CIVIL SERVICE COMMISSION

MINUTES

Thursday – March 27, 2014 – 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 Darrin Georgeson John Hester Paul Lane Jenny Martinez Ric Bailey, Chief Examiner

1. CALL TO ORDER/ROLL CALL

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

MEMBERS PRESENT: Jeannie Atkinson, Darrin Georgeson, John Hester, 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; Brad Drum – IAFF 731; Jerry Frederick – Local 39; Daela Gibson – PRCS; Jo Ann Malugani – Civil Service Technician; Cadence Matijevich – Assistant City Manager; Peggy Nelson-Aguilar – RAPG; Susan Rothe – Deputy City Attorney and Renée Ruņğis – Director of Human

Resources.

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

None.

3. APPROVAL OF AGENDA (For Possible Action)

Chair Atkinson: I would like to bring 7.B. forward in front of 7.A. and do the rule change before we talk about the Charter Committee.

It was moved by Commissioner Hester, seconded by Vice Chair Mullins, to approve the March 27, 2014 agenda as modified. The motion carried: Chair Atkinson, Commissioners Georgeson, Hester, 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 February 20, 2014 regular meeting minutes. (For Possible Action)

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Chair Atkinson: There is a correction on page 2 under the consent agenda Item 6.F. we would strike "for one-year extension". It wasn't part of the agenda and is there inadvertently.

It was moved by Vice Chair Mullins, seconded by Commissioner Lane, to approve the February 20, 2014 minutes as corrected. The motion carried: Chair Atkinson, Commissioners Georgeson, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Hester abstaining and Commissioner Abney excused.

6. CONSENT AGENDA

- A. Request to approve employee confirmations. (For Possible Action)
- B. Request to approve eligible lists for Environmental Control Officer, Fire Battalion Chief and Senior Engineering Technician I. (For Possible Action)
- C. Request from Kelley Odom, Assistant Manager, Reno Emergency Communications, to void Public Safety Dispatcher eligible list per Rule VII, Section 8. (For Possible Action)
- D. Request to be placed on the re-employment list for Equipment Mechanic from Timothy Anderson. (For Possible Action)
- E. Request for one-year extension to be placed on the re-employment list for Community Services Officer II from Gloria Gaytan-Robles. (For Possible Action)
- F. Request for one-year extension to be placed on the re-employment list for CSO Supervisor from Lori Heidenreich. (For Possible Action)
- G. Request for one-year extension to be placed on the re-employment list for Community Services Officer II from Cindy Leslie. (For Possible Action)

It was moved by Vice Chair Mullins, seconded by Commissioner Martinez, to approve Consent Agenda Item A, B, C, D, E, F & G as submitted. The motion carried: Chair Atkinson, Commissioners Georgeson, Hester, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.

7. REGULAR AGENDA

7-B. Discussion and possible adoption of amendment to Civil Service Rules (Rule I to Rule XV). (For Possible Action) [out of order]

Chair Atkinson: I do have some minor, non-material changes to the rules. I'll pass out copies (copy on file) and then I'll read it into the record.

- 1. Rule III, page 6, item 29: Strike "General" in title. Term is superfluous:
 - "General Classified Position:..."
- 2. Apply above change consistently throughout document:
 - Rule VII, page 14, Section 1(c), first and second lines: "(c) Classified service shall be comprised of all General Classified Positions within Civil Service. General Classified Positions shall be ..."
 - Rule VII, page 23, Section 14(a), first line: "General Classified Positions.

 Appointees to general classified positions..."

- 3. Rule VI, page 12, Section 5(a), first line: Change "that" to "who". Grammatical correction.
 - (a) No person shall be admitted to any examination for a position in the classified service that who has not..."
- 4. Rule VII, page 15, Section 2(a): Change term "Classification Specification" to "Class Specification". Internal consistency in use of term.
 - "(a) Request for Certification. Whenever...setting forth, at a minimum, the Classification Specification Title..."
- 5. Rule VII, Page 21, Section 12(e), next to last line: Change term "preceding" to "following". Clarification and correction.
 - ...a copy must be forwarded to the Commission by the date of the meeting of the Commission immediately precedingfollowing the effective termination date."
- 6. Addendum Clarify intent by changing word "service" to "employment"; adding the word "temporary"; and adding the phrase "made pursuant to Section 9.020 of the Charter" as shown below. Clarified that intent is to preclude serial temporary appointments.
 - "Temporary appointments under this Rule may not be used in conjunction with, simultaneous to, or prior or subsequent to City serviceemployment under a non-Civil Service temporary appointment made pursuant to Section 9.020 of the Charter without first completing the requisite six (6) calendar month breakin-service."

