

Governor Steve Sisolak
Chairman

Attorney General Aaron D. Ford
Member

Susan Brown
Clerk of the Board

Secretary of State Barbara K. Cegavske
Member



STATE OF NEVADA BOARD OF EXAMINERS

209 E. Musser Street, Room 200 / Carson City, NV 89701-4298
Phone: (775) 684-0222 / Fax: (775) 684-0260
<http://budget.nv.gov/Meetings>

Date and Time: May 11, 2021, 10:00 AM

Location: Pursuant to the Governor's Emergency Directive 006, as extended, there will be no physical location for this meeting. This meeting can be viewed on YouTube. The link will not go live until 10:00 am.

MEMBERS PRESENT:

Governor Steve Sisolak
Secretary of State Barbara Cegavske - on the phone
Attorney General Aaron Ford - on the phone

STAFF PRESENT:

Susan Brown, Clerk of the Board
Dale Ann Luzzi, Board Secretary

OTHERS PRESENT:

Laura Freed, Administrator, Department of Administration
Frank Richardson, Deputy Administrator, Department of Administration,
Division of Human Resource Management

MEETING MINUTES

1. Call to Order / Roll Call

Governor: I would like to call to order today's meeting for Tuesday, May 11, 2021 for the State of Nevada, Board of Examiners. If I could ask the Clerk to take the roll, please?

Board Secretary: Governor Sisolak?

Governor: Here.

Board Secretary: Secretary of State Cegavske?

Secretary of State: Here.

Board Secretary: Attorney General Ford?

Attorney General: Here.

Board Secretary: Let the record reflect we do have a quorum.

Governor: Thank you very much.

- 2. Public Comment** (The first public comment is limited to comments on items on the agenda. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes.)

Governor: Item number 2, *Public Comment*. This is the first time set aside for public comment. Anyone wishing to address the Board on any item on today's agenda, please step forward, identify yourself for the record and comments will be limited to three minutes. Do we have anybody for Carson City wishing to make a public comment? Do we have anyone for Las Vegas wishing to make a public comment? Do we have anyone on the phone wishing to make a public comment? Do we have any written public comments?

Clerk of the Board: We do not.

Governor: That is all of the options we have for public comment.

- 3. Approval of the April 13, 2021 Meeting Minutes** (For possible action)

Governor: Item number 3, *Approval of the April 13, 2021 Meeting Minutes*. Are there any corrections for the minutes?

Secretary of State: I move for approval.

Governor: Thank you. We have a motion from Secretary Cegavske. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

4. State Vehicle Purchases (For possible action)

Pursuant to NRS 334.010, no automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Department of Administration, Fleet Services Division	4	\$110,822
Department of Corrections	1	\$18,500
Total	1	\$129,322

Governor: Item number 4, *State Vehicle Purchases*.

Clerk of the Board: Good morning. There are two requests for vehicles in this agenda item. The first request is from the Department of Administration, Fleet Services Division to purchase four new vehicles for \$110,822. These vehicles were funded in the legislatively approved budget.

The second request is from the Department of Corrections to purchase one replacement vehicle for \$18,500. The agency is proposing to purchase a used vehicle and the vehicle being replaced meets the age and/or mileage requirements in the State Administrative Manual. The Department is proposing to use savings that they have realized in their one-shot appropriations to fund this purchase. Are there any questions on these items?

Governor: Do we have any questions on the vehicle purchases? Hearing none. Do I have a motion?

Attorney General: Move approval.

Governor: We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

5. Authorization to Contract with a Current and/or Former State Employee (For possible action)

A. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee John Butler to perform uniformed security guard duties for various agencies through Master Service Agreement #19049 with Universal Protection Service LLP, dba Allied Universal Security.

B. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Paul Burke to perform search and rescue coordination services for the Department of Public Safety, Division of Emergency Management and Homeland Security through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

C. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Jeffrey Frischmann to perform administrative duties for the Department of Employment, Training and Rehabilitation through Master Service Agreement #18404 between Department of Administration, Purchasing Division and HAT Limited Partnership, dba Manpower.

D. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Bret Sandborn to perform uniformed security guard duties for various agencies through Master Service Agreement #19049 with Universal Protection Service LLP, dba Allied Universal Security.

Governor: Item number 5, *Authorization to Contract with a Current and/or Former State Employee*. Director Brown.

Clerk of the Board: Item 5 includes four requests to contract with former employees pursuant to NRS 333.705, subsection 1. Do you want to take all of these together?

Governor: Does anyone object to taking them together?

Secretary of State: No.

Governor: There are no objections. I'll take them all together, please.

Clerk of the Board: The first request is from the Department of Administration, Purchasing Division to contract with a former employee to perform uniformed security guard duties for various agencies. This individual will be employed by Allied Universal Security.

The second request is also from the Department of Administration, Purchasing Division to contract with a former employee to perform search and rescue coordination services

for the Department of Public Safety, Division of Emergency Management and Homeland Security. This individual will be employed through the Marathon Staffing Group.

The third request is from the Department of Administration, Purchasing Division to contract with a former employee to perform administrative duties for the Department of Employment, Training and Rehabilitation for unemployment insurance programs. This individual will be employed through Manpower.

The final request is from the Department of Administration, Purchasing Division to contract with a former employee to perform uniformed security guard duties for various agencies. This individual will be employed by Allied Universal Security.

Governor: Do we have questions on any of these four items?

Attorney General: None here.

Governor: Do I have a motion?

Attorney General: I move approval.

Governor: We have a motion for approval from General Ford. Is there any discussion? All in favor signify by saying aye. Are any opposed? The motion passes unanimously.

6. Request for Exemption from the Furlough Process (For possible action)

A. Cannabis Compliance Board

Pursuant to Section 131.4 (4) of Assembly Bill 3 of the 31st Special Legislative Session, the Cannabis Compliance Board (CCB) requests a 4.6% pay reduction in place of participating in the furlough process from January 1, 2021 to June 31, 2021 for all CCB Board members.

B. Department of Taxation

Pursuant to Section 131.4 (4) of Assembly Bill 3 of the 31st Special Legislative Session, the Department requests a 4.6% pay reduction in place of participating in the furlough process from January 1, 2021 to June 31, 2021 for all Nevada Tax Commission members.

Governor: Item number 6, *Request for Exemption from the Furlough Process*.

Clerk of the Board: There are two requests for exemption from furloughs under this item. The Cannabis Compliance Board is requesting an exemption for the five members of their board and the Nevada Tax Commission has eight members on the Tax Commission that are requesting to be exempted from furloughs. Pursuant to Assembly Bill (AB) 3 of Section 131 of the 31st Special Session, employees are required to take

furloughs or request an exemption which results in a 4.6% pay reduction. These requests, if approved, would reduce the pay of the board members and the commissioners for the period of January 1, 2021 to June 30, 2021 by 4.6%. Are there questions on this item?

Governor: I'll take these two separately. Do I have any questions on Item 6-A? Do I have a motion?

Attorney General: None here. Move approval.

Governor: We have a motion for approval. Is there any discussion? Hearing none. All in favor signify by saying aye. The motion passes. Thank you.

Now, 6-B, do I have a motion?

Attorney General: I move approval.

Governor: We have a motion for approval. Is there any discussion? Hearing none. All in favor signify by saying aye. The motion passes.

7. Approval of Proposed Leases (For possible action)

Governor: Item number 7, *Approval of Proposed Leases*.

Clerk of the Board: There are four leases for approval by the Board today. Are there any questions on any of these items?

Governor: I do not have any questions and I want to thank you again for my briefing, which you always answer the questions we have, which we sincerely appreciate. Do we have any questions about the proposed leases?

Attorney General: None here. Move approval.

Governor: We have a motion for approval. Is there any discussion on that motion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

8. Approval of Proposed Contracts (For possible action)

Governor: Item number 8, *Approval of Proposed Contracts*.

