



**APPROVED MINUTES OF THE
POOLING RESOURCES, INC
OVERSIGHT COMMITTEE MEETING
Date: December 20, 2021 Time: 10:00 a.m.
Place: Virtual Meeting via Zoom**

1. Oversight Committee (OSC) Roll Call

Members participating via Zoom: Chairman Curtis Calder, Abel Del Real-Nava; Jose Delfin; Cindy Hixenbaugh; Scott Lindgren; Erin Feore; Austin Osborne; Geof Stark. Member(s) not participating: Elona Goldner; Dawn Huckaby; Robert Quick. Pooling Resources, Inc. (PRI) Staff participating via Zoom: Stacy Norbeck; Heather Evans; Ashley Creel; Jeff Coulam; Lessly Monroy. Called to order at 10:02 a.m.

Note: This meeting was rescheduled from the original date of December 10, 2021, where a quorum could not be established.

2. Item: Public Comment

Chairman Curtis Calder opened public comment.

Curtis closed the public comment period.

3. For Possible Action: Approval of Minutes of Meeting September 17, 2021

On motion and second to approve the minutes of September 17, 2021, the motion carried.

4. For Possible Action: Report on Current Activities

a. 21/22 Strategic Plan to date

Stacy Norbeck, POOL/PACT HR General Manager, reviewed the 21/22 Strategic Plan as follows:

New Trainings — Five new classes will be developed this year: One online *Essential Management Skills in the Public Sector (EMS)* module (topic to be determined), *Creating an Inclusive Work Environment* is 100% complete, *Managing Conflict Through Shared Values and Teamwork* is 100% complete, *Addressing Inappropriate Conduct in a School Environment (Title IX/Misconduct)* eLearning is 100% complete, and *Creating an Inclusive Work Environment eLearning* is 50% completed.

Revisions — Six courses have been revised so far this year.

Regional Trainings — Eleven regional trainings are scheduled this year: *EMS* is scheduled five times, two are complete; the next session beginning in January has 30 people registered; *Advanced Human Resources Representative (AHRR)* was scheduled for November 17-18, 2021, but was rescheduled for May due to low enrollment; *Human Resources Representative (HRR)* is scheduled for February 2022; *Influential Leadership* is scheduled for March 9, 2022; *Advanced Essential Management Skills in the Public Sector* is scheduled for

April 2022; and *So You Want to be a Supervisor?* is scheduled for May 19, 2022. A virtual FRISK has been added for May 17, 2022.

Regional Training Workshops Utilizing Outside Resources — Attorney Joel Locke presented *Negotiations, Overtime, and 2021 HR Legislative Updates* in Elko and Carson City in September. In addition, the first two segments of the *Bridging the Gap* series for law enforcement HR were presented by Becky Bruch on July 16, 2021, via Zoom and October 20, 2021, as a preconference session. The next segment, *HR Bridging the Gap Series with Becky Bruch: NRS 289 Deconstructed, Part I*, is scheduled for January 25, 2022.

2021 HR Leadership Conference — The annual leadership conference was conducted in-person and live-streamed on October 21-22, 2021, with a preconference session on October 20, 2021.

New Briefings — One new briefing, *Remote Working*, is 50% complete.

Updated Briefings — 41 HR briefings will be updated this year: 20 are complete and one is in process.

HR Briefing Videos — To be determined.

Webinars — Nine webinars are scheduled; five have been conducted. Eight are Employee Assistance Program (EAP) sessions with four first-responder specific. One HR webinar, *OSHA ETS – What POOL/PACT Members Need to Know*, was held on December 15, 2021.

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

Sample Personnel Policy Update — The sample policy manuals will be updated by the end of the fiscal year. Stacy noted two sample policies to comply with the Federal OSHA Emergency Temporary Standard (ETS) mandate were developed and available for membership.

