

Board of Examiners'
January 9, 2018
Attachment A

Brian Sandoval
Governor



James R. Wells, CPA
Director

Paul Nicks
Deputy Director

**STATE OF NEVADA
GOVERNOR'S FINANCE OFFICE
Budget Division**

209 E. Musser Street, Suite 200 | Carson City, NV 89701-4298
Phone: (775) 684-0222 | www.budget.nv.gov | Fax: (775) 684-0260

Date: December 12, 2017

To: James R. Wells, Clerk of the Board
Governor's Finance Office

From: Jim Rodriguez, Executive Budget Officer *JR*
Governor's Finance Office – Budget Division

Subject: BOARD OF EXAMINERS **ACTION** ITEM

The following describes an action item submitted for placement on the agenda of the next Board of Examiners' meeting.

DEPARTMENT OF PUBLIC SAFETY – DIRECTOR'S OFFICE

Agenda Item Write-up:

Pursuant NRS 286.523, the Director of the Department of Public Safety (DPS) requests that the Board of Examiners designate DPS Officer I and DPS Officer II position classifications as "critical labor shortages" and grant a Public Employees Retirement System exception. This designation is requested for a period of 17 months and will allow for the reemployment of qualifying retired employees to fill the DPS Officer I and DPS Officer II positions for which a critical labor shortage has been appropriately identified.

Additional Information:

On January 12, 2016, the Board of Examiners previously approved the Department of Public Safety's critical need request and per NRS 286.523, the department is requesting that the Board consider reaffirming its previous approval for another two year period.

The department reports that it currently has 721 authorized DPS Officer positions. Of those 721 positions, 96 are currently vacant and of those 95 vacant positions the department has made 21 offers of employment to new recruits. If all those offers are accepted, the net vacancy number would be 74 of 721 positions.

The department continues to report difficulties in recruitments and vacancies and that these conditions continue to place the department in the untenable position of dealing with a critical shortage of qualified candidates to fill these vacant DPS Officer positions.

The department indicates that the primary factors impacting its ability to recruit and retain these positions include the following: higher wages offered by other local law enforcement agencies, necessarily intensive background investigations, rigorous peace officer training requirements and the recent financial situation. Despite increased efforts to recruit and retain DPS Officers and the addition of two academies per year, the department continues to be challenged by low recruitment pools and the loss of officers to other law enforcement agencies, both in-state and out-of-state.

The department indicated that there is an immediate and critical need within the Parole and Probation Division to fill these positions and the ability/flexibility to re-employ retired officers would be a vital tool to utilize in mitigating the division vacancy issue.

Statutory Authority:

NRS 286.510 - 286.523

REVIEWED: <u>my</u>
ACTION ITEM: _____

Brian Sandoval
Governor



James M. Wright
Director

Jackie Muth
Deputy Director

Director's Office

555 Wright Way
Carson City, Nevada 89701-0525
Telephone (775) 684-4556 • Fax (775) 684-4809

MEMORANDUM

Date: December 13, 2017

To: James R. Wells, Clerk of the Board
Department of Administration

From: James M. Wright, Director
Department of Public Safety

Subject: Continuation of Critical Labor Designation – DPS Officers I and II

The Department of Public Safety (DPS) respectfully requests the Board of Examiners' review and renewal of the critical needs designation of DPS Officer I and DPS Officer II positions for the next 17 months.

On January 12, 2016, the State Board of Examiners reviewed and designated the DPS Officers I and II as critical needs positions. This provided a much needed flexibility to allow the Department of Public Safety to reemploy retired officers to help carry out its responsibilities.

The Department currently has about 712 DPS Officer positions, of which, 95 are vacant. Out of these vacant positions, we have offered 21 of them to new officers who are scheduled to start the February 2018 academy. This reduces the total number of sworn officer vacancies to 74 positions department-wide. However, the Department continues to face challenges in filling these sworn officer positions as a result of higher wages offered by other local and regional law enforcement agencies, the mandatory and extensive background investigations involved, rigorous peace officer training, and the current climate of negativity towards law enforcement agencies.

