



**Nevada Public Agency Insurance Pool  
Public Agency Compensation Trust**  
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Carson City, NV 89701-4779  
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**MINUTES OF THE  
NEVADA PUBLIC AGENCY INSURANCE POOL AND  
PUBLIC AGENCY COMPENSATION TRUST  
HUMAN RESOURCES  
OVERSIGHT COMMITTEE MEETING**

**Date: June 10, 2009      Time: 10:30 a.m.  
Place: 201 S. Roop, Conference Room 201 A-B (2<sup>nd</sup> floor)  
Carson City**

**1. Oversight Committee Roll Call:**

Members participating: Curtis Calder, Chairman; Bill Deist; Marilou Walling; Bob Davidson; Ben Sharit; Steve Englert; and Ben Zunino. Not present: Geof Stark; Jose Delfin; Ann Murdoch and Lisa Granahan. Consultant staff and guests: Jeanne Greene, Donna Greenhut, Shani Dues, and Pat Whitten.

**2. Action Item:      Approval of Minutes of Meeting March 4, 2009**

Ben Zunino made the motion to approve the minutes of March 4, 2009, as presented. Marilou Walling seconded the motion. Motion was carried.

**3. Item:      Report on Current Activities**

Jeanne Greene began discussion on the activities identified in the following order:

- **Mid-term Activities** – from July 1, 2008, through May 20, 2009, with one month of activities left to complete this year.  
438 trainings scheduled for the year  
356 have been completed  
18 cancelled by entity  
64 postponed until next year – 23 of the 64 are for HR Rep and the Bermuda Triangle – these classes have been postponed to allow legislative changes to be incorporated into the training material.  
  
Three alerts were posted in the last quarter.  
Bulletins were posted every other Tuesday.  
Quarterly newsletter; June edition fresh from printer and will be mailed out today.  
New HR Briefing available on *Staff Reductions* – suggested by Curtis Calder due to current economy.
- **Personnel Policies** are reviewed on a quarterly basis and posted for members review. Next posting will be at the end of June. A three-year calendar was developed that identifies every



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policy that we have including the update schedule. When policies are reviewed, staff also reviews any briefings and related documents including trainings.

- **Employment Opportunity Listing Website** March and April showed a slight decline in number of visitors; however, activity increased in May. During service plan visits, consultants are asking entities that are not utilizing the website if they would be interested in participating.
- **09/10 FY Service Plans** Consultants began visiting entities at the beginning of May and the target for completion is end of June for service plan meetings with member organizations. Catalogs have been provided to all members and a current electronic copy is posted on the website. Regional trainings have been identified so that members can plan accordingly. Regional trainings were emphasized at the Board Retreat and in the Strategic Plan. As a result, the following trainings will be delivered this fiscal year: *NERC* - A member from Nevada Equal Rights Commission (NERC) will present training with our staff in October and again in the spring; FMLA and ADA trainings will include highlights of legislative changes from January 2009; *Bullying for Supervisors and Managers* will be delivered in a regional format; and *Essential Management Skills (EMS)* will be held in Carson City and Mesquite in the spring and Elko in the fall. Ben Zunino asked how dates are determined. Jeanne replied John Bates is working with Elko to establish dates. Ben stated that their agency has employees they'd like to send, however, they are short staffed. Curtis added that full-day sessions could be done one per week, due to short staffing. Ben noted that compressed videos in schools works well, if that method of delivery could be incorporated – all school districts have that capability and it may be a good way to reach the more rural entities. Marilou has ten employees that would like to complete the EMS certificate program and recommended one class every other week for benefit of retention. Ben Zunino has four staff members that would like to attend. Pat Whitten is concerned with class size limits, and with scheduling. Marilou stated that these courses were very valuable and Ben Sharit stated that he would be sending two employees to Carson City. Ben Zunino asked if training could be broadcasted. Jeanne stated that there is a considerable amount of group activities and doesn't know how conducive the video training would be with those exercises.

Jeanne continued with the *HR Representative Certificate Program*; it consists of consecutive dates with three different sessions. There is a demand from Ely and Wendover, those employees need to travel and the schedule has been set so that it may help with travel. Curtis stated that they will be sending the new HR Director. Pat Whitten and Ben Sharit will be sending employees. State and federal updates have been incorporated into this training.

*Job Descriptions the First Line of Defense*, will be ready for release the first part of April 2010.

*Workers' Compensation and its Interaction with the FMLA and ADA* will replace the Bermuda Triangle course. POOL/PACT HR staff is working closely with ASC, and should be completed in February 2010.



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*The Good the Bad and the Ugly* will be developed from the Problem Solving Reports information; including issues that have occurred, what members did, should have done, and the outcome. The objective is to share and learn from each other.