Clerk of the Board: There are 35 contracts in Agenda Item 8 for approval by the Board this morning. Are there any questions on any of these items?

Governor: Does anyone have any questions on any of the contract items? The 35 contracts?

Attorney General: I don't.

Governor: Do I have a motion?

Attorney General: Move approval.

Governor: We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are there any opposed? The motion passes.

9. Approval of Proposed Master Service Agreements (For possible action)

Governor: Item number 9, *Approval of Proposed Master Service Agreements*.

Clerk of the Board: Item number 9 includes two master services agreements for approval by the Board this morning. Are there any questions on these items?

Governor: Do we have any questions on the master service agreements? Again, thank you for my briefing, I do not.

Attorney General: None here.

Governor: Do I have a motion?

Attorney General: Move approval.

Governor: We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

10. Collective Bargaining (For possible action)

Pursuant to NRS 288.555, subsection 1, the Department of Administration, Division of Human Resource Management acting on behalf of the Executive Department of the State of Nevada requests approval of the new Collective Bargaining Agreement with the Nevada State Law Enforcement Officers' Association for Bargaining Unit H, comprised of Category II peace officers.

Governor: Item number 10, *Collective Bargaining*.

Clerk of the Board: Item 10 is a request for approval of a new collective bargaining agreement under NRS 288, the Board shall consider the fiscal impact of this agreement. NRS 288 through Senate Bill 135 of the 2019 Legislative Session grants certain state employees the right to organize and collectively bargain, requiring the state to recognize and negotiate wages, hours and other terms and conditions of employment with labor organizations that represent state employees and to enter into written agreements, evidencing the results of collective bargaining and requires that a new collective bargaining agreement be approved, by the Board of Examiners at a public hearing.

The Nevada State Law Enforcement Officers' Association was certified as the exclusive representative for the peace officers in Bargaining Unit H and this agreement is the result of negotiations on their behalf.

Pursuant to NRS 288.555, subsection 1, the Department of Administration, Division of Human Resource Management (DHRM), acting on behalf of the Executive Department of the State of Nevada, requests approval of the new collective bargaining agreement with the Nevada State Law Enforcement Officers' Association for Bargaining Unit H, which is comprised of Category II peace officers. I would point out that Article 10 of this agreement includes a 2% salary increase effective July 1 of 2022 and if a statewide increase is approved by the Legislature, the employees eligible under this agreement would also receive that increase.

Additionally, this agreement provides for a one-time payment of \$500 for employees covered under this agreement that have continuous state service of more than five years but less than 15 years on July 1, 2022 and for those with 15 or more years of continuous state service, on July 1, 2022, a one-time payment of \$1,000. The fiscal impact of this agreement for the 2% cost-of-living allowance (COLA) is expected to cost approximately \$276,966 and the one-time payments are estimated to be a maximum of \$141,000. We have here with us today representatives from the Department of Administration to provide additional information on this item.

Governor: Thank you for joining us.

Laura Freed: Good morning, Governor. Good morning, Attorney General and Secretary of State. For the record, my name is Laura Freed. I serve as Director of the Department of Administration. I'm joined by Frank Richardson who is the Deputy Administrator of the Division of Human Resource Management's Labor Relations Unit and Frank is an expert in all things collective bargaining. I really can't say it better than the Clerk of the Board said – that this is the step in the process where the Board of Examiners is required to approve or disapprove the ratified contract with Unit H of the Nevada State Law Enforcement Officers' Association (NSLEOA), which is the exclusive representative for Category II.

To give you a sense of the folks in that unit, this would be criminal investigators, Attorney General's criminal investigators, compliance enforcement and youth parole counselors. So, it's a relatively small unit and it was the first one to reach an agreement with the State and we have been grateful for NSLEOA's collaboration. With that, we're happy to answer any questions the Board might have.

