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**APPROVED MINUTES OF THE
NEVADA PUBLIC AGENCY INSURANCE POOL AND
PUBLIC AGENCY COMPENSATION TRUST
HUMAN RESOURCES
OVERSIGHT COMMITTEE MEETING**

Date: December 13, 2019 Time: 10:00 a.m.
Place: 201 S. Roop Street
Library Room – POOL/PACT Offices
Carson City, NV 89701

1. Oversight Committee Roll Call

Members participating in person: Chairman Curtis Calder; Scott Baker; Austin Osborne.
Members participating by phone: Dee Carey; Abel del Real-Nava; Cindy Hixenbaugh; Dawn Huckaby; Robert Quick; Danelle Shamrell; Geof Stark. Members not participating: Jose Delfin.
Pooling Resources, Inc. (PRI) Staff: John Bates; Stacy Norbeck; Sandy Schooler. Risk Management Staff: Wayne Carlson; Marshall Smith.

2. Item: Public comment

Chairman Curtis Calder opened public comment and hearing none, closed the public comment period.

3. For Possible Action: Approval of Minutes of Meeting September 20, 2019

On motion and second to approve the Minutes of September 20, 2019, the motion carried.

4. For Possible Action: Report on Current Activities

a. 19/20 Strategic Plan to date

Stacy Norbeck reviewed the 19/20 Strategic Plan as follows:

New Trainings — Three new classes will be developed this year: *Taking Care of Conflict* and *Customer Service* have been completed (both are eLearning courses), and *Influential Leadership (IL)*, an instructor-led class, is at 10% complete.

Revisions — Six training course revisions are complete.

Regional Trainings — 13 regional trainings are scheduled. *Essential Management Skills in the Public Sector (EMS)* is scheduled seven times, four have been taught and three are scheduled in Ely, Carson City, and Elko. Elko is not yet on the Strategic Plan. *Advanced Essential Management Skills in the Public Sector* is scheduled two times, one has been taught and one is scheduled for April 14-15, 2020, in Carson. *Human Resources Representative (HRR)* training is scheduled one time for February 11-13 and 26-27, 2020 in Carson. *Advanced Human Resources Representative (AHRR)* training is scheduled one time for April 1-2, 2020, in Carson. *So, You Want to Be a Supervisor? (SYWTBAS)* is scheduled one time for April 29, 2020 in Carson. *IL* is scheduled one time in Carson on June 4, 2020.

Regional Training Workshops Utilizing Outside Resources —Attorneys Charlie Cockerill and Joel Locke, with Allison MacKenzie, Ltd., conducted two of three sessions of *Negotiations, Overtime, and Legislation*. Boulder City was canceled due to low enrollment, and a webinar was streamed live and recorded for the website to reach more members.

New Briefings — Two new briefings have been completed this year, *New Employee Orientation* and *Drugs and Alcohol in the Workplace*. A third new briefing on *Marijuana and the Workplace* is in development.

Updated Briefings — 18 briefings will be updated this year; four have already been completed.

HR Briefing Videos — Four new briefing videos have been completed this year: *Ethics, Job Descriptions, Meeting Management, and Time Management*. All of these are available on the website and on Torch.

Webinars —Four Employee Assistance Program (EAP) webinars are scheduled; two have already been conducted. One *Negotiations, Overtime, and Legislation* webinar has been conducted via livestream.

Post Member Pay Plan/Scale on Website — These are being added as received.

Sample Personnel Policy Annual Update —Updates will be completed by the end of FY 2020. Currently on year two of a three-year plan. Sections 3-5 will be reviewed this year, including employment, classification, and compensation.

Alerts — Three alerts have been issued to date.

Trainings — As of December 6, 2019, 74 trainings have been conducted with 1,405 participants, with 4.57 course content average; 4.8 instructor evaluation average. 12 members are interested in FRISK; 7 classes have been conducted with 105 participants. 12 HR briefings have been conducted with 395 participants.

Phase I HR Compliance Assessment Program — There are seven interested members this FY; three are reassessments and five are in process. There are 11 rollovers left to complete from previous years; one completed this FY and one removed due to inactivity by mutual agreement.

