



**APPROVED MINUTES OF THE
NEVADA PUBLIC AGENCY INSURANCE POOL AND
PUBLIC AGENCY COMPENSATION TRUST
HUMAN RESOURCES
OVERSIGHT COMMITTEE MEETING
Date: September 17, 2021 Time: 10:00 a.m.
Place: Virtual Meeting via Zoom**

1. Oversight Committee (OSC) Roll Call

Member(s) participating in person: Chairman Curtis Calder. Members participating via Zoom: Abel Del Real-Nava; Jose Delfin; Erin Feore; Elona Goldner; Dawn Huckaby; Scott Lindgren; Robert Quick; Austin Osborne; Geof Stark. Member(s) not participating: Cindy Hixenbaugh. Pooling Resources, Inc. (PRI) Staff participating in person: Stacy Norbeck. Staff participating via Zoom: Sandra Schooler. Risk Management Staff participating via Zoom: Wayne Carlson; Marshall Smith; Stephen Romero.

2. Item: Public Comment

Chairman Curtis Calder opened public comment. Austin Osborne said that he joined after the meeting started.

Curtis closed the public comment period.

3. For Possible Action: Approval of Minutes of Meeting June 25, 2021

On motion and second to approve the minutes of June 25, 2021, the motion carried.

4. For Possible Action: Report on Current Activities

a. 21/22 Strategic Plan to date

Stacy Norbeck reviewed the 21/22 Strategic Plan as follows:

New Trainings — Four 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 75% complete, *Managing Conflict Through Shared Values and Teamwork* is 100% complete, and *Addressing Inappropriate Conduct in a School Environment (Title IX/Misconduct)* eLearning is 15% complete.

Revisions — Three courses will be revised this year; one of which is complete.

Regional Trainings — Nine regional trainings are scheduled this year: *EMS* is scheduled five times, one is complete, one in process. The *Advanced Human Resources Representative (AHRR)* is scheduled for November 17-18, 2021, *Human Resources Representative (HRR)* is scheduled for February 2022, *Influential Leadership* is scheduled for March 2, 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.

Regional Training Workshops Utilizing Outside Resources — Attorney Joel Locke will present *Negotiations, Overtime, and 2021 HR Legislative Updates* in Elko on September 21, 2021, and in Carson City on September 23, 2021, in person and via livestream.

2021 HR Leadership Conference — The annual leadership conference is scheduled at the Atlantis on October 21-22, 2021, with a preconference session scheduled on October 20, 2021.

New Briefings — One new briefing, *Remote Working*, is 25% complete.

Updated Briefings — 42 HR briefings will be updated this year: 13 are complete and one is in process.

HR Briefing Videos — To be determined.

Webinars — Eight webinars are scheduled; one has been conducted. All are Employee Assistance Program (EAP) with four first responder specific.

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

Sample Personnel Policy Update — The sample policy will be completed by the end of the fiscal year. Stacy noted they are also working on a sample mandatory vaccination policy.

Alerts — One alert has been issued to date: *Masks Mandated for Employees in Certain Counties 7/30/21*. Three Notices were issued but not included on the Strategic Plan: *Juneteenth Holiday 6/28/21*, *Revised C-4 Forms 8/18/21*, and *Biden's New Action Plan 9/9/21*.

Trainings — As of September 7, 2021, 41 trainings have been conducted with 489 participants, with 4.5 course content average; 4.8 instructor evaluation average.

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; one of which is complete (Eureka County).

b. Member Contact Tracking

Stacy reported 388 total contacts through the end of August 2021. The top categories not including Other Services were Personnel Administration (e.g., policies, job descriptions, records) at 18%, Employee Relations/Fair Employment Practices (e.g., Title VII, ADA) at 17%, Other Topics (e.g., inquiries about developing certain trainings; mandatory reporter; ACA training; legislation questions; HR Conference) at 14%; Hiring at 11%; and COVID-19 at 9%.

c. Report on Employment Related Claims

As of July 31, 2021, there were three claims, all of which are open. Of the three claims, one is alleging sex and race discrimination and retaliation, one is race only, and one is a record request. Of the three, one is from a city/town, one from a school, and one from a special district.

A discussion ensued about reinstituting HR Problem Solving Reports for the Committee so that managers and department heads could see some of the consequences of not properly training people, not properly dealing with issues, and/or not following policy. It was decided a report would be produced for the December meeting to be reviewed and determine how to proceed.

5. For Possible Action: General Manager Report

a. Biden's Action Plan

Stacy reported on the Notice that was sent out the prior week regarding President Biden's "Path Out of the Pandemic" COVID-19 Action Plan. She reported the three prongs of the six-prong plan that could affect POOL/PACT membership are:

- Directs the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) which will require:
 - All employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work.
 - Employers with more than 100 employees to provide paid time off for the time it takes for workers to get vaccinated or to recover if they are under the weather post-vaccination.
- Requires, by Executive Order, all federal workers and employees of federal contractors to be vaccinated (no testing option).
- Directs the Centers for Medicare & Medicaid Services (CMS) to take action to require COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement, including hospitals.

