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**Minutes of the
Nevada Public Agency Insurance Pool and
Public Agency Compensation Trust Human Resources
Oversight Committee Meeting
Time: 10:40 a.m.
Date: March 5, 2008**

1. Oversight Committee Roll Call:

Members participating: Chairperson Curtis Calder, Bill Deist, Nancy Medford, Ann Murdoch, Marilou Walling, Ben Zunino, and Dee Zambetti. Not present: Guy LeFever, Richard Stokes, Mike Brown. Consultant staff present: Mitch Brust and Shani Dues. POOL/PACT Staff present: Ann Wiswell and Wayne Carlson.

2. Action Item: Approval of Minutes of Meeting December 12, 2007

Marilou Walling made a motion to approve the minutes of the December 12, 2007, meeting. The motion was seconded by Ben Zunino. The motion carried.

3. Action Item: Review and approval of materials for POOL/PACT Annual Board Meeting

- 3a. Mission and Value Statement – (handout)**
- 3b. FY08-09 Scope of Services {DRAFT} – (handout)**
- 3c. Summary of Critical Incidents – (handout)**
- 3d. Summary of FY07-08 Services – (handout)**
- 3e. Summary of Budget FY07-08 – (handout faxed)**
- 3f. Summary of Budget FY08-09 – (handout faxed)**
- 3g. Report on Employment Related Claims – (handout faxed)**
- 3h. Employment Opportunity Listing Website – (handout faxed)**

Mitch reviewed above handouts for the annual POOL and PACT Board meeting in April. The “Mission and Values” were developed and approved by the Oversight Committee members following the last Board meeting; therefore, the Board has not seen the final statement.

Regarding item 3b, “FY08-09 Scope of Services” Mitch noted particular items that might have questions or points that he would like to emphasize. The Client Service Plans is where consultants travel around the state in May and June developing plans for the 100+ clients POOL/PACT HR service for the year. Under the Policy Adoption and Implementation Assistance is where consultants assist to get personnel policies in place with all clients whether large or small. Currently, POOL/PACT HR has 31 scheduled with 7 completed to date. The next page identifies trainings (which consume a majority of time and resources) that are scheduled for review, refresh, as well as those identified as new topics. Teleconferences are driven by particular subjects that are identified as important by clients or HR subject matter. The “Coaching and Problem Solving” involves an in-house tracking system utilized to identify several items for monitoring. Beginning in October, POOL/PACT HR was able to track contact with clients and identify the HR category that is driving those contacts. In less than 6 months there have been close to 1,000 contacts; which is understated due to only one contact per client a day is recorded. The three primary HR categories identified are: Performance Management, Legal Compliance, and Personnel Administration.

On page 5, Mitch directed attention to New Services which mentions “Survey of Services from Oversight Committee.” Mitch commented this is mentioned in the Charter as well; therefore, has been included in the Scope of Services for FY2008-2009.

Curtis suggested that with the legislation session coming up in 2009, the Oversight Committee may want to take the role in monitoring proposed legislations that would impact human resources. Dee commented it would be best to maintain within the circle of the Oversight Committee due to the networking and skills since valuable information would be directed appropriately. Curtis mentioned that the cities utilize lobbyists. Curtis reminded members that with the State budget crunch it is important to monitor items removed from local control (i.e. insurance, PEBs). He suggested adding “Tracking Legislation HR Issues”, especially for entities that do not have lobbyists to follow particular issues of interest. Mitch stated POOL/PACT HR has tracked HR related legislation issues. It is currently not in the Scope of Services, but he will add as an individual item.

Bill Deist stated this does need to be