I do want to speak to the change on the addendum. At the heart of that addendum, and the reason that we added it to our rule book, was that we are working to ensure equal treatment under the law for all employees that are affected. This addendum is not intended to restrict the use of this temporary language with respect to non-civil service regular appointments and grant funded appointments. We are really looking at restricting serial temporary appointments where you take a temporary appointment that occurs under the non-civil service language and then connect it with a temporary appointment under the civil service language. As you will recall, in part of our discussions, part of the problem that we are dealing with are serial appointments that extend over a period of multiple years. This language really is designed to address that type of temporary to temporary use.

The second part of this addendum that is important is the use of the word "temporary" in here. In this instance, we are using the word as a contemporary term. Where it says "simultaneous to, or prior or subsequent to City employment in a non-Civil Service temporary appointment", that use of "temporary" is different than the use under our rule above. What we are referring to is current use from the City's use perspective (which may change as time goes by), but which means it refers to all those people who are appointed under a label of "temporary" or some similar label, who then are paid on a lesser wage scale and a lesser benefits scale than their counterparts who work in regularly funded appointments. Again, it is the idea of temporary to temporary. It goes to the heart of equal treatment under the law. When we use that word "temporary" with reference to the non-civil service appointments, it is a reference to the City's

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use of an appointment mechanism that then in their estimation allows them to set up a different wage and benefit scale than somebody who is in a permanent position.

Cadence, since you and I have worked on this if you would you like at this point to say anything if I have not included what we discussed, please let me know.

Cadence Matijevich, Assistant City Manager: I think for the most part your Chair has summarized it well. Some of the concern that we had with the language as originally drafted (and I think the conclusion of those last comments) is that at certain times we have limited term appointments that may have a specific project or something. They may be limited term grant funded appointments. We may have the exempt positions that are exempt and under our Charter, special technical staff, other members of our staff and we did not want to have the unintended consequence of prohibiting an individual who may have served in a temporary civil service appointment from being eligible for applying for one of those positions. I think the clarifications that you have made do speak to the concerns that we have if it's with the understanding that what this language is designed to do is prevent serial temporary appointments that we would have a comfort level with that. I would ask if the Chair would allow if Ms. Ruṇǧis has anything else that she would like to add as well.

Chair Atkinson: By all means.

Renée Ruŋğis, Director of Human Resources: I agree with Assistant City Manager Matijevich that that is our concern and what we would like, if possible, is that the minutes would reflect that intent as well as what the Commission's intent is so that history will reflect that's what was discussed here today.

Susan Rothe, Deputy City Attorney: Pursuant to Charter, Council is given the opportunity to provide comments to the Commission. That was on their agenda yesterday and their recommendation was to proceed with the rules as crafted and presented that are before this Commission tonight.

Commissioner Hester: Does that include the changes?

Susan Rothe, Deputy City Attorney: Yes, it was raised that the addendum language would be addressed and modified tonight.

Commissioner Hester: On page 12, it talks about all of the things that you will not ask about in terms of information except when based on a bona fide occupational qualification or as otherwise authorized by law. Can you give me an example of that?

Chief Examiner Bailey: The way it's been described in a lot of courses is for instance you would never have a male restroom attendant in a female restroom. It is something that would be inappropriate, that type of thing.

Commissioner Hester: On page 14, it says everybody (If I understand this right.) is in civil service unless specifically exempted by the Charter. I was curious who does the Charter exempt, what positions?

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Cadence Matijevich, Assistant City Manager: There are a couple of different places within the Charter where exemptions are created. The primary one that most people think about would be in section 1.090 of the Charter which outlines those positions that City Council may establish if it deems necessary for the operation of the City by designating the position and qualifications therefore by ordinance. The appointive offices are limited to the head of each department or division except:

- one immediate assistant for the Director of Public Works
- in the Fire Department and Police Department, no positions below the office of Chief
- special technical staff members who report directly to the City Manager and serve as appointed employees
- the City Clerk who is appointed by the City Council

In addition to that, the City Attorney has the authority to appoint the staff within their office. Then, there is also an exemption created in Article IX of the Charter which states:

A Civil Service System is created for the selection, appointment and promotion of all employees of the City except:

- (a) A person elected or appointed to a position pursuant to this Charter.
- (b) A person who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.
- (c) A person employed by the City for less than 18 hours per week.
- (d) A person for whose position half or more of the money is provided by a source other than the City.
- (e) A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.
- (f) An employee of the Municipal Court who is hired directly by the Court.

