

Governor Steve Sisolak
Chairman

Susan Brown
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Barbara K. Cegavske
Member

STATE OF NEVADA BOARD OF EXAMINERS

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

Date and Time: December 14, 2021, 10:00 AM

Location: Old Assembly Chambers of the Capitol Building
101 North Carson Street
Carson City, Nevada 89701

Video Conference Location: Grant Sawyer Building
555 East Washington Avenue, Suite 5100
Las Vegas, Nevada 89101

MEMBERS PRESENT:

Governor Steve Sisolak
Secretary of State Barbara Cegavske
Attorney General Aaron Ford

STAFF PRESENT:

Tiffany Greenameyer, Clerk of the Board
Kyle George, Board Counsel
Dale Ann Luzzi, Board Secretary

OTHERS PRESENT:

Susan Stewart, Construction Law Counsel, Attorney General's Office
Frank Richardson, Administrator, Division of Human Resource Management
Mandy Bowsmith, Deputy Administrator, Division of Human Resource Management

MEETING MINUTES

1. Call to Order / Roll Call

Governor: I would like to call to order today's meeting of the State Board of Examiners. Could I ask the Clerk to take the roll, please?

Board Secretary: Governor Sisolak?

Governor: Here.

Board Secretary: Secretary of State Cegavske?

Secretary of State: I'm here.

Board Secretary: Attorney General Ford?

Attorney General: Here.

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

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: Thank you very much. Moving on to item number two, *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 anyone in Las Vegas for public comment? Do we have anyone in Carson City for public comment?

Clerk of the Board: We do not.

Governor: Thank you. Do we have any written public comments?

Clerk of the Board: We do not.

3. Approval of the November 9, 2021 Meeting Minutes (For possible action)

Governor: Moving on to item number three, *Approval of the November 9th, 2021 Meeting Minutes*. Do I have a motion for the minutes?

Secretary of State: Move for approval. This is Barbara.

Governor: We have a motion on the floor. Is there a second?

Attorney General: Second.

Governor: Is there any discussion on the motion made by Secretary Cegavske, seconded by General Ford? Hearing and seeing none. All in favor, signify by saying aye. Any opposed, please say nay. 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 Conservation & Natural Resources – Division of Environmental Protection	1	\$27,337
Total	1	\$27,337

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

Clerk of the Board: Good morning. Agenda item number four is a request from the Department of Conservation and Natural Resources, Division of Environmental Protection to purchase one replacement vehicle for an amount of up to \$27,337. The vehicle being replaced has met the age and/or mileage requirements in the State Administrative Manual and funding is included in the legislatively approved budget. Are there any questions on this item?

Governor: I do not have any questions. Do we have any questions or motions?

Attorney General: No questions. Move approval.

Governor: We have a motion for approval. Is there a second?

Secretary of State: Yes, second.

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

5. Request for Approval to Pay a Tort Claim Pursuant to NRS. 41.036

(For possible action)

Pursuant to NRS 41.036, the Office of the Attorney General submits the following Tort Claim request for approval:

Claimant: Aaron Antolik
 Claim No: TC18963
 Settlement Amount: \$100,000.00
 Date of Loss: February 25, 2019

Governor: Item number five, *Request for Approval to Pay a Tort Claim Pursuant to NRS. 41.036*.

Clerk of the Board: This item represents a \$100,000 claim for which the attorney general recommends payment from the Tort Claims Fund. A settlement agreement has been entered in the amount of \$100,000. Are there any questions on this item?

Governor: Do we have any questions?

Secretary of State: Yes, Governor. I would just like a little more clarification on this if I could, please.

Governor: Certainly.

Clerk of the Board: Certainly. We have Susan Stewart on the phone to answer any of the questions.

Governor: Ms. Stewart, can you give us a little explanation, please?

Susan Stewart: Yes, of course, Governor. This is a former employee who failed to yield at an intersection and unfortunately, caused some fairly significant injuries to Mr. Antolik. The tort cap here in this instance is warranted and Mr. Antolika has had to have surgery on his back. So, that is the general facts of the case. I'd be happy to answer any other questions.

Secretary of State: Thank you. I'll move approval.

Governor: We have a motion from Secretary Cegavske. Do we have a second?

Attorney General: I'll second.