Alerts — Two alerts have been issued to date: *Masks Mandated for Employees in Certain Counties 7/30/21*, and *Federal OSHA Emergency Temporary Standard Released 11/4/21*. A third alert is coming out this morning: *Federal OSHA Emergency Temporary Standard Survives Challenges 12/20/2021*. Two Notices have been issued: *Revised C-4 Forms 8/18/21*, and *Biden's New Action Plan 9/9/21*.

Trainings — As of December 16, 2021, 71 trainings have been conducted with 1060 participants, with 4.47 course content average; and 4.8 instructor evaluation average. One HR Briefing has been conducted with 3 total participants.

Phase I HR Compliance Assessment Program — There are seven interested members this FY; one has been conducted. There are 11 rollovers from previous years; one of which is complete (Sun Valley General Improvement District).

Phase II HR Compliance Assessment Program — There are two interested members this FY. There are seven rollovers from previous years; three of which are complete (Eureka County, Humboldt County and Lincoln County School District).

b. Member Contact Tracking

Stacy reported 967 total contacts through the end of November 2021. The top categories not including General Contact and Program Planning/Services were Employee Relations/Fair Employment Practices (e.g., Title VII, ADA) at 18%; COVID-19 at 14%; and Personnel Administration (e.g., policies, job descriptions, records) at 12%. A discussion ensued about the large amount of time member HR representatives are spending on COVID-related issues, and the potential impacts of the OSHA ETS including expected turnover.

5. For Possible Action: General Manager Report

a. OSHA ETS

Stacy shared the OSHA ETS Webinar held last week is available on the POOL/PACT website. She then reviewed the status of the OSHA ETS. As of Friday, December 17, 2021, the Sixth Circuit overturned the Fifth Circuit's stay in a 2-to-1 vote which reinstated the Federal ETS; OSHA will enforce policy requirements by January 10, 2022, and testing requirements by February 9, 2022. The Federal OSHA does not apply to public-sector employers. However, Nevada has a State Plan which requires the state to adopt standards at least as stringent as Federal OSHA's ETS and apply them to private-sector, state, and local government employees. The Federal OSHA ETS is applicable to employers with 100 employees or more, but Nevada could adopt stricter standards. Stacy made the observation that typically Nevada adopts the exact standards that OSHA adopts without making modifications or changes. If that is the case, then the State Plan would only impact employers which have 100 or more total employees at all locations which includes part time, seasonal, or anyone on the payroll; independent contractors are not counted. Entities with 100 employees from the specified date or which obtain 100 employees any time after that date will have to comply. There have been challenges to the Supreme Court; the Court could refuse to hear the appeal, reimpose the stay, or delay the implementation among other things. Right now, the Federal OSHA ETS is in effect and only delayed by days. This does not leave much time for private-sector employers to be ready to implement it. Federal OSHA gave State Plan states 15 days after promulgation of the Standard to inform Federal OSHA of their plans and 30 days to implement it. It is the current assumption that the specified date for promulgation is December 17, 2021. This means that 15 days after would be January 1, 2022, and 30 days after would be January 16, 2022. POOL/PACT HR has created sample policies that comply with the Federal ETS which are on the POOL/PACT website. The only changes to expect are if Nevada OSHA creates stricter requirements. Also, the National Labor Relations Board (NLRB) issued a memo on November 10, 2021, saying that the policy option (mandate, or test and mask) and its effects will have to be bargained with unions. POOL/PACT will be monitoring this and will update membership as soon as any changes are made.