Commissioner Hester: So is there any ambiguity, any room for argument? I'm thinking about Firefighters or Police Officers who are hired by grants, would they be exempt?

Chair Atkinson: Technically speaking if you just had the application of the Charter they cannot be exempt, and they are not exempt because the Charter says no one below the level of Chief. Even though that funding mechanism is out there, I think the more specific language is that no one below the level of the Chief.

Commissioner Georgeson: Then, wouldn't that overrule somebody that is less than 18 hours? It sounds like that rule is going to overrule everything else.

Chair Atkinson: I don't think they are connected. The less than 18 hour is typically someone who is working either on a temporary basis or in a very limited term project basis for the City.

Commissioner Georgeson: So you are saying that anybody below the Chief that happens to be employed with funds that are outside the City is still in Civil Service. That just doesn't make sense.

Chair Atkinson: Grant funded would apply in all other departments (other than Police and Fire) because Police and Fire are the ones with the specific language, but grant funded will occur in other departments as well.

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Commissioner Hester: So grant funded in other departments don't go through Civil Service?

Chair Atkinson: Correct, I will say that is an issue we are discussing at the moment, just in the context of what makes sense. We haven't yet reached a conclusion on what we do with that, but we are looking at that.

Commissioner Hester: By putting this in does that create a situation that causes a problem for you guys, Cadence?

Chair Atkinson: I think it just refers back so if somebody understands that it is not the totality of the organization, but within that organization there is an authority we have to go to – to actually sort who falls within and who falls outside.

Cadence Matijevich, Assistant City Manager: I believe the intent of referencing that the Charter was specifically exempt then anticipates that the Charter may over time change. So if the Charter were to change, then this body would not need to come back and amend the rules or there wouldn't be a period of time in which there would be some ambiguity. That it simply references the exemptions created by Charter so at the point if the Charter were to be amended that exemption would apply immediately.

Commissioner Hester: Thinking of Parks & Rec, suppose they have a recreation program that allows them to have grant funded summertime workers. Under the new rules, they work six months and then they stop working as civil service; get a grant; work six months then start six months back under... is that going to be...I'm just trying to troubleshoot this thing.

Chair Atkinson: It's a hypothetical. The way we are envisioning this to work is grant funded is one of those exclusions from the prohibition in the addendum. So if you have someone that has worked under our temporary rule and grant funding comes forward (grant funding is outside of Civil Service) and the City chooses to use the individual who has been serving in the temporary position under the Civil Service rule, there is no prohibition in making that appointment.

Commissioner Hester: Okay, as long as we are not creating an issue by keeping somebody on over a long period of time by switching them back and forth in grant.

Chair Atkinson: That is why I think in introducing this we wanted to clarify for the record that we are really looking at temporary to temporary. Where someone is in a position where they are actually paid benefits and wages at a different level than regular employees because it is the equal pay, equal treatment issue.

Commissioner Hester: One page 23 under (b), the last sentence in red: It says, "Should no position exist, the provisional employee shall either be appointed to a vacant position in the next lower classification or be laid off and placed on the reinstatement list." Could you have a situation where there is some discretion there and how would you decide?

Chief Examiner Ric Bailey: It would depend on the status of the individual and what they are going back into.

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Susan Rothe, Deputy City Attorney: If there was a next lower classification, they would be put there. If not, then they would be put on the reinstatement list.

Commissioner Hester: It sounds like you could do either one. Maybe they should be put in priority order.

Chair Atkinson: My suggestion is that on that particular section where it says "next lower classification" add the following clarification "or, in the absence of such,".

Susan Rothe, Deputy City Attorney: That is the way it is, it is not a material substantive change.

Chair Atkinson: We will make that as one of our amendments.

Susan Rothe, Deputy City Attorney: We have to make sure that what is actually posted as the final includes that as well as the addendum language.

Commissioner Hester: I wasn't at the last meeting, but I noted in the minutes that Assistant City Manager Matijevich commented that it was a great process working together and I wondered if that is still the case where we are right now for the record.

