the rule. Our optimistic hope would be to bring you back that rule because you have to post and give out notice on a rule would probably be at the February meeting. I don't recall the date of our February meeting.

Chair Atkinson: We were going to call a special meeting in February to move it forward so that it was reviewed and adopted in good time for the budget process.

Chief Deputy City Attorney Tracy Chase: Okay, that was my question on when the Commission would actually hear the rule. So if we could get the rule scrubbed with an easy terminology for the month of December then we would have it for the February special meeting. To recognize the City of Reno too, they have stepped up as part of that process with the CSC and the Chair to indicate that we will all work together.

Commissioner Abney: I share your frustration with another 90 day extension so my extension comments were mainly for making sure that we had a rule in place. I don't know if there is a way to extend it until that point. What I don't want to do is have a 90 day extension and if for some reason we don't have a rule in 90 days and we are having the same conversation again. My initial comments were to have everybody stay in the same spot (status quo) until we finalize that rule and we are all working off the same page from that point forward whether it is 90 days or whatever that amount is.

Commissioner Hester: I totally agree with that concept. I'm concerned if we come back in February and adopt a rule then for PRCS to respond immediately, I think there is going to have to be little time once the rule is known for them to do something. I don't know that you can pick the right number of days. I don't know how to craft that.

Chair Atkinson: My suggestion to the Commission is we use the 90 day window at this point. We make a motion to allow the City 90 days for purposes of working through their transition which would bring it to February 21. We do have meetings in December & January and during those meetings the City can provide us an update as to the status. We would have a better idea of whether or not it is coming together. We would have the opportunity at that time to give an additional extension. My concern is the window for me has been too long. We need to have an understanding what our operating guidelines are and what our compliance issues are. I do not want this to go sideways and get lost. There needs to be a solution for everybody's sake. I am more in support of giving incremental extensions and taking a test of the water to see how far we have gotten in the process. If there is a need to give an additional extension to consider it at that time.

Vice Chair Mullins: The City has shown that they are on board. In reference to the time, we can't predict when the two minds are going to come together regarding the rules.

Jerry Frederick, Local 39: Does the Commission have the authority to make a rule change in February that will take effect on July 1, 2014?

Chief Deputy City Attorney Tracy Chase: Any legislative body that can make a rule can determine the effective date on that rule.

Jerry Frederick, Local 39: I agree with Mr. Abney. I don't want to see a blanket extension. We have been doing this for 2 ½ years, another six months is not going to kill us. Why don't you think about giving them an extension knowing that you are going to have the rule in place prior to them having to figure out their budget which is due when?

Robert Chisel, Director of Finance & Administration: I believe the budget date is the third Tuesday in May.

Chief Deputy City Attorney Tracy Chase: That's when the City Council actually hears the budget.

Robert Chisel, Director of Finance & Administration: The preliminary budget is due earlier, but the preliminary budget can change on City Council's direction.

Chief Deputy City Attorney Tracy Chase: Am I correct that as a department that you have to have your program change requests and positioning and all the information (not that the Council can't change that direction) by February or March.

Julee Conway, PRCS Director: By mid February we have a number of things that are due.

Chair Atkinson: As I am understanding then Commission direction on the rule – we need to have that by mid February so that it corresponds with the department's effort to submit budget requests.

Vice Chair Mullins restated her motion:

It was moved by Vice Chair Mullins, seconded by Commissioner Hester, that the Civil Service Commission give the City of Reno an extension of ninety (90) days to take into consideration what we heard tonight and look at possible other ways of implementing their request. The date would be February 21, 2014.

Chief Deputy City Attorney Tracy Chase: For clarification of the record, is that a 90 day extension of the temporary appointment status for the existing employees or was that a 90 day extension until after the rule is heard to implement their plan.

Chair Atkinson: I believe there are two options here. One is to suspend action for 90 days. Come back at the end of 90 days with a transition plan. That allows the City to weigh the information that was presented at this meeting. They may want to renew the plan that they have already put before us or wish to modify it, but basically suspend action for 90 days. The second option would be to provide a 90 day window within which the City could act on the transition plan that's before us. In some instances they have shorter timeframes at least in the initial plan. They could opt to use additional planning if they chose to do so, but they would not be required to do so. So in one instance it allows a 90 day status quo and then come back. Basically either renew the transition plan or bring a modification to it. The other instance it allows 90 days within which to make the transition based on the department's action.

Julee Conway, PRCS Director: Just a clarification, I'm not quite sure because I'm hearing a blanket 90 days or 90 days once the rule is established. Am I getting that wrong?

Vice Chair Mullins: My motion stated that the CSC give an extension of 90 days before any implementation of the plan that was presented to us, allowing the City additional time to take into consideration to see if there are other things that could come into place regarding employees.

Commissioner Abney: My thought was to keep the status quo now, don't do anything with implementing this plan that was put before us tonight. Give us time to finalize the rule and then once that rule is finalized then we all move forward from there and the City makes plans from that point. I understand the Chair's concern about not leaving that too open ended. It would be nice if we could have that rule done in 90 days, but nothing would change for 90 days and at that 90th day or whenever that meeting occurs this Commission would then say here is the rule and we are going adopt it and here is how we are moving forward from here on out. The City would have to have time to implement after that decision. If we need to put a time limit on it and not just say when the rule is implemented, I would support 90 day status quo and then at that meeting is when hopefully the rule would be approved and we move forward.

Vice Chair Mullins: I am in agreement with that.

Julee Conway, PRCS Director: If that is made into a motion, then if I understand, the rule would be determined and whenever that is voted on by the Commission then the City (not just the department) would be given 90 days to respond and implement.

Chair Atkinson: My understanding is the motion is to suspend any action on the extension that was requested, to grant 90 days as a window of time during which no action takes place. At the conclusion of that 90 days, contingent upon whether or not we have a rule in place one of two things happens:

- If we have a rule in place, then we will be asking you to bring forward a transition plan to the new rule and at that point we will look at what that transition plan looks like.***
- If we do not have a rule in place, this Commission may wish to consider an additional extension until we do have a rule in place.***

We have a motion and a second to suspend any implementation of the transition plan that the City brought forward tonight for a period of 90 days (so in effect we are providing an unconditional extension for 90 days). That would bring it to February 21, 2014.

The motion carried: Chair Atkinson, Commissioners Abney, Hester, Lane and Martinez and Vice Chair Mullins assenting.

7-D. *Adoption of amendment to Civil Service Rule VII – Certification of Eligibles, appointments & Probation, Section 12. Temporary and Provisional Appointments & Section 13. Status of Employees. (For Possible Action)*

Item 7.D. withdrawn.

7-E. Adoption of amendment to Civil Service Rule III – Definitions. (For Possible Action)

Item 7.E. withdrawn.

8. IDENTIFICATION OF FUTURE AGENDA ITEMS

Rule changes

9. SET NEXT MEETING DATE (For Possible Action)

The next regular meeting of the Civil Service Commission is Thursday, December 19, 2013 at 4:30 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.

None.

11. ADJOURNMENT (For Possible Action)

Chair Atkinson adjourned the meeting at 7:17 p.m.

Jeannie Atkinson, Chair

Date