Governor: Thank you. Could you just walk me through it for those who aren't familiar with it? I am because I have a great staff that has kept me advised from the beginning until the end of this process. Just a brief synopsis if you would.

Laura Freed: We started bargaining in November with various exclusive representatives and we have spent many, many hours. It's been a while since I calculated this for the benefit of the Legislature but it was well over 400 hours for the core members of the bargaining team, spread across the various units. There are about 35 articles, correct me if I'm wrong, Frank, in each of these tentative agreements and once we tentatively agree on every article, including the economics provisions, what happens is, the articles are all collated into one master agreement, which is what you see in the Board packet. Each team goes through and reviews to make sure that, yes, that's in fact what we all agreed to and makes any technical corrections. Then, the union pursues ratification with its members, which usually entails education sessions with the membership to describe what is in this new agreement and answering questions. Then they put it up for a vote and NSLEOA did this all electronically, owing to the pandemic. Usually, it's not done that way. Then once we receive word from the union that it's been ratified by their membership, it goes to you three for consideration and approval, possibly.

Governor: Then, tell us where it goes from here.

Laura Freed: From here, the noneconomic provisions, if the Board approves it, go into effect on July 1, 2021 and the term is two years for each collective bargaining agreement. Economic provisions that Director Brown just discussed go to the Legislature because the Legislature, under the law, has retained for itself, the ability to determine what, of the economic provisions that the State and the union agree to, get funded. So, my understanding is that the Governor's Finance Office has sent over the budget amendment to effectuate the economic provisions of this agreement and now, it's up to the Legislature.

Governor: Great. I just want everyone to have a little understanding. Do we have any questions on the collective bargaining item?

Secretary of State: This is Barbara Cegavske, Governor.

Governor: Secretary Cegavske, please.

Secretary of State: Thank you. While I appreciate the update today, we have not been briefed on this. We got everything last Tuesday and we went through it with a fine-tooth comb, as much as we could, by Friday and submitted our questions. Some of the questions were answered, not all of them. The other issue was, in this agreement, there are several typos and grammatical errors in it and that is a concern. I also was dismayed when I found out that in 2020 my staff had called two times in October and November to follow up with DHRM because they had been asked previously to be a part of this process and they got no calls back or anything. On one of the returned questions, it was said to us that they had surveys that were sent out. The only survey my staff ever got was to find out what Category II peace officers' equipment was and they filled that out and sent that in but that was the only questionnaire that anybody on my staff received. So, with that, I will not be supporting this today.

I think several issues need to be addressed and the other thing that I'm concerned about is that it's not in my budget because I don't know what the cost is and I am concerned about all the things that I've brought to your attention. Now, I don't want to minimize, your staff has been very good to us, Governor, and responded to us on everything that was on there today. This was sent to DHRM and as I said, some of the questions were answered, some weren't. We sent 10 pages in to have them looked at and again, it's typos, agreements, questions, all of it and there are about 90 of those that we submitted. So, that's my statement and that's all I have to say today. Thank you.

Governor: Thank you. I'm going to let staff respond to that. It's my understanding that all staff were invited to participate in this and were sent emails. Is that true or not true, Ms. Freed?

Laura Freed: With respect, we did invite directors and deputy directors and, in this case, the chief of staff to the Secretary of State to the training sessions that were held in October of last year to get familiar. According to our records, the Secretary of State's staff did not respond to two out of the three training sessions.

The other thing I would say is that the Secretary of State's Office has six people in this unit and the total unit, as I said, isn't very big, it's just over 130 people. We were advised by our contract negotiator that the best practice is to keep negotiating teams to less than 10. So, where we have bigger units with a variety of departments represented, we made a conscious choice to keep the negotiating teams at no more than 10, including our subject matter experts. So, we're regretful that the staff at the Secretary of State's office feels as they do but we can demonstrate that we made an effort to include them.