Cadence Matijevich, Assistant City Manager: I am pleased to affirm that is still the case. I think we have a very good product. Those of us who have been working on this; in six weeks if we pick it up we may find something like the item you just brought forward. Is it a perfect product, is that to say that we may not as we discuss items that come forward in the future find additional ways that we can improve these and bring greater clarity to those of us on staff and the employees as they read them, absolutely. I think that we have come to a place that is a consensus document. We are appreciative of the Commission's patience with us through this process and you have been willing to grant extensions as we work through this. The Chair, legal staff and Examiner have spent an extraordinary amount of time with us on this. I think we have a pretty good product. That is not to say that it won't mean changes. For us, operationally, it will. This doesn't mean that everything stays the same for us, but recognizing that there are a number of things in here that needed to be modernized and cleaned up.

Commissioner Georgeson: I have a question on page 2, Section 4. It says: *The City of Reno is an equal opportunity employer.* And then, new language: *As such:* How is this supposed to read. There is a lot being cut out and a few words left. What is the intent?

Chief Examiner Bailey: All this will be laced together. Basically, what we are doing here is we are doing all this by an individual having an opportunity to apply and that we will fairly consider their qualifications for a job and that we will treat everyone with equal opportunity.

Commissioner Georgeson: Can we say how it is supposed to read?

Chair Atkinson: The way it reads is: The City of Reno is an equal opportunity employer. As such: All persons are entitled to apply for and participate in any recruitment opportunity within the City of Reno Civil Service, provided they are qualified and successfully complete the

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recruitment and examination process in a manner consistent with these Rules and the requirements published in the job announcement.

Chair Atkinson opened public comment.

Brad Drum – Local 731: We see it as a lot of housekeeping and updating in language. One piece of language that we find a lot, in addition to in the red, is the use of the words "Appointing Authority." When I read it at first I think it is the same thing as the Director or Department Head, but they are actually used separately. The place that I can find that everyone can reference would be page 21, paragraph (d) it uses *appointing authority* and paragraph (e) it uses *department head*. So could I get a definition of appointing authority through you or legal?

Chair Atkinson: What we did is provide consistency in the use of terms throughout the body of the rules as time has gone by since it was first adopted probably in the late 60s, early 70s, terms changed. So as you looked through it you would find Department Head; you would find Hiring Authority; you would find Appointing Authority and that type of thing. We were very careful to go through and try to use a singular term and that is: *Appointing Authority*. The reference is just to that individual who has the ability to make a decision in that specific event. Where we have used *Department Head* or the *City Manager*, it is a little more specific because in that particular instance it is the actual dismissal or termination of a probationary employee.

Brad Drum – Local 731: And that's what brought it up under Rule VII was the confirmation of probation so we just wanted clarification.

Daela Gibson: I work with Parks & Rec. For the under 18 hour positions, what is the penalty if somebody accidentally goes over an hour? Say their relief is not able to make it and someone has to cover for them. With Recreation, we have lifeguards. We just can't close the pool.

Chair Atkinson: This Commission looks at the less than 18 hour criteria (definition), we measure it on a quarterly basis so that the department has the flexibility to address situations just like you described. If there are unforeseen events that throw scheduling out the window, they can make whatever adjustment they need so the operations continue.

Daela Gibson: I just want to make sure because I am 1560. Does that give us the flexibility? Is it on average under 18, or do you look pay period by pay period?

Chair Atkinson: It is an average over the fiscal calendar quarter.

Daela Gibson: I just want to make sure that we know because we want to follow the rules. We also know we have scheduling problems, and we are seeing the problems already because we are already trying to implement it.

Chair Atkinson: The figure is 233 hours in a fiscal year calendar quarter.

Daela Gibson: So in a sense then we go from 1039 to 233?

Chair Atkinson: Your department may have policies that address that so it is important for you to actually check with your department head as to how they wish to administer it. From a

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Commission perspective, we have adopted the concept that less than 18 hours per week is a very difficult measure for us to track. There is a legitimate business interest in allowing some flexibility in how that applies. What we have said is that you can look at this over the course of a quarter as long as you do not exceed an average of less than 18 hours in a week.

Daela Gibson: Perfect, that answers that question and I have one more question. I know that we are looking at different time groups like six-month employees and nine-month employees. I don't know which ones you have agreed upon, but I know six months is what we are looking at. For our purposes, we really don't have nine-month availability. When would that time period start? Is it July 1st; is it January 1st of this year; is it January 1st of next year?

Chair Atkinson: Theses rules, once adopted, become effective the following morning. However, this Commission in the February meeting provided an extension for 105 employees that the department brought forward as essential for continuing business operations through the end of the fiscal year. So those two have to harmonize, it doesn't modify action that we have taken already. It just lays in place a set of rules that apply prospectively.

Daela Gibson: I'm assuming I'm one of the 105, so come July 1st when our extension is over is that when that six months would begin.