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

6. Collective Bargaining (For possible action)

Pursuant to NRS 288.555, subsection 1, the Department of Administration, Division of Human Resources Management, acting on behalf of the Executive Department of the State of Nevada, requests approval of an inclusion as an addendum to the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 4041 for the following Bargaining Units:

A - Labor, maintenance, custodial and institutional employees

E - Professional employees who provide health care

F - Employees, other than professional, who provide health care and personal care

I - Category III peace officers

Governor: Next item, *Collective Bargaining*.

Clerk of the Board: Item six is a settlement agreement under a collective bargaining agreement entered into by the state and the American Federation of State County Municipal

Employees (AFSCME), Local 4041 for an inclusion as an addendum to the Collective Bargaining Agreement. Do we have any questions on this item?

Secretary of State: Yes. I would like a little more explanation on that if you don't mind. I would just like to understand it better. I have been actively voting 'no' on the collective bargaining and I want to make sure that I'm understanding this correctly before I vote. Thank you.

Governor: Can you give us an overview, please?

Frank Richardson: Good morning, Governor, Attorney General, Madam Secretary. With me today is Deputy Administrator, Mandy Bowsmith, who oversees the Labor Relations Unit. I'm going to defer to Deputy Administrator Bowsmith who has been negotiating with AFSCME on this particular item.

Mandy Bowsmith: Good morning. AFSCME Local 4041 filed a grievance under Article 21 of the Collective Bargaining Agreement regarding shift differential pay and the language that was agreed to in the master Collective Bargaining Agreement during our initial negotiations for a foundation agreement. AFSCME asserted that members were being adversely affected by losing money because of the way that the bargaining agreement agreed that we would handle shift differential, which is different from Nevada Administrative Code (NAC) 284.210, which holds that all hours in a shift that has at least four between the hours of 7:00 p.m and 6:00 a.m. would be eligible for shift differentiation.

NAC 284.210 states that there's a qualifying period and when employees work during that qualifying period, which is 7:00 p.m to 6:00 a.m., if they work four hours of that shift or more within that qualifying period, they will be paid shift differential pay for all of the hours of their shift. In the Collective Bargaining Agreement between the State of Nevada and AFSCME, we agreed to a variation and that variation is that only the hours worked between 7:00 p.m. to 6:00 a.m. would be eligible for the differential and pay for the shift differential.

AFSCME came to us and said that their members were being adversely affected. We were able to reach a grievance resolution that you see before you and we are asking that this be included as an addendum to the Collective Bargaining Agreement. When and if this were to take effect, it would revert shift differential consideration and eligibility back to that in NAC 284.210. Thank you.

Secretary of State: Governor.

Governor: Go ahead, Secretary.

Secretary of State: Thank you. I just wanted to thank you for that explanation and I will be voting 'no.' Thank you.

Governor: Let me ask you a question. How did we negotiate something contrary to NRS?

Mandy Bowsmith: NRS 288.505, section 5, discusses conflicts in the law specifically with NRS and NAC 284 and in the case that there is a conflict between the Collective Bargaining Agreement and NAC or NRS 284, the contract governs.

Governor: Do we have any further questions on this one?

Attorney General: Mr. Governor, if I could. I just want to confirm that no retroactive pay is going to be due and that there will be no fiscal impact on the State. Is that correct?

Mandy Bowsmith: Yes, Mr. Attorney General, we believe that there will be no fiscal impact on the State.

Attorney General: Thank you so much. I move approval.

Governor: We have a motion on the floor. I'll second the motion. Is there any discussion? Hearing and seeing none. All in favor, signify by saying aye.

Aye.

Attorney General: Aye.

Governor: Those opposed, please say nay.

Secretary of State: Nay.

Governor: The motion passes.

7. Approval of Proposed Leases (For possible action)

Governor: Moving on to item number seven, *Approval of Proposed Leases*.

Clerk of the Board: There are two leases under agenda item seven today. Are there any questions on these items?

Governor: No questions. Do we have any questions about the leases?

Do I have a motion?

Attorney General: I move for approval.

Governor: We have a motion on the floor. Is there a second?

Secretary of State: Yes, I'll second it, Governor.

Governor: We have a motion from General Ford, seconded by Secretary Cegavske. Is there any discussion? 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 eight, *Approval of Proposed Contracts*.