The new elearning courses are *Combating Unlawful Harassment*, available in December and *Customer Service* available July 2010.

Curtis commented he likes the new calendar, and encouraged the regional trainings to be scheduled as soon as possible.

- **Strategic Plan** was approved by the Oversight Committee (OSC) January 21, 2009. Jeanne proposed to bring the plan to each OSC meeting with progress notes. Curtis stated it would be good to have a tool to update the committee and help keep them on track.
- **State Legislation** presented by Jonathan Sherwood. Jeanne Greene confirmed that all members attending by phone received the most recent legislative update via email this morning. There were 23 HR related bills that were passed and signed into law. Summary in document the members received via email. Jeanne announced that legal counsel will review our analysis on the more complex bills. A workshop with legal counsel available for all members is tentatively scheduled for July 8<sup>th</sup>.

Major bills include:

**SB163** –Department of Education safe and respectful learning environment amended to include cyber bullying and electronic communication definition as well as the definition of bullying. Districts must adopt a handbook to be distributed to students.

**SB207** – Public accommodation areas currently have protections for classes, i.e., gender, race, national origin. This bill adds sexual orientation to the list of classes.

**AB243** – Requires employers with 50 or more employees, to provide (each school year) four hours of unpaid leave per child, to parents, guardians or custodians, to attend volunteering, teacher meetings, or school sponsored events. This leave is not required to be paid leave and must be mutually agreed upon by the employee and employer. Employer may require that employee provide request in writing at least five school days prior to day of leave requested. Also, employer can require the parent attending to provide documentation confirming attendance. This bill covers per school year; Marilou asked how the bill applies to year round school. Jonathan stated this would require follow up.

**SB283** – Domestic partnership bill requires that domestic partners be a recognized class. Jonathan stressed that this bill does not strictly apply to gay couples; it also addresses any unmarried persons that share a partnership; women and women, men and women, men and men. Domestic partners are to be provided the same rights, responsibilities, protections, and obligations as spouses. The law that covers spouses covers domestic partners. Also applies to federal laws, such as FMLA. Gender specific language will affect policies and we will be updating our policies. Employers are not required to provide healthcare benefits; however, it is not prohibited. If a civil union is recognized outside the state, and they come into Nevada, they must be



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recognized in Nevada as well. Federal law will be affected more than state. Bill Deist asked if employee asks for benefits under bill, do employers have the right to ask for documentation of the civil union. Jeanne Greene stated that there might be a discrimination issue if employers do not require marriage licenses from employees requesting benefits for spouses. This portion will be reviewed by attorney.

**AB488** Extends critical labor shortage NRS through June 30, 2015, also adds language requiring decision to hire for critical labor shortage must be held in an open public meeting by designated authorities. Local school boards can now determine what a critical labor shortage is and need not depend on Department of Education. Ben Zunino asked what is the length of time from retirement date to time of hire. Requires follow up.

**AB540** Local government to pay \$10 per employee to the Local Government Employment Management Relations Board every year on or before July 31 for each employee that was employed for the first pay period of the fiscal year immediately preceding that year. This includes seasonal, part time, regardless of whether the employer has a union or not. A civil penalty of \$10 per employee will be imposed if fee is not paid – board also has the authority to get identity and number of each employee. Marilou asked what is meant by the identity and number. Jonathan will follow up on means of identification. By July 31, 2009, agencies will need to pay for employees that were employed on July 01, 2008. This fee is possibly a result of budgetary cuts – it is possible that the board was previously funded with general fund monies, and is no longer funded in that manner – this fee is just a new manner of funding the agency through employer paid contributions. Curtis stated that it is similar to the Ethics Commission tax that must be paid whether or not the agency has an ethics complaint.

Marilou asked about **AB546** regarding health insurance and COBRA federal law. Jonathan explained that employers that don't meet the federal threshold amend premium amounts from \$125 to \$110. Marilou asked if she as a retiree, her husband would lose his medical insurance, does he become eligible for COBRA coverage? Jonathan will research.

**AB162** Health insurance; any insurer must provide coverage for autism diagnosis and treatment.

**AB463** School districts that employ consultants to submit a report every six months to the Interim Finance Committee showing number of consultants, reason the consultants were hired, amount of money paid to the consultants, and amount of time consultant is employed.

#### **4. Item: Report on Other Activities**

**Problem Solving Report** for third quarter of FY08 summarize situations that are unique for our members and our guidance towards resolution.

**Employment Related Claims Report** FY08 ended with a total of 32 claims, FY09 to date 19 claims. Curtis commented that the City of Elko renewed their policy with the POOL and had an increase of



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8% in premiums due to building reappraisals. The average increase is 12% and would have been more if there had been more employment claims. Curtis added that the nature of claims indicates those entities within the insurance pool which are not doing as good of a job on the HR end as they should.