Chair Atkinson: We just need to refer you back to the department because those are decisions that the department would make.

Cadence Matijevich, Assistant City Manager: I would like to give the Commission and members of the public here some assurances that we have thought about this and we didn't want to speculate about what the decision of the Commission would be this evening. Upon your action, if you approve these, we will be communicating with the staff. We do have a plan.

Julee Conway, PRCS Director: The information that comes out of this Commission has been communicated to our staff through letters, and they have been told that this is the next time that you will meet. We wanted to make sure that we don't preempt what the decision or changes you would make as we have seen tonight. What we have put together as a department, and to be considered by Human Resources Department and the City Manager, is a schedule for the implementation of this so we have thought ahead as to how this can be implemented. I intend and look forward to working with Ric Bailey, the Civil Service Examiner, and yourself as well as Renée Ruŋǧis on the implementation of this. There will be changes to the operation. That is the intent by this Commission and the City to make sure that we are in compliance.

Peggy Nelson-Aguilar, RAPG representative: Starting July 1, if the department head decides whether an employee who has been working illegally as a 1560 then can start over as a brand new employee at 17 $\frac{1}{2}$ (hours). Is that what I am hearing?

No.

Peggy Nelson-Aguilar, RAPG representative: So, they are done on July 1 and have to take a six-month break?

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Julee Conway, PRCS Director: It depends upon when they were hired, how many hours they have and if they have worked 18 or more hours for six months. The rules say that they can only work six months if they work 18 or more hours.

Peggy Nelson-Aguilar, RAPG representative: So January 1, if you were working more than 17 ½ hours a week, then you are gone? I think that is what Daela wants to know.

Susan Rothe, Deputy City Attorney: Again, this discussion is not proper for this agenda item because this is not a matter for the Commission's determination and this is not on the agenda.

Julee Conway, PRCS Director: It is a little more complex than that, so I'll leave it at that.

Chair Atkinson: Let me come back to the original question. Our rules take effect once they are adopted, but to the extent that there have been actions by the Commission to extend appointments, those appointments will be allowed to fulfill that extended period. The department at the same time is working in tandem with the budget process to make determinations as to how they will then implement.

Jerry Frederick, Local 39: I only have one question that has been an issue in the past for us. I'm looking at page 21, Section 13, Temporary and Provisional Appointments, paragraph (a). It talks about the Chief Examiner is supplied with a copy of the approved personnel requisition form setting forth the Class Specification Title, Class Number, Position Control Number. Will that resolve the issue of using a generic job title with a different job description – i.e., Public Service Intern in Parks & Rec versus a Public Service Intern in the Police Department versus one in Public Works?

Chair Atkinson: There is some language earlier on that talks about the fact that there must be class specifications. Those must be approved by the Commission before they can actually be used. As part of that I believe there is also language in here that talks about the fact that the classes themselves have to be developed using the principles of a classification that is like work. Basically, you are grouping people together based on like work, like minimum qualifications, like KSA's. In answer to that, my understanding of these rules and classification is that yes, there should be class specifications. The specifications should be relatively descriptive of what the work of the people covered by that class would be and that we would adopt the minimum qualifications before the appointments can be made. It is in Rule V.

Chair Atkinson closed public comment.

It was moved by Commissioner Hester, seconded by Commissioner Lane to adopt the proposed rules with the amendments discussed. The motion carried: Chair Atkinson, Commissioners Georgeson, Hester, Lane and Martinez and Vice Chair Mullins assenting; Commissioner Abney excused.

Vice Chair Mullins: I have a question. Will the Commissioners receive a complete copy with the corrections coming back as a final document?

Susan Rothe, Deputy City Attorney: It will not come back to this Commission, but you will be given a new rule book with the updates. You have adopted the rule tonight.

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Chief Examiner Bailey: It will be online as soon as we get it ready.

Chair Atkinson: Probably sometime next week. Thank you to the City, to each of you and to the City Attorney's office for your efforts on this. I think we have substantially more clarity as to what the expectation is, and we have a document that is what I call a four-corners document. We go to the rule. If the rule allows it, we have an opportunity to act. If the rule doesn't allow it, we don't have an opportunity to act. It is clear in terms of who carries what responsibility as opposed to a generic reference of the Commission. We know if the Chief Examiner is responsible; we know if the Commission is responsible; we know if the City and the City Manager is responsible. Our hope in writing this is that we now have a document that is contemporary. Something that we can truly use and that somebody who is uninitiated in understanding our rules can pick up and have a general understanding of what happens and the process that that follows.