Stacy stated it was unclear at the time whether the OSHA-mandated ETS would apply to public-sector agencies because federal OSHA does not apply to public sector. Since then, it was learned Nevada has a "State Plan" which means Nevada agreed to adopt a minimum of federal standards and apply them to all private, as well as local, and state government employers. Thus, once the federal ETS comes out, Nevada has 15 days to adopt or adapt it. If they adopt it as is (most likely), POOL/PACT members with at least 100 employees will be required to mandate vaccines. Nevada OSHA can also adapt a stricter standard which could impact more members.

Robert Quick asked if POOL/PACT has given any thought to those entities that may not comply believing it to be a constitutional violation. Stacy said Risk Management has an Alert coming out soon and asked Marshall to speak to the Alert. Marshall reported they have obtained and synthesized the legal opinions relating to school boards, county commissions, or city councils that are public record. The Alert will address the likely outcomes if a board member or a board vote to support a resolution that is in opposition or in conflict with the law and provide some guidance to members. Robert said his county commission is very adamant about their local governing rights. Jose Delfin said the latest school board meetings across the state have been vitriolic. Marshall said the information in the Alert is meant to primarily reinforce to public officials that they take an oath to uphold the law, both federal and the constitution of the State of Nevada, and that neither POOL/PACT nor the authors of the legal opinions are taking a position on the politics; POOL/PACT provides guidance on best practices and assistance to members in their very difficult jobs of public service.

Jose asked if employees who refuse to get vaccinated can be removed. Stacy said the federal ETS allows weekly testing as an alternative to vaccination, and if an employee does not comply then he or she would be excluded from the workplace and that could mean termination, absent reasonable accommodation.

Discussion ensued about workplace safety, Collective Bargaining Agreements, and concerns about weekly testing and resources available. Stacy said the ETS may answer some of those questions.

Curtis asked whether the new ETS will implicate a workers' compensation claim if the employee says they contracted it at work. Wayne said it would not necessarily be a workers' compensation claim except for public safety. For regular employees, they would have to provide evidence as to the facts to determine whether the claim is potentially compensable. Marshall stated the Alert will review the protections afforded entities through SB4 which is essentially a summary judgment motion requiring the plaintiff show (in order to move forward) the entity was grossly negligent in not complying with directives. If an entity takes a position that it will defy the directives, then that protection is gone.

Erin Feore asked how POOL/PACT HR will provide further guidance. Stacy said COVID-19 will be covered at the HR Conference and, once the ETS is released, an Alert and possibly an FAQ or webinar will be provided. She reminded the Committee to not hesitate to call their POOL/PACT HR Business Partner with questions.

Stacy reported on the next items on the Biden Action Plan. Stacy explained the federal contractor's requirement is to be completely vaccinated with no weekly test option, and that employers who receive federal grants are not necessarily federal contractors. She suggested having grants reviewed by legal counsel. She then stated the CMS will supply guidance for hospitals in October.

b. COVID-19 Updates

Stacy reported that the on-site training/meeting agreement and the internal COVID-19 policy were updated to comply with the governor's Directive 047.

c. In-Person Trainings/Certificate Programs Update

Stacy reported the current *EMS* class was originally planned for in-person and the initial registration email indicated masks were required without proof of vaccination. After Directive 047 was released, a second email was sent to the *EMS* participants letting them know face masks would be required regardless of vaccination status, that the training room does not provide for physical distancing, and they would be alerted no later than September 1, 2021, if the class would be converted to a virtual format with alternative virtual dates. On August 31, 2021, after discussing the current COVID-19 restrictions, lack of physical distancing, and concerns about hotel room availability due to the Caldor Fire evacuations with Wayne and Curtis, it was decided to convert the program to virtual out of an abundance of caution. Participants were then notified.

d. HR Conference

Stacy reported that unless restrictions change, the October conference will be held in person and live streamed at the Atlantis in Reno. A preconference session on Law Enforcement Human Resources will be presented by Rebecca Bruch the day before the conference. She said, at this time, masks will be required, and lunch will be buffet style to allow for adequate physical distancing and ventilation. She then reviewed the agenda.

Stacy reported of 79 currently registered, 11 had registered for virtual only.

Curtis asked if the Atlantis has enough hotel rooms available; Stacy said a block of rooms was reserved; Wednesday night block had filled up, Thursday night block still had rooms available.

e. New Hires

Stacy reported that Nevada Risk Pooling has hired two new employees, Stephen Romero (present) and Jarrod Hickman. Wayne said Jarrod has been hired as the Risk Management Specialist and will extend the reach of what Marshall is doing on the risk management front. Steven, formally of Willis, has been hired as the Member Relations Manager and will be working on all coverage and renewals, as well as working with our agents and members.

f. Newsletter

Stacy reviewed the quarterly newsletter that was published in August 2021. It included the following articles: *Is Employee Morale Affecting your Organization?*, *Is Your Open-Door Policy a Policy or an Undefined Practice?*, *How to Retain Knowledge Learned in Training*, *OSHA Reporting for Employee Fatalities and Serious Injuries*, *Dear POOL/PACT HR*, *Save The Date! POOL/PACT HR Conference*, and *Register for HR for Law Enforcement 101 & NRS 289*.