Phase II HR Compliance Assessment Program — There is one interested member this FY (Lincoln County School District; onsite assessment was conducted on October 21, 2019). There are six rollovers left to complete from previous years; two are nearly complete.

b. Report on Employment-Related Claims

As of October 10, 2019, we had 12 claims, 10 of which are open. Four are EEO (discrimination/harassment and retaliation), one EMRB (gender, age, disability), one wrongful term, two administrative matters including HIPPA, one alleging due process violation in connection with employment, one disparate treatment, one retaliation for efforts to unionize, and one whistleblower. Of the twelve, three are from a county, one from a city, two are from schools, and six are from special districts.

5. For Possible Action: General Manager Report

a. HR Conference

Stacy reported on the HR Conference held October 17-18, 2019, at the Atlantis in Reno. She said there were 71 participants and nine different sessions including one on leadership with Gerry Preciado. Roundtable discussions were held by entity type and topic. Ann Alexander and Rebecca Bruch did a mock trial on Friday. The overall rating for the two-day conference was 4.8 out of 5. Stacy reported that the 2020 conference location is still being finalized and will be held at either the Atlantis or the Grand Sierra Resort (GSR). She stated while the Atlantis is unavailable in October, it is available November 5-6. She said she was concerned those dates are during election week which could impact some members. The GSR can accommodate the conference October 22-23 but they are more expensive for A/V and food. Austin Osborne asked if we had considered the Peppermill. Stacy replied that the Peppermill had been considered but the conference committee had narrowed it down to the Atlantis and the GSR. Abel Del Real-Nava asked what other places had been considered in the process. Stacy said they had considered the Peppermill, the GSR, the Atlantis, Whitney Peak, and the Renaissance downtown. Curtis suggested considering a location in a different community such as Elko or Winnemucca. A discussion including Curtis, Stacy, Austin, Abel, John, and Wayne followed regarding the conference location and expenses. Curtis asked about the budget. Stacy stated there is no line item in the budget for the conference; it currently comes out of the member education services line item. It was concluded that Stacy would go forward with the GSR (keeping it within a semblance of last year's budget) unless the Atlantis comes back with an October date. She also stated a location other than Reno will be considered for the 2021 Conference.

b. Member Contract Tracking

Stacy reported that member contact tracking was reimplemented beginning December 1, 2019; it was last used in 2015. She said the information gathered from the tracking would be used to help identify training and development needs for POOL/PACT and member-specific needs.

c. Human Resources Certification Institute (HRCI) Credits

Stacy reported she has been in talks with HRCI about getting pre-approved recertification credits for the Professional in Human Resources (PHR) series. We have attempted to do so for years but have always hit roadblocks as HRCI requires courses to be open to the public. She said she

spoke with Carol Anderson at HRCI, explained to her who PRI is and what we do. It was determined that it is not so much that PRI does not offer courses to the public, but that we are industry specific (public sector). Ms. Anderson said once a course is approved, it will be placed on HRCI's website and asked if we would "accept or entertain someone interested in signing up for [our] course(s)"? Stacy said she told Ms. Anderson, "We are always looking to help others achieve a better education and understanding of how public sector works." Stacy stated that while we do not usually allow outsiders in our courses, there have been some exceptions to help attain new members. She said the annual cost for obtaining the pre-approved credits will be \$450 for classes and \$250 for the annual conference. Stacy said she also looked into receiving the same pre-approval for Society for Human Resource Management (SHRM) credits. That annual fee is \$500.

Curtis said he had never thought about charging people to come to classes because they have always been for the members. He said it is not a bad idea if there are available seats in the class. Abel suggested using some of that money towards scholarships, program improvement, or the cost of the Torch system. Stacy stated it would be an exception; our members would always get priority to attend classes.

On motion to authorize Stacy to have PRI pursue the classes to be part of the PHR and Senior Professional in Human Resources (SPHR) credit, the motion carried.

d. Thank You Card

Stacy passed around a thank you card from Ariel Hines from Carson City; she was previously awarded an HR Scholarship.

e. EAP Contract

Stacy stated that the EAP contract is up for renewal at the end of the fiscal year. She stated the current utilization rate is at 2.8% this year. She then turned the agenda item over to Wayne for discussion.