Governor: I appreciate that and I don't want to cast blame or dispersions. I want everybody included as much as we possibly can and appreciate the efforts you went to. As to the comment, if there are typos or grammar, my legal counsel behind me, he's very good with spelling and punctuation so, if you need somebody to look at that to fix those, I'd be more than happy to offer his services. I'm sure he's going to be thrilled with my offer there. Do we have any other questions on this one?

Attorney General: Mr. Governor, Aaron Ford here. I just want to say kudos to everyone working on this. This has been a labor, obviously, of great intensity. A lot of hard work has gone into it. I'm appreciative of the right that our state workers have to organize and kudos to all of those who came to this agreement. I will be supporting it and if you want a motion on that, I'm happy to provide it right now.

Governor: Are there any other questions? I do need a motion, please.

Attorney General: I move approval, please.

Governor: We have a motion for approval. Is there any discussion? I'm going to ask you to do a roll-call vote on this one since we have one against.

Clerk of the Board: Can I add something?

Governor: Please, Director Brown.

Clerk of the Board: So, just for the record, the funding for this agreement is not included in anybody's budget at this point in time. A budget amendment was submitted to the Legislature and should that get approved, the funding will be available in the salary adjustment account which is standard practice when COLAs are granted within the State.

Governor: Thank you for that clarification. Could I ask for the roll-call vote, please?

Board Secretary: Governor Sisolak?

Governor: Aye.

Board Secretary: Secretary of State Cegavske?

Secretary of State: No.

Board Secretary: Attorney General Ford?

Attorney General: Yes.

Governor: The motion passes. Thank you. Thank you both very much for joining us.

11. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from March 23, 2021 through April 19, 2021.

Governor: Item number 11, *Information Item, Clerk of the Board Contracts*.

Clerk of the Board: There were 37 contracts under the \$50,000 threshold that were approved by the Clerk between March 23, 2021 and April 19, 2021. Are there any questions on any of these items?

Governor: I do not have any questions. Does anyone have any questions on this one?

Attorney General: None here.

Secretary of State: No.

Governor: That's an information item. Thank you.

12. Information Item Report

Department of Motor Vehicles – Complete Streets

Pursuant to NRS 482.1825, subsection 2, the Department of Motor Vehicles shall certify to the State Board of Examiners the amount of the voluntary contributions collected for each county by the department and its agents and that the money has been distributed as provided in statute. This is the 3rd quarter of State Fiscal Year 2021 report for the period beginning January 1, 2021 and ending March 31, 2021.

Governor: Item number 12, *Information Item Report, Department of Motor Vehicles, Complete Streets.*

Clerk of the Board: This item is a report from the Department of Motor Vehicles on the voluntary contributions collected by counties pursuant to NRS 482.480, also known as the Complete Streets Program. This report is for the period of January 1st, 2021 through March 31st, 2021. During the third quarter of fiscal year 2021, the Department collected \$106,778.99 compared to \$86,108.51 in the same period in fiscal year 2020. Of the amount collected, 78.14% was from Clark County, 15.63% from Washoe County, 3.29% from Carson City and just under 3% from Douglas County. After deducting the 1% to administer the collection and distribution of contributions, the Department distributed \$105,711.20 for this quarter. Approximately 13.55% of those registering a vehicle during the quarter contributed to the Complete Streets Program during this period. Are there any questions on this item?

Governor: Do we have any questions on Complete Streets?

Attorney General: None here.

Governor: Hearing and seeing none, we'll close that item.

13. Public Comment (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes.)

Governor: Item number 13, *Public Comment.* This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please come forward, identify yourself for the record and comments will be limited to three minutes. Do we have anyone for Carson City wishing to make a public comment? Anyone for Las Vegas wishing to make a public comment? Anyone on the phone wishing to make a public comment? Is there any written public comment? Hearing and seeing none.

14. Adjournment (For possible action)

Governor: I'll move on to Item 14. Do we have a motion to adjourn?

Attorney General: So, moved.

Governor: We have a motion on the floor. Is there any discussion? All in favor signify by saying aye. The motion passes. We are adjourned. Thank you, everybody.