This request is intended to allow DPS to continue to reemploy retired officers throughout the Department to help with our operational needs. However, the immediate and urgent needs are located within the Division of Parole and Probation, where we have the most officer vacancies (currently 50). With the 2016 critical labor designation by the BOE, the Department has reemployed about 28 retired officers to help meet our day-to-day operational needs.

The Division of Parole and Probation utilized retired officers to assist with general supervision caseloads.

The Nevada Highway Patrol also reemployed retired officers to perform patrol duties in both its Northern and Southern Command districts. The Capitol Police has also utilized retired officers to supplement its permanent officers who maintain security and safety of state employees and offices.

The Department continues its efforts to recruit and retain DPS Officers in order to meet its objectives. These efforts include consistently attending career fairs at military bases, university and community colleges, local community events, conducting continuous recruitment and testing (including weekend testing), and hiring additional staff whose sole purpose is to conduct pre-employment background investigations. In addition, the Department is also running multiple training academies in both Carson City and Las Vegas to train newly hired officers.

These efforts, coupled with the critical needs designation, have helped us meet our operational needs. However, we continue to compete with the Las Vegas Metropolitan Police Department, Henderson Police Department, North Las Vegas Police Department, Washoe County Sheriff's Office and the Sparks Police Department. More recently, out-of-state law enforcement agencies have also recruited from our sworn workforce. These agencies are from the states of Washington, Oregon and Colorado. All these agencies have hired DPS Officers at a significantly higher rate of pay. These added challenges further supports the need for the Department to temporarily hire former retired officers with institutional knowledge, and relevant training and experience to supplement our permanent sworn staff.

Within the Division of Parole and Probation, the retired officers have provided crucial relief by performing administrative casework management duties in support of the permanent officers. Such duties include preparation of reports and management of monthly offender reporting duties. The retired officers are playing an instrumental role in overseeing the administrative responsibilities, which allows the permanent officers to ensure the compliance of the offenders in the field. Both of these elements of supervision lend to the safety of our community. Without the retired officers, the permanent sworn officers would each handle overwhelming number of offender caseloads.

Prior to the critical needs designation, the retired officers have been hired through the use of temporary hiring methods. However, this option imposes strict limitations on the number of hours and wages they can earn in a fiscal year. For the fiscal year beginning July 1, 2017, the retired officers are limited to \$24,751 wages and 1039 hours. This makes it difficult for the Department to reap the full benefits of the officers' expertise. Should they exceed the wages and hours thresholds, the officers will forfeit their retirement benefits, which will create a negative impact on their retirement plans.

Through resignations, retirements and competition with other law enforcement agencies, the Department continues to lose its officers in spite of our consistent and continued efforts. We are currently considering other measures, including social media and press releases, in addition to our current recruiting efforts. However, these efforts require time and financial resources. Therefore, continuing the critical needs designation for additional two years will allow the Department to continue to utilize the retired officers to effectively provide public safety services in our communities. Even after filling the officer vacancies, it takes over a year for a sworn officer to complete all their necessary training to become a fully-functioning officer.

Please contact me if you have any questions or need further information. I appreciate your consideration of this request.



January 9, 2018

Critical Need Position Designation Form

Reemployment of a retired public employee pursuant to NRS 286.523 is limited to positions of extreme need. An employer who desires to employ a retired public employee to fill a position for which there is a critical labor shortage must make the determination of reemployment based upon appropriate and necessary delivery of services to the public. The critical need designation must be made by the designating authority of the agency in an open meeting. The designated authority shall not designate a position for more than 2 years. To be pre-designated, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria established by law. PERS will compile the forms received from each designating authority and provide a biennial report to the Interim Retirement and Benefits Committee (IRBC) of the Legislature.

Agency Contact: Mavis Affo **Agency Phone:** 775-684-4703
Agency Name: Department of Public Safety
Critical Need Position Title: DPS Officer I and DPS Officer II
Effective Date of Critical Need Designation: January 9, 2018

In an open meeting the designating authority shall make findings based upon the below criteria that supports the designation using this form provided by PERS. Before making a designation, the designating authority shall consider all efforts made by the public employer to fill the position through other means. The written findings to be made by the designating authority must include:

History of the rate of turnover for the position:

Calendar Year	Vacancies	Total Filled	Turnover Rate
2012	115	527	21.82%
2013	131	560	23.39%
2014	131	539	24.30%
2015	207	511	40.51%
2016	177	557	31.78%
2017	182	610	29.84%

Number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted:

Overall, DPS currently has 82 officer vacancies, of which, multiple recruitments have been conducted. Eligible candidates often fail to successfully complete the selection process.