Wayne stated the current EAP contract expires on June 20, 2020 and based upon the contract revisions the notice to non-renew would have to be given no later than April 1, 2020. He said he and Stacy have been talking about whether the efficacy is there to initiate renewal. He asked if the same benefits are incorporated into a member's health insurance program as some agencies have been told. If so, he said it becomes a duplication of something that is already in place and the cost-benefit becomes questionable. As an example, Wayne said based on the utilization numbers in the current report-to-date there are 122 people that utilized some of the basic counseling services. If they went to three sessions at \$200 an hour, that would cost us half. In the case of a critical incident, there are only seven people in two sessions. If that is added, the costs would be much less than the contract price. He said we are paying extra to have availability at any time for 12,000 employees but we are not seeing more than one to two percent utilizing it. He again raised the question that maybe the EAP is unnecessary currently because the members' health plans already provide it.

Curtis and Dawn each indicated their health provider can provide EAP services, but neither selected it because they already had it through POOL/PACT. Dawn also said the EAP is on discipline letters, in performance plans, as well as in much of the documentation, and it is very valuable to them.

Curtis asked if there is an option to seek other proposals from different providers and are there providers who could do it for less. Wayne said they received proposals from about 15 different providers when they did the original RFP years ago, but the cost was not much different and the utilization levels of three to four percent were typical. He stated he did not know how the state's plan compares in terms of price or utilization, but they do have a state contract with KEPRO.

Wayne reported that he had occasion to talk to a psychologist about EAPs and the general opinion was that the counselors in the system are not the experienced counselors, not the PhD counselors, but rather MSW or early career counselors. He said under their group health plan they might have a better chance at receiving higher-level care. He stated three visits seems to be adequate for routine problems, but it is not enough if someone has a fundamental problem that needs attention. The EAP is a supplement that was promoted and developed back when mental health benefits were not a part of group plans. He said the EAP model may not be justifiable long-term, but a lot of funds have been spent on it. He asked if it might be more cost efficient for the local entity to pay for three counseling visits rather than receiving an EAP benefit they never utilize.

Austin voiced his concern about mandatory referrals. Stacy stated she shared his concern, researched the report, and found under organization services that the first three quarters of 2019 there were five total management referrals and seven in 2018.

Stacy stated the other issue is critical incident response, but alternatives have already been identified based on experiences with the EAP a couple of years ago. Austin stated that the EAP has been effective in helping employees that have come to him for alcohol and drug issues, among others. He said they are doing well, and it has been very effective. Stacy stated the benefit of the EAP is to help find the right help. Curtis said it is a gateway to getting an employee into the system. His biggest concern is critical incident and he is not convinced Resources for Living has a good critical incident response. He said it might be the same with all EAPs serving Nevada due to the fact the state does not have a lot of mental health resources, especially in the rural areas; it is almost a situation where a psychologist on retainer is needed who can travel to a rural area within 24 hours. Wayne stated there is a special certification in critical incident that psychologists and counselors are supposed to have, so whether it is ComPsych or Resources for Living, it is one network of critical incident networks around the country.

Scott Baker stated the great thing about EAP being available and free to his individuals is that if they go through their own health care and have to pay out of pocket and then get reimbursed, they probably would not go. They just do not like the hassle of it. He said he sees the advantage of having a free resource readily available to get his people the help they need. Dee Carey reported that she purchased an EAP through Aetna for her seasonal staff. She said they promote it all the time and get low utilization despite her managers promoting it out to people. She stated it is nice to have available because when her seasonal staff needs to use it, they will use it. She said her cost is 94 cents per person per month, so it varies based on her number of seasonal employees.

Curtis stated he would not be opposed to keeping an EAP but did not know if he is in support of continuing the current contract. He said he is interested in the plan the State is currently using if we are going to look at doing a change and trying it for two years. Wayne reported the State's

contract is with KEPRO Acquisitions, Inc. and their contract period is July 1, 2019 through June 30, 2021, but there is no pricing listed.