Austin Osborne asked what could happen if the parties are not able to come to an agreement for a Collective Bargaining Agreement (CBA). Stacy stated a similar question was asked at the webinar where Becky Bruch advised sticking to the current CBA. Stacy added that the memo is from the NLRB, not the Government Employee-Management Relations Board (EMRB) but the EMRB tends to adopt NLRB standards. Austin asked if the state would allow at-home testing. Stacy stated the Federal ETS allows home tests as long as they are not both self-administered and self-read. They can be one or the other so long as it is observed by a telehealth proctor or the employer. Stacy added the employer is not obligated under the Federal ETS to pay for the test or the time to take the test. Employers will be required to keep a record of every test; vaccine status; whether they are vaccinated, partially vaccinated, or not vaccinated and the reason why including if

they lost their proof of vaccination. Stacy stated MedCore, whom POOL/PACT uses for their 24/7/365 program, offers a free tracking service. Jose Delfin commented that Carson City School District is trying to figure out how much work it is going to take to track everyone, including their test results and vaccination status. He asked if there was any funding for these positions due to the employment shortage. Stacy said there is nothing specifically in the Federal ETS that discusses funding.

4. For Possible Action: Report on Current Activities (cont.)

b. Legal Opinion

Stacy explained that a member requested information on whether action can be taken against an elected official's employees if the elected official refuses to act. The example depicted a Deputy, who reports to the Sheriff, refuses to comply with the mandate, and the Sheriff refuses to discipline the Deputy for failure to comply. The question is, can the employer (county administration) take action against that elected official's employee? POOL/PACT HR requested a legal opinion from Allison Mackenzie, Ltd. The legal opinion's short answer is no: county administration does not have the authority to take action against an elected official's employees. A county's board does have the authority to change that department's budget and a writ of mandamus under NRS 34 could be filed which could direct an elected official to comply or face personal fines that would not be covered by the employer's insurance. Curtis mentioned that a writ of mandamus was filed against him as City Manager at the City of Elko and failed. A discussion ensued with Austin about whether elected officials' offices could be considered separate entities (no, because employees are paid by the county); whether board members are counted as employees (depends on whether they are paid like employees; i.e., W-2); and what can administration do if board members refuse to comply with the mandate (employer may file writ of mandamus, but the employer, not board members, would be subject to OSHA penalties).

c. Report on Employment Related Claims

As of October 31, 2021, there were nine claims, all of which are open. Of the nine claims, five are Equal Employment Opportunity (EEO) related including one Americans with Disabilities Act (ADA); one age discrimination; one record request; one bullying; and one administrative investigation. Of the nine, six are from a county, one from a city/town, one from a school, and one from a special district.

d. HR Problem-Solving Reports

Stacy reminded the OSC that at the last meeting, POOL/PACT HR was asked to recreate the HR Problem-Solving Report so the Committee could review it and determine its feasibility. She stated the reports were produced for several years but were stopped in March of 2014; the minutes from that meeting did not indicate the reason for the change, but it is believed it was determined that the report was not worth the time it took to produce. For the new report, each of POOL/PACT HR's Business Partners submitted scenarios which took an average of six hours per Business Partner to produce. Stacy stated that she believes in the future it should not take as much time with practice to produce. A discussion ensued to determine whether the reports should be continued. Members agreed the reports were valuable and should be continued quarterly, with five or so scenarios included. A motion and second to continue the HR Problem-Solving Report on a quarterly basis was made; motion carried.

5. For Possible Action: General Manager Report (cont.)

b. Quarterly Newsletter- HR Perspective

Stacy reviewed the articles in the quarterly newsletter that was published in November 2021: *POOL/PACT HR Rolls Out New "Creating an Inclusive Work Environment" Class, Inclusive Work Celebrations, Weathering the COVID-19 Storm, Creating an Alliance Between Human Resources and Safety, Dear POOL/PACT HR, and Upcoming HR Events*. Stacy also shared the December POOL/PACT Risk Management newsletter included some HR information as well.