7-A. Update, discussion and possible direction regarding the Charter Committee proposed changes that may impact the Civil Service Article. (For Possible Action) [out of order]

Chair Atkinson: I've prepared something (handout on file and copies distributed). The Charter Committee has been meeting. The Charter Committee is a fairly large committee that is appointed in part by the City and in part by the Democratic & Republican delegations of the legislature. Their purpose is to look at the Reno City Charter, make decisions as to what might be appropriate for change within that Charter. I have been attending that meeting and working with Commissioner Georgeson to brainstorm where the Commission might come from on those ideas. The Charter Committee does have a meeting tonight starting at 6:00 that I will be attending. Here is essentially what has happened to this point. They have adopted four changes to Chapter IX which is the chapter that applies to Civil Service.

The first change was to Section 9.020 and this goes to the question that was asked earlier and the recommendation is to amend the language so that it reads: A person employed by the City for less than 18 hours per week or 233 hours per fiscal year calendar guarter.

That basically codifies what we have done as a practice. The Committee has agreed to that and will be advancing that forward.

The second change was to Section 9.100 which is on reports of performance. Within that language as it exists today there was a statement that says that not only can this Commission require reports on performance but that we could require a medical examination of any employee and obtain the results thereof. The problem is that language bumps right into HIPAA and rather than maintaining that language, we agreed with the City that we should just strike that language with the understanding that what happens with this is it takes away some investigative capacity from this Commission. From my perspective, we really are an appeals body we are not an investigative body and so as a result I see no damage from that but it does shift burden for investigations that may deal with issues of medical capacity. It shifts it back to the City to take a look at that and make decisions on it. I thought as a Commission that you would all be in alignment with that as well.

The next change was to Section 9.270. As this language currently reads, it says that the City in an appeal before this Commission with respect to a disciplinary action shall be represented by

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the City Attorney's office. The City Attorney's office also represents us as a Commission. The problem sometimes is that it is the same office representing competing interests. What this change in language does is it permits the City, if it feels it important to do so, to actually go outside the City using the 6th-7th vote of Council and appoint independent counsel if they feel there is a conflict. That seems reasonable and logical from my perspective. The City Attorney will continue to represent the Commission. This is only as it relates to the City as a participate in front of the Commission on an appeal.

The last one is on Section 9.270 Appeals to the Commission. Some language has been added. Previously the way this read is that if we find the reasons for the disciplinary action to have been insufficient, that we must modify the City Manager's action. What was added is if it is insufficient or is somehow contrary to the Charter, to the rules of the Civil Service Commission or to other applicable law, then this Commission is responsible for taking that into consideration as well. What it does is give a little more precision to what we may weigh when we are looking at a disciplinary appeal before the Commission. It also then sets a standard by which we must take action.

That is essentially what they have done to date. Tonight on their agenda, they will be talking to issues in Article I & III of the Charter. Those are issues with how we define appointive positions that we actually spoke to earlier tonight. I don't really know where they are going to go with. It is a very diverse committee and it might be interesting to watch this. The second part that they are going to be looking at tonight is possible additional revisions to Article IX which is Civil Service. There was nothing specified in their agenda packet.

I thank Darrin because he has dedicated some time to sit down and work with me on looking at the various issues here so that we could come back with a well reasoned point of view.

8. IDENTIFICATION OF FUTURE AGENDA ITEMS

Chair Atkinson: I would ask that we carry forward the update on the Charter Committee. I would like to have this as a recurring item. If something comes up in the meantime that requires a vote of the Commission, we may be asking for a special meeting.

The second thing is there are a couple of issues that we are still working on that we have not yet incorporated into the body of the rules. We will be bringing those back probably in the next 60 to 90 days. It is still conceptual at this point.

9. SET NEXT MEETING DATE (For Possible Action)

The next regular meeting of the Civil Service Commission is Thursday, April 24, 2014 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.

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Commissioner Martinez: Does this mean that the Commission can never see or ask for a medical report on an employee.

Chair Atkinson: No.

Jeannie Atkinson, Chair

Commissioner Martinez: I just want to make sure that it is protecting an employee that comes to us for help in case there is some kind of prejudice in regards to their health.

Susan Rothe, Deputy City Attorney: They can bring it forward if they wanted it. At that point in time they have raised it.

Chief Examiner Ric Bailey: They have to volunteer that record in public.

Date

11. ADJOURNMENT (For Possible Action)

Chair Atkinson adjourned the meeting at 5:22 p.m.