

Governor Joe Lombardo
Chairman

Amy Stephenson
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Francisco V. Aguilar
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>

MEETING MINUTES

Date and Time: May 17, 2023, 11:00 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 Joe Lombardo
Secretary of State Francisco V. Aguilar
Attorney General Aaron Ford

STAFF PRESENT:

Amy Stephenson, Clerk of the Board
Rosalie Bordelove, Board Counsel

OTHERS PRESENT:

Mandee Bowsmith, Administrator, Department of Administration

1. Call to Order / Roll Call

Governor: Good afternoon, everybody. Let me call to order the State of Nevada Board of Examiners as scheduled for May 17, 2023 at 11:00 AM. Can I have the Clerk please call the roll?

Clerk of the Board: Good morning. Governor Lombardo.

Governor: Here.

Clerk of the Board: Secretary of State Aguilar.

Secretary of State: Here.

Clerk of the Board: Attorney General Ford.

Attorney General: Here.

Clerk of the Board: Let the record reflect we have a quorum, sir.

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

Governor: We'll move on to Agenda Item number 2, *Public Comment*. The first public comment period is limited to comments on items on the agenda. No action may be taken upon a matter raised until the public comment period, unless the matter itself has been specifically included on the agenda as an action item. Do we have any public comment in Las Vegas?

Rosalie Bordelove: We do not.

Governor: Do we have anyone here? Madam Clerk, do we have any written or on the telephone? Seeing and hearing none, we will close the public comment period.

3. Approval of New, Extended, or Modified Collective Bargaining Agreement (For possible action)

- A. 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 American Federation of State, County and Municipal Employees (AFSCME), Local 4041 for the 2023-2025 biennium 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

- B. 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 Police Union (NPU) for the 2023-2025 biennium for Bargaining Unit G, comprised of Category I peace officers.

- C. 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 Peace Officer Association (NPOA) for the 2023-2025 biennium for Bargaining Unit H, comprised of Category II peace officers.
- D. 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 Fraternal Order of Police (FOP), Nevada C.O., Lodge 21 for the 2023-2025 biennium for Bargaining Unit I, comprised of Category III peace officers.
- E. 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 Battle Born Firefighters Association (BBFFA) for the 2023-2025 biennium for Bargaining Unit K, comprised of fire fighters.

Governor: Agenda Item number 3, *Approval of New, Extended, or Modified Collective Bargaining Agreement*. As the Chair, I will take each one of these separately. Do we have any questions or concerns from the Board Members before we proceed?

Attorney General: No.

Secretary of State: No, sir.

Clerk of the Board: Item 3 is a request for approval of five collective bargaining agreements (CBA). The Board shall consider the fiscal impacts of these agreements. Senate Bill 135 of the 2019 Legislative Session, codified in NRS 288.400 that certain state employees have the right to organize and collectively bargain. Senate Bill 135 requires the state to 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 result of collective bargaining. Any new collective bargaining agreement must be approved by the Board of Examiners at a public hearing. As the Governor stated, each agreement, Items 3-A through 3-E will be held or heard separately. If approved, these CBAs will become effective July 1, 2023 for all provisions not requiring the act of the legislature to be given effect.

The first collective bargaining agreement, 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 American Federation of State, County and Municipal Employees (AFSCME), Local 4041 for the 2023-2025 biennium for the following bargaining units: Unit A, which includes labor, maintenance, custodial, and institutional employees; Unite E, professional employees who provide health care; and, Unit F, employees, other than professional, who provide health care and personal care. The total fiscal impact for this

agreement above the proposed executive budget is estimated to be \$5,549,848 over the biennium. Representatives from the division are available to provide additional information on this item, if needed.

Governor: Any questions, Board Members?

Secretary of State: No.

Governor: Could I have a motion?

Secretary of State: Motion to approve.

Governor: All those in favor.

Secretary of State: Aye.

Attorney General: Aye.

Governor: All those against, say nay. Nay. As a member of the State Board of Examiners, it is my duty to consider the fiscal impact of any agreement or contract put before this body, I have operational concerns for State Executive Departments if some of the language is implemented. The reasons for the vote against are concerns specifically with article 11.9 in that we are currently experiencing a 23% vacancy factor associated with this particular association and I have concerns with the personal leave change from 2 personal leave days per calendar year to 4 personal leave days per calendar year as well as the agreement of increasing annual leave from 240 hours to 480 hours.