Stacy asked Wayne if we continue the current contract to the end of the calendar year can we do a 90-day notice at any time. She said this would help members plan for what they will do in the future regarding EAPs on their own health plans. Wayne said the current contract allows for that. He stated that he and John could work with the State to find out whether the counties and cities can join on to the state plan because a lot of these are for the good of the state contracts where you can join on and pay their rate. It would be their plan. He said it may or may not be less expensive. Scott said it sounded like a good idea. Curtis said he liked that strategy.

Stacy stated her understanding that Curtis would rather have an EAP either through POOL, or on their own. Curtis agreed. Danelle Shamrell stated her organization would continue doing something but not necessarily with the current provider. Geof Stark said he would prefer to get an EAP that is included in the POOL/PACT rates. Wayne asked if a survey of the members would be in order. Stacy replied that had been attempted on the Service Plans of May/June 2018 where that was one of the questions. She said without the data in front of her, her recollection was most members did not know whether they had an EAP through other insurance. She said we could do a more formal survey.

Curtis stated there is a consensus that everyone finds value in the EAP program regardless of who administers it so extending the contract out to at least dovetail with everyone's insurance cycle makes sense. After that time, an alternate program can be made available through POOL/PACT or enough lead time given to members to schedule with their health insurance providers or purchase it independently. He asked if more research can be done before the March meeting since April 1 is the cutoff date. Wayne said that he and John would continue to gather options. Curtis requested EAP be put on the agenda for the March meeting.

f. New Hires

Curtis asked if any new staff had been hired since the last meeting. Stacy reported that the last new hire was Adam Duffenbach in April. She said he is doing a great job.

6. For Possible Action: Minimum Requirements for Compliance Training Policies

Stacy stated this is a rollover from the last meeting regarding the possibility of requiring members to meet minimum standards in their compliance policies prior to providing training. It was requested to have Wayne attend this meeting to continue the discussion regarding minimum standards in the members' compliance policies prior to PRI providing training. Curtis noticed that Collective Bargaining Agreements (CBAs) sometimes have different requirements on some items and suggested to add in the first paragraph, "in order to conduct compliance training on the following topics, organizational policies and/or CBAs must contain the minimum requirements below" or something similar. Stacy agreed it was a good point. She said both the CBA and the policy are considered when teaching the class and the Pool's recommendation will always be that even if it is covered in the CBAs, it will still be included in the policy.

Curtis asked if this policy will apply to school districts like everyone else and does the bullying component include employee bullying or student bullying. Stacy said the stand-alone bullying

class is co-worker bullying, while “misconduct, harassment, and bullying” is taught to schools. She said she will add bullet points for those as well.

Scott said his understanding of the proposed minimum requirements is to get management to have policies in place because the HR people do not have the influence to get them to change their policies and this is one tool for doing it.

Curtis asked if school districts, cities, and counties pay premiums based on their potential risk or is it based on budget or other risk factors. Wayne said there are a number of factors that go into it; they try not to do a judgement rating approach in terms of liability.

Austin said he is not making a motion but thinks a decision needs to be made to provide the training and get proper policies in place. Curtis suggested making the revisions to the form and put the members on notice that this is the direction going forward, e.g., do critical training for one year giving the member a good faith period while they bring their policies into compliance. After that period, training will not be provided due to the deficiencies which create a liability. Stacy acknowledged Curtis’ suggestion that PRI notify members for example that as of July 1, 2021, we will no longer train unless your policies are updated, so you have the next 18 months to get these updated. Austin asked what will happen in 2021 if the member does not comply. Wayne explained the tools that can be used if compliance policies are not updated; one is to increase their deductible. Austin stated he is all for deductibles or a change in a rate but did not like the idea of withholding training. Stacy reminded the committee that members still have access to the online version of the compliance trainings. Wayne suggested taking a member’s areas of deficiencies and making it mandatory to correct those deficiencies as part of their service plan for that fiscal year. Stacy said it is current practice to update policies in service plans but that it could be more specific to compliance policies that are not current. Curtis suggested working with Wayne on putting something in the service plan language that lets the member know there may be a change in their deductible if they do not comply with the requirements or recommendations. Stacy said she would not feel comfortable informing her HR person about an increase in deductible. Wayne stated if there is a serious noncompliance problem it can be referred to his side for review. He said he thinks the emphasis has to be that if we do train to what the law says, and the member’s policies are inconsistent, they are inviting their employees to file challenges or lawsuits because of the inconsistencies. It is important to protect the organization and the Pool from incurring costs. The consequence of that can be that their claims experience is adverse, their price goes up, and their deductibles may go up as a consequence of that failure. He said doing the training, giving the members policies, getting them to adopt them and train to the right ones is a better long-term strategy than just doing punishment.