Length of time the position has been vacant: Ten (10) days to one year.

Difficulty in filling the position due to special circumstances, including special education or experience required for the position:

Positions require written and physical fitness exams; extensive background investigations; successful completion of the POST academy, and field training. Further, other local and regional law enforcement agencies pay more than the State. The Capitol Police Officers earn less income and they are not eligible for the Heart and Lung benefit, which makes it more difficult to fill these positions.

History and success of the efforts to recruit for the position, including advertising, out-of-state recruitment and all other efforts made (include copies of advertising or electronic recruitment notices, specifying targeted geographic areas:

DPS recruits internally through transfers and publicly through an online recruitment system (iCIMS). For the years 2016 and 2017, we attended a total of 51 career fair events (28 were out of state and 23 were in-state). Potential applicants can access the iCIMS system from NVAPPS. The Department also posts its openings on its website and also utilizes social media platforms. We also take advantage of local community events to increase awareness of career opportunities within DPS. In addition, we have tried movie theater advertising and we are currently working with KOLO 8 News by utilizing officers to create further awareness of career opportunities with us. As part of our efforts to recruit and hire military personnel, DPS has also partnered with "Work for Warriors" to recruit transitioning active military personnel and veterans interested in law enforcement careers. As part of this partnership, we conduct one day recruitment event (typically on Saturdays), which involves written and physical fitness exams, and job interviews. Test results are provided to the candidates on the same day. This has resulted in 8 appointments and two (2) additional candidates scheduled to attend our next academy in February 2018. The Department has also explored internships with local colleges and other criminal justice agencies and educational programs within the State.

Impact of not having the critical need designation

Without the critical need designation, DPS will suffer a negative impact on its operations. In addition, officers currently hired on a critical need basis will have to be terminated by next week.

Critical need designation approved by BOE for DPS Officer 1 and DPS Officer 2 positions, and not to exceed 17 months from the date of approval (1/09/18).

NRS 286.523 Employment of retired employee: Exception for reemployment of certain retired employees to fill positions for which critical labor shortage exists; determination and designation of such positions; limitation on length of designation of position. [Effective through June 30, 2015.]

1. It is the policy of this State to ensure that the reemployment of a retired public employee pursuant to this section is limited to positions of extreme need. An employer who desires to employ such a retired public employee to fill a position for which there is a critical labor shortage must make the determination of reemployment based upon the appropriate and necessary delivery of services to the public.

2. The provisions of subsections 1 and 2 of NRS 286.520 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the System if:

- (a) The retired employee fills a position for which there is a critical labor shortage; and
- (b) At the time of the retired employee's reemployment, the retired employee is receiving:
 - (1) A benefit that is not actuarially reduced pursuant to subsection 6 of NRS 286.510; or
 - (2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which the retired employee could have retired with a benefit that was not actuarially reduced pursuant to subsection 6 of NRS 286.510.

3. A retired employee who is reemployed under the circumstances set forth in subsection 2 may reenroll in the System as provided in NRS 286.525.

4. Positions for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows:

(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.

(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.

(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.

(d) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.

(e) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.

(f) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.

(g) The Board shall designate positions within the System for which there are critical labor shortages.

5. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:

- (a) The history of the rate of turnover for the position;
- (b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;
- (c) The length of time the position has been vacant;
- (d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and
- (e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

6. A designating authority that designates a position as a critical need position shall submit to the System its written findings which support that designation made pursuant to subsection 5 on a form prescribed by the System. The System shall compile the forms received from each designating authority and provide a biennial report on the compilation to the Interim Retirement and Benefits Committee of the Legislature.

7. A designating authority shall not designate a position pursuant to subsection 4 as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in subsection 5.

(Added to NRS by 2001, 2400; A 2003, 2062; 2005, 1077; 2009, 1549, 1550; R 2011, 90, effective June 30, 2015)