6. 2021 HR Conference Recap

Ashley Creel, POOL/PACT HR Senior Business Partner, provided a review of the 2021 HR Leadership Conference which took place October 20-22, 2021. The first-ever preconference "Law Enforcement for HR" presented by Becky Bruch was held on Wednesday, October 20, 2021, from 1 p.m. to 4 p.m. with 20 attendees in-person and 5 virtually. The evaluation scores for the preconference were 4.3 out of 5 for content and 4.7 out of 5 for the facilitator. The main conference sessions on Thursday and Friday had 76 registered members and 79 for overall attendance. Day 1 and 2 had 79 attendees with 59 in-person and 20 virtually. Compared year-to-year, it was on par with the average for the past four years (between 70-80 people). Session ratings out of five for Day 1: Patrick Ibarra wowed with a 4.9, Michael Edwards had a 3.72, Round Tables by Entity was second with a 4.25, and Rebecca Bruch and Todd Shipley tied for third with a 4.15. For Day 2 session ratings: Erica Olsen received third with a 4.08, Dora Lane and Jordan Walsh got first with 4.87, Round Tables received a 4.03, and Stump the Attorney hosted by Ann Alexander pulled second place with 4.51. The overall conference rating for this year was a 4.7 which is also right on average with the previous four years. The Reception & Expo went really well this year with the vendors attending it rather than at breakfast and lunch. Notable comments and suggestions for future topics were reviewed. Curtis asked if anyone got sick by coming to the conference; Ashley responded that to POOL/PACT's knowledge, no one reported illness. Jose shared those who attended from Carson City School District really enjoyed themselves. Curtis commented that it could potentially be opened up to others like students from UNR who have an interest in HR. Scott Lindgren agreed. Curtis suggested adding a CBA 101 breakout group conducted by a labor attorney. Ashley stated next year's conference will be a hybrid event held on October 12-14, 2022, at the Atlantis, pending a signed contract.

7. EMS Evaluation & Testing

a. Evaluation

Jeff Coulam, POOL/PACT HR Senior Business Partner and Training Manager, reviewed the different levels of evaluation currently being used. POOL/PACT HR recently re-implemented a Level 3 evaluation which analyzes the transfer of knowledge to the workplace. This evaluation has been in use previously but was no longer used because of difficulties with attaining responses. For this session, a pre-assessment was sent prior to the July session to all participants and their supervisors to determine how participants felt about their knowledge and skill level based on what would be taught in the class. A post-assessment was sent three months after the session to both individuals and supervisors to identify whether the information attained in the class was applied. Ultimately, 29 participants and 19 supervisors completed the pre-assessment, while only 10 participants and 5 supervisors completed the post-assessment. This limited data found participants

rated their job performance 13.16% higher and supervisors rated the job of participants at 7.89% higher after the completion of the training. The challenge is getting an accurate idea of whether participants are taking, retaining, and implementing the knowledge into their jobs based on the low number of responses. POOL/PACT HR is looking for possible direction on whether to continue Level 3 evaluations. Curtis opined that because of the low participation that it is not worth effort. Geof Stark and Erin Feore agreed. A motion and second was made to direct POOL/PACT HR staff to no longer conduct Level 3 evaluations for the EMS class; motion carried.

b. Testing

Stacy reviewed the Level 2 pre- and post-test analysis reports for EMS stating these analyses had been conducted since 2005-2006 for both EMS and HRR. When the switch was made from in-person to virtual sessions, there was a noticeable difference between the platforms' test scores. Due to these differences, in February, Stacy had asked Dr. Monica Miller, who works for the University of Nevada, Reno, to do a statistical analysis on the difference between the two virtual sessions compared to the prior two years of in-person sessions. Dr. Miller concluded the test scores were statistically significant. As three more virtual sessions were presented since Dr. Miller's analysis, a non-statistical analysis was conducted internally of the five virtual sessions completed to date compared to the last five in-person sessions conducted between July 2019 and January 2020. Overall, the average increase for virtual graduates was 9.89% and the in-person increase average was 21.03% with a difference of -11.15%. Graduates with either no increase in scores or a decrease were also analyzed finding the percentage of grads with no increase virtually was at 25.58% compared to the in-person average of 3.66%, a difference of 21.92%. Another analysis was conducted with the first virtual session removed finding the percent of grads with no increase went from 25.58% with the first virtual session to 20.63% showing a -4.95% change. An additional analysis compared the first two virtual sessions to the latest three sessions as two changes were implemented after the first two sessions: for the March session, POOL/PACT HR requested participants turn on their cameras; for the July session, participants were asked to limit distractions in order to focus during the sessions. This analysis found the average number of graduates with no increase decreased by 20% and the average test score increase was at 25.86% indicating the changes worked to a degree.