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

Stacy reported that beginning October 1, 2021, EAP services will be extended to volunteers.

Stacy reviewed the quarterly Kepro EAP report. She stated the individual utilization rate was 1.7% which was down from 3.1% the third quarter; the year-to-date was 2.3% for Individuals and 17.4% for Overall Utilization. The Kepro summary indicated the year-to-date was lower than their 4-Session Model average of 4.7%. Kepro made suggestions on how to improve that by targeted orientations and trainings, implementation of their “Did You Know” promotional campaign, and some promotional teasers highlighting EAP services. Lessly Monroy, POOL/PACT HR Business Partner, is working with Kepro to get these items implemented. The report also lists utilization by entities who have at least 100 employees; White Pine County and Storey County had the highest utilization rates. The top information sources of EAP services available were Human Resources at 35.5%, Literature/Posters at 24.4%, Family/Friends at 12.2%, and the Intranet at 10%. There were 249 EAP cases for 2021 and 30 Management Consultations. Critical Incidents totaled 9.5 hours used last year (26 attended). There were 1,652 pages viewed on their website using POOL/PACT’s login last quarter and 7,999 total views. Stacy indicated the utilization report contains more detailed information about the services.

Curtis mentioned they had received a complaint from an employee who reached out to the EAP and could not get in to see anyone for two weeks. Curtis asked if anyone else had experienced the same problem. Stacy said she has not received any concerns. Curtis said Kepro probably has some of the same issues with the network that the previous EAP had and that it may be harder for the rural areas. Geof Stark asked if it is an issue with the network or just an issue of not enough mental health providers anywhere. Stacy agreed there are not enough providers to go around. Curtis said American Rescue Plan Act (ARPA) money is eligible to be spent on behavioral health. He said the City of Elko is working with Nevada Health Centers (NHC) to

stand up a behavioral health clinic in Elko which would supplement what is already in Elko. NHC has clinics throughout the state, and it might be a good way to make an investment using ARPA funds.

Dawn Huckaby asked if in the future, substitute teachers could be covered by the EAP. Stacy asked Wayne to address the question. Wayne said they would have to survey the counts and talk to the EAP provider. One of the challenges is getting an accurate count so they have information to base their pricing on. Stacy said they can look into it further.

7. For Possible Action: HR Assessment Grant Application Approval

Fernley Swimming Pool District completed the Phase I Assessment and is requesting \$1,000 for two laptops for training, timecard submittal, and file access. Patrick Daniel was previously approved for the \$500 individual grant.

Sun Valley General Improvement District completed the Phase I Reassessment and is requesting \$250 for the individual grant (Erin Dowling) and \$500 for the organizational grant which will be used to expand its electronic HR-file on the network with appropriate user security levels, to include all recruitment and employment-related forms, grids, and documents.

Eureka County completed the Phase II Assessment and is requesting \$500 for the individual grant (Kim Todd), and \$1,250 for the organizational grant which will be used to purchase a fireproof cabinet for payroll files.

On motion and second to approve all three grant award applications as submitted, the motion carried.

8. For Possible Action: HR Scholarship Application Approval

Stacy reported Brad Baekel (field supervisor at Sun Valley General Improvement District) has not been able to register for the IPMA-CP class this calendar year as was required in the contingent approval at the June 25, 2021, OSC meeting.

Acacia Ennis, HR Generalist at Nevada Rural Housing Authority is requesting \$749 (class \$349, app \$100, exam \$200) for her aPHR.

Brandy Grimm, Administrative Assistant II at the City of Winnemucca is requesting \$690 (class \$275, app \$100, exam \$300) or \$985 (includes practice exam \$45, second chance insurance \$250) for her aPHR.

Marcia Gardner, HR Director at Grover C. Dils Medical Center for six months is requesting \$1,553.39 for her SHRM-CP (SHRM Learning System \$934.39, SHRM Membership Fee \$219, Non-member app fee \$400). Stacy said Marcia was informed the scholarship may cover the member exam prep fee and the SHRM membership for \$1,453.39, or the nonmember and non-membership for \$1,334.39.

On motion and second to approve the scholarship application requests from Acacia Ennis for \$749, Brandy Grimm for \$690, and Marcia Gardner for \$1,334.39, the motion carried.

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

Next meeting is scheduled for December 10, 2021, via Zoom and in person (Carson City).

10. Item: Public Comment

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

11. For Possible Action: Adjournment

Meeting adjourned at 11:33 a.m.