Stacy stated her final direction from the committee is to put these specific policies on the Service Plans in the spring of 2020 and if specific members do not update their policies by the end of that fiscal year, then the OSC will be notified who will make a motion or decision to send it to the Executive Committee for review and a determination on how to proceed going forward. On motion to approve as stated. Motion carried.

7. For Possible Action: Commitment Letters

a. Training Agreement Form

Stacy stated this item is from the last meeting regarding attaining top management commitment when PRI provides training. Based on the direction received, a training agreement form was developed in addition to a certificate program training agreement email. The training agreement form is for all non-certificate trainings and will be sent to the CEO or HR director the same time the flyer is sent out which is about six weeks prior to the class unless it is scheduled later than that. It states the organization has requested specific training and that PRI wants this training to be impactful, helpful and provide long lasting results. In order to do this, PRI requests cooperation from the senior leadership including asking for at least one member of their leadership team to be present during the training to convey the importance of the training to the participants and talk about how the training reinforces their mission, vision, and values. This form will be signed by the representative and returned to PRI.

b. Certificate Program Training Agreement Email

Stacy stated this form is for certificate programs and is based on the same concept as the email notice that is sent to top level officials confirming certain individuals have attended and completed the training. This form is preliminary and is sent out after an individual signs up for the certificate program. It is not to be signed and returned.

Scott and Curtis said they liked both forms. On motion to approve the form and format of both forms noting it can always be open to discussion after the second, motion carried.

8. For Possible Action: Participant Eligibility for EMS

Stacy stated that EMS is a very popular course; it has been held four times this fiscal year and is scheduled three more times. She said registration is on a first come, first serve basis and she is finding that not all the participants are currently supervising. The class was created in 2005-2006 with the intent to serve current managers as well as those imminently going into management. Currently, there is a large number of non-managers taking the class which is impacting the culture of the class and deterring learning. She said she would like to have more control over who attends which can be determined by their answers to the questions on the registration form asking for their job title, level of supervision, and number of employees under their supervision. This would also give her enough information to know if an employee is eligible to take the course even if they are in a temporary supervisor/manager position.

There was further discussion between Stacy, Curtis, Wayne, Austin, Scott, and Abel regarding wording of the eligibility requirements. Stacy said she will add wording regarding long-term acting positions and manager/HR director's name and email. She said a statement similar to the existing attendance policy that acknowledges the participant's understanding that s/he may not be accepted into the course can be added to the online registration form. Wayne said he liked that idea and suggested an email be sent to the participant to confirm his/her eligibility. He also suggested s/he be referred to a more appropriate class. Stacy said that was taken into consideration and non-eligible participants are referred to the SYWTBAS class. She stated PRI staff would figure out the process and report back to the committee in March. She asked for the committee's approval to go ahead and pilot the new registration process for the spring EMS classes.

On motion to accept as proposed and to provide PRI full latitude to adjust as necessary to meet the goal as stated, motion carried.

9. For Possible Action: HR Scholarship Application Approval

Eureka County: Kim Todd. Requesting \$1,394 to obtain IPMA-CP Certification including test fee.

On motion to approve the application for \$1,394 the motion carried.

Southern Nevada Health District: Angela Lewis. Requesting \$1,145 for CLRP (NPELRA) Certification including prep course and test fee.

On motion to approve application as presented, the motion carried.

10. Item: For Possible Action: Schedule Next Regular Meeting for POOL/PACT Human Resources Oversight Committee

Next Meeting is scheduled for March 6, 2020, at 10:00 a.m., in Winnemucca.

11. Item: Public Comment

Chairman Calder opened public comment and hearing none, closed the public comment period.

12. For Possible Action: Adjournment

Chairman Calder called the meeting adjourned at 12:20 p.m.