With two votes for approval and one vote against, the motion passes.

Clerk of the Board: Thank you, sir. Agenda Item 3-B, 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 Police Union (NPU) for the 2023-2025 biennium for Bargaining Unit G comprised of category 1 peace officers. The total fiscal impact for this agreement above the proposed executive budget is estimated to be \$7,092,988 over the biennium. Representatives from the division are available to provide additional information on this item.

Governor: Do members have any questions or concerns?

Secretary of State: No questions.

Governor: Do I have a motion?

Secretary of State: Motion for approval.

Governor: All those in favor, say aye.

Attorney General: Aye.

Secretary of State: Aye.

Governor: All those against, say nay. Nay. I'm going to share my concerns with each one of these. As stated, as part of the State Board of Examiners, my duty to consider the fiscal impact of any agreement or contract put before this body, I have operational concerns for State Executive Departments if some of the language is implemented.

Currently my understanding of the vacancy factor associated with NPU is approximately 35%. The increase of annual leave from 240 hours to 480 hours, if you quantify that, is approximately 12 weeks away from the workplace with a 35% vacancy. My specific issue is Article 10.14, Special Adjustments to Pay changes the limit from 10% to 15% and I do not agree with that increase and subsequently, vote against.

The majority approved and the motion passes.

Clerk of the Board: Item 3-C, 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 Peace Officer Association (NPOA), formally known as the Nevada State Law Enforcement Officers Association (NSLEOA) for the 2023-2025 biennium for Bargaining Unit H comprised of category II peace officers. The total fiscal impact for this agreement above the proposed executive budget is estimated to be \$840,819 over the biennium.

Governor: Are there any questions on 3-C?

Secretary of State: No questions.

Governor: Do I have a motion?

Secretary of State: Motion to approve.

Attorney General: Aye.

Secretary of State: Aye.

Governor: Any against say nay. Nay. Once again, as part of the State Board of Examiners, my duty to consider the fiscal impact of any agreement or contract put before this body, I have operational concerns for the State Executive Department if some of the language is implemented, specifically, Special Adjustments to Pay, Article 10.12. There are three different eligibility classifications and I believe the amount request is excessive. It would be

a recommendation upon a bill debt draft request that the maximum amount be adjusted. So, I vote no.

We have a majority approval and the motion passes.

Clerk of the Board: Item 3-D, pursuant to NRS 288.555, subsection 1, 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 a Fraternal Order of Police, or FOP, Nevada Co Lodge 21 for the 2325 biennium for Bargaining Unit I, comprised of category III peace officers. The total fiscal impact for this agreement above the proposed executive budget is estimated to be \$47,044,463 for the 2023-2025 biennium. There is a correction to the CBA, Appendix A, by Division of Human Resource Management.

Mandee Bowsmith: Good morning. For the record, my name is Mandee Bowsmith. I serve the State as the Administrator for the Division of Human Resource Management within the Department of Administration. One informational note for the Fraternal Order of Police CBA, Appendix A is incorrect. It incorrectly reflects the current salary grades for the job titles within Bargaining Unit I. It should reflect the two-grade increase recommended by the Governor in his proposed executive budget. Thank you.

Secretary of State: Mr. Chair, I've got a question. Can you tell me what that grade would be? Do I have it correct in my binder or is this the incorrect version?

Mandee Bowsmith: In your binder, it's incorrect. Correctional Officer will go from 35 to 37. Correctional Officer Trainee bumps from 33 to 34. Forensic Specialist 1 bumps from 30 to 32. Forensic Specialist 2 bumps from 32 to 34. Forensic Specialist 3 bumps from 34 to 36. Senior Correctional Officer bumps from 36 to 38.

We negotiated one grade increase for Correctional Officer Trainee because in the compensation article in this agreement, there is language that provides for an accelerated step increase model in the first year of service. As a Correctional Officer Trainee, it provides for an accelerated auto progression as well. And so, essentially the grade that they would have gotten under the Governor's recommended budget is built into the first year of service for the Correctional Officer Trainee then auto progressing to The Correctional Officer.