Ultimately, both the statistical and non-statistical analyses showed participants are still learning, and their learning is statistically significant, however, POOL/PACT HR is dissatisfied with decreases, and are actively trying to get virtual scores up to in-person levels. POOL/PACT HR staff had discussed methods to increase scores including requiring (verses requesting) cameras to be turned on throughout the duration of each session; changing the format to pass/fail; conducting a post-test for each session, rather than at the conclusion of the program, and conducting mandatory pop quizzes to ensure participation. POOL/PACT HR is looking for the OSC's ideas and direction on how to proceed. Curtis commented that he would support requiring the cameras be on to create more engagement and the idea of pop quizzes. He does not want to set a false expectation that virtual numbers could go up to in-person levels because in-person is just better for most people. Erin agreed the in-person trainings create camaraderie of natural engagement as opposed to virtual stating Incline Village General Improvement District moved a lot of their required trainings to virtual formatting, and they found that chapter pop quizzes helped and made sure participants were remaining engaged. Stacy asked if pop quizzes were implemented, would they count towards participation. Curtis, Erin and Austin agreed that the pop quizzes should count. Geof suggested if participants miss a pop quiz and do not get credit, there is a risk of them dropping out and not getting the knowledge needed from

this training. Stacy noted that these are valid concerns and without some of these changes implemented, it could not be determined if the individuals were participating or not. Abel Del Real-Nava suggested a gradual change with cameras on might reduce the need for a pop quiz. Cindy Hixenbaugh commented that during some webinars, individuals have to complete a certain number of polls/questions in order to receive credit. A discussion ensued regarding cameras and exceptions. Geof mentioned members can apply for grants from POOL/PACT to get cameras for their office. A motion and second to approve to include requiring cameras (no exceptions) and pop quizzes throughout the training starting in March 2022 was made; motion carried.

8. For Possible Action: Employee Assistance Plan (EAP)

Stacy reviewed the quarterly Kepro EAP report. She stated the Individual Utilization Rate was 1.4% for Quarter 1 (July-September). The highest member utilization was Mount Grant Hospital at 8.3% and Storey County at 5.6%. The top assessed problems for the first quarter: *Emotional Wellbeing*; *Work Life*; and *Anxiety* which were the same as Quarter 1 of last year. For Utilization Highlights, there were 49 EAP cases for Quarter 1 of 2022 and no Management Consultations. For Legal Consultation, Family Law – Custody, General Legal, and Family Law – Divorce/Separation were the most utilized topics. Under the onsite hours of trainings summary, POOL/PACT HR has nine services scheduled. Lessly Monroy, POOL/PACT HR Business Partner, alerted the OSC members that POOL/PACT HR is working on getting the utilization rate higher by: coordinating critical incident stress debriefings for school districts; determining the feasibility of covering substitute teachers; adding school-specific quarterly webinars; and increasing marketing.

9. For Possible Action: HR Assessment Grant Application Approval

There were no grant applications submitted for this quarter.

10. For Possible Action: HR Scholarship Application Approval

Stacy reported both Megan McCarthy and Jacqueline Cassinelli of Carson City are each requesting \$920 (test & class) for the HR Certification Institute (HRCI) Professional in Human Resources (PHR). On motion and second to approve the two HR scholarship applications, the motion carried.

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

Next meeting is scheduled for March 4, 2022, at 10 a.m. via Zoom and in-person (Carson City).

12. Public Comment

Chairman Curtis Calder opened public comment and Jose mentioned he would not be available on the March 4, 2022, for the next meeting. Curtis closed the public comment period.

13. For Possible Action: Adjournment

Meeting adjourned at 11:59 a.m.