Secretary of State: There are 64 contracts for approval by the Board today. Are there any questions on these items?

Governor: No. Again, I want to thank you for the briefing where I had all my questions answered, which is extremely helpful for me to get through these. So, I do not have any questions. Do we have any questions on this item?

Secretary of State: No and Governor, I want to thank your staff as well. They responded to our questions and that's why we were able to make our decision. So, thank you very much.

Governor: Thank you. The staff did an incredible job.

Do we have a motion on item number eight?

Attorney General: Move approval.

Governor: We have a motion on the floor. Is there a second?

Secretary of State: I'll second it.

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

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

Governor: *Approval of Proposed Master Service Agreements*.

Clerk of the Board: There are five Master Service Agreements under agenda item nine for approval by the Board. Are there any questions on this item?

Governor: No questions from me. Are there questions?

Do I have a motion?

Attorney General: Not here. Move approval.

Secretary of State: I'll second.

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. 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 \$100,000. Per direction from the September 14, 2021 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$99,999). Attached is a list of all applicable approvals for contracts and amendments approved from October 19, 2021 through November 18, 2021.

Governor: Item number 10, *Information Item, Clerk of the Board Contracts*.

Clerk of the Board: There are 62 contracts over \$10,000 and under the \$100,000 threshold that were approved by the Clerk of the Board between October 19, 2021 and November 18, 2021. Are there any questions on any of these items?

Governor: No. Does anybody have any questions on this item? Hearing and seeing none.

11. Information Item Reports

A. Department of Conservation and Natural Resources – Division of State Lands – Fiscal Year 2022, 1st Quarter

Pursuant to NRS 321.5954, subsection 4, the State Land Registrar is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. This report covers program activities for the period of July 1, 2021 through September 30, 2021.

B. Statewide Quarterly Overtime Report – Fiscal Year 2022, 1st Quarter

Pursuant to NRS 284.180, the Department of Administration, Division of Human Resource Management is required to provide the Budget Division of the Office of Finance a quarterly report regarding all overtime worked by employees of the Executive Department during the quarter. The Budget Division is required to provide the Board of Examiners with the report and its analysis regarding the report. This report covers the period of July 1, 2021 through September 30, 2021.

Governor: Moving to item number 11.

Clerk of the Board: There are two informational reports under this item.

The first is regarding lands or interest in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act Program as well as the quarterly report on the status of real property

or interest in real property transferred under the Lake Tahoe Mitigation Program. This report is for the quarter ending September 30, 2021. There were no acquisitions of land in this quarter however, there were two transfers of interest in real property totaling 1,500 square feet. Are there any questions on this report?

Governor: No. Do we have any questions from the Board on this report?

Attorney General: None here.

Governor: No. Go ahead.

Clerk of the Board: Moving on to the second report. This is a report on overtime accrued compensatory leave for the first quarter of fiscal year 2022. This has been summarized so, I'm not going to go into details but I'll go over some highlights. Overtime pay and accrued compensatory leave account for a total of approximately \$19.68 million for the first quarter of 2022 or 7.65% of base pay. By comparison, total overtime was approximately \$15.23 million in the same period in fiscal year 2021. This is a 29.2% increase from the first quarter of fiscal year 2021. The Department of Corrections had the highest amount of overtime and accrued compensatory leave at \$6.59 million or 17.7% of base pay, followed by the Department of Health and Human Services at \$4.8 million or 6.6% of base pay. Next is the Department of Public Safety at \$2.26 million or 11.48% of base pay. For the first quarter, as a percentage of base salary, the Department of Veterans Services had the highest overtime at 18.85% followed by the Department of Corrections at 17.7% and the Office of Military at 12.24%. Are there any questions on this report?

Governor: I do not have any questions. Do we have any questions about this report?

Attorney General: No, sir.

12. 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: Moving on item number 12, *Public Comment*. This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please step forward, identify yourself for the record and comments will be limited to three minutes. Do we have anybody in Las Vegas for public comment? Do we have anybody in Carson City for public comment?

Clerk of the Board: No, we do not.

Governor: Do we have any written public comment? Hearing and seeing none.

13. Adjournment

Governor: We are adjourned. Thanks, everybody. Merry Christmas. Happy Holidays.