Governor: For clarification for the Board, trainees would, in all practical measures, receive four steps at the execution of the CBA contract versus two.

Mandee Bowsmith: Upon completion of 12 months of satisfactory service, yes, they would then receive the equivalent of a three-grade increase.

Governor: One other question on this muster pay. In the case of Walden versus NDOC, how is that to be paid?

Mandee Bowsmith: For the record, Mandee Bowsmith, Administrator for the DHRM. It's my understanding that the Walden settlement was entered in to and the Department of

Corrections was having conversations with the Governor's Finance Office with respect to how they might fund the muster pay settlement. In the agreement before you, muster pay is 45 minutes per employee. It is my understanding, based on conversations with Director Stephenson, that it has not been budgeted so, it is not included in the proposed executive budget. The reason being apparently, the Department of Corrections was working to try to change around their staffing model in order to accomplish overlaps so as to not have to pay the muster pay if they were able to overlap the shifts. To our knowledge this morning as early or as late as this morning, it's our understanding they have not accomplished that overlapping schedule shift yet. So, what you see before you, the 27 million for muster pay is based on our estimation, should the department not implement the scheduling change.

Governor: But it is identified to be paid.

Mandee Bowsmith: It's my understanding that because it's a settlement that was entered into between the State and Walden that regardless of what is in this contract, that that agreement stands and we would have to pay the muster pay in some way, somehow. I'll defer to Director Stephenson in terms of the actual mechanism for that.

Clerk of the Board: My understanding is there was a policy change and muster pay is not budgeted in the proposed executive budget. We can talk offline on the mechanism for payment.

Governor: Does that include employees that have separated?

Mandee Bowsmith: It's my understanding that, yes, there are employees included that have separated from service, either due to resignation, or due to retirement that would be owed some sort of back pay with respect to that settlement.

Governor: So, at the point of ratification of this contract and legislative approval, July 1, 2023, for all practical purposes, all employees will start receiving 45 minutes of additional pay?

Mandee Bowsmith: It's my understanding, sir, that they are paying this 45 minutes currently.

Governor: Unless they come up with a scheduling modification.

Mandee Bowsmith: Yes, sir.

Governor: Any other questions?

Secretary of State: No, sir.

Governor: Can I have a motion?

Secretary of State: Motion to approve with the revised grades on Appendix A.

Governor: We have a motion. All those in favor, say aye.

Attorney General: Aye.

Secretary of State: Aye.

Governor: All those against, say nay. Nay.

Once again, as part of the State Board of Examiners, it is my duty to consider the fiscal impact of an agreement on the contract put before this body. I have operational concerns for State Executive Departments if some of this language is implemented, specifically Article 11.11.1. I believe the two and a half times increase on holiday pay is excessive. It's outside the norms of the rest of the state compensation packages, specifically Article 12.10, Personal Leave Day increase from 2 to 4. More concern is the vacancy factor in the corrections environment of 40% and some facilities, my understanding, is 50%. More people away from the workforce is detrimental to the overall management and safety of the existing workforce. Specifically, for Article 12.12, Union Leave, I believe 9,000 hours over a biennium is excessive and it should be adjusted as compared to all the other associations involved in the State. Subsequently, I will be voting no.

We have a majority approval. The motion passes.

Clerk of the Board: Thank you, sir. Item 3-E, 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 Battle Born Firefighters Association (BBFFA) for the 2023-2025 biennium for Bargaining Unit K, comprised of firefighters. The total fiscal impact for this agreement above the proposed executive budget is estimated to be \$86,474 over the biennium. There are representatives from the division available for questions.

Secretary of State: No questions. Motion to approve.

Governor: Do we have a motion?

Attorney General: Move approval.

Governor: All those in favor say aye. The motion passes unanimously.

4. 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 this public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board has imposed a time limit of three minutes.

Governor: Item 4, *Public Comment*. This is the second opportunity for public comment. Do we have anybody there to the south?

Rosalie Bordelove: We do not.

Governor: Anybody here in the north for public comment? Seeing none, hearing none, we will close public comment.

5. Adjournment (For possible action)

Governor: Item 5, *Adjournment*.

Secretary of State: Motion to adjourn.

Governor: All those in favor, say aye. The motion passes unanimously. Thank you, guys.