**5. Action Item: Clear Direction**

**Clear Direction** program has been in place for 1½ years to assist managers in being effective in communicating and leading staff. To date 19 individuals have taken classes, 10 have completed and are eligible for reimbursement of \$300. Entities should invoice POOL/PACT HR and upon verification of completion will be reimbursed. Survey was conducted of participants requesting feedback. Results: 85% liked profile report, 75% liked e-lessons, 72% felt they received benefit from program, and 50% felt meetings were worthwhile. Jeanne asked committee if they would like to go forward with the program and continue to reimburse participants. Pat Whitten found program to be “high brow” and would have preferred a more “nuts and bolts” approach. Pat indicated he received similar feedback from a participant. Curtis took the program as a pilot, liked the profile, but the email follow up was difficult, Marilou agreed. Pat felt the biweekly follow-up was of little value. Pat stated that the feedback field on the survey was limited to 30 characters. Ben Zunino asked Pat what he felt should replace the program. Pat said that EMS might work, but wasn’t sure. Bill Deist had also forgotten to keep up with email. Bob Davidson stated that this program did not fit the requirements as first indicated. Curtis asked the committee for direction on discontinuation of reimbursement \$300 per participant. Entities are free to continue the program, but at their own cost. Bob Davidson motioned that we reimburse those that are in the process, anyone after those are completed would not be reimbursed. Marilou seconded motion. Motion carried.

**Zero Risk** - This hiring analysis tool can be used in the final stages of recruitment. Candidate completes an online questionnaire that goes to Zero Risk for analysis then returned to hiring authority, identifying candidates strengths and weaknesses. Suggests types of questions to ask candidate to see if they are a good fit for your organization. Cost is \$94 per candidate. Entities would be responsible for cost of this program. Curtis stated that he used similar tools and was curious to know if there is any type of validation that would protect the hiring agency from discrimination claims when one candidate is hired over another. Jeanne stated that their advertisement claims the program increases compliance with EEOC requirements, but wasn’t sure if they have gone through validation process. Jeanne stated she would research further.

**HR Compliance Assessment Program** was identified in the strategic plan and was recommended by the Oversight Committee. A draft of the program as a pilot for FY 09-10 is included in the packet. The goal is to have an assessment tool to help organizations proactively identify areas of strengths and weaknesses in their HR program. The first year POOL/PACT HR will coordinate with ten HR volunteers selected from county, city, special district, and school district. The goal of this program is to help clients reach compliance. Upon implementation of corrective action, an excellence award of up to \$500 would be available. Entities would complete a brief application to the OSC, and the committee could decide if an award is appropriate, and the amount of the award. The award would be



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for the entity to use to enhance their HR program; i.e., attend POOL/PACT HR training classes or purchase filing cabinets to keep records separate. Marilou added that she thought it was an excellent idea. Bill Deist agreed it was a good program to reward entities that are doing a good job. Jeanne reviewed the checklist and identified key areas. When the checklist is complete we would send a letter of the findings and a plan of action. Jeanne asked if the letter should go to the HR person or to the CEO of the organization. Marilou recommended it go to both, Ben Sharit agreed. Policies to defend against lawsuits, job descriptions key to help with FMLA and ADA; selection and recruitment are consistent with CBAs. When conducting assessment, personnel files and grievance processes can be randomly selected. Key is to ensure that medical information, I-9, drug testing, etc., is not in personnel files. Jeanne asked if the committee felt the assessment was too much or if categories need to be added. Curtis stated the program looked appropriate to him, same concept as loss control excellence program, and helps ensure compliance. Curtis motioned to approved program and move forward, Bill Deist seconded motion. Motion passed unanimously. Entities that volunteered for program include; Eureka School District, Storey County, Lyon County, and Tahoe Douglas Fire District.

**6. Action Item: Next Meeting for POOL/PACT Human Resources Oversight Committee**

Curtis opened discussion on changing the date and times of the meetings, as some members have difficulty attending meetings due to conflicts. Following discussion, it was determined the next regular Oversight Committee meeting is scheduled for September 9, 2009, at 10:30 a.m. The location will be the POOL/PACT second floor conference room in Carson City.

**7. Action Item: Public Comment**

Curtis introduced Pat Whitten as Marilou Walling's replacement due to Marilou's retirement. Additionally, Ben Sharit will formally hold a position on the committee. Curtis opened discussion for farewell comments to Marilou and Mitch on their retirements and wished them the best of luck and presented both members with plaques in appreciation of their service.

**8. Action Item: Adjournment**

The meeting was adjourned at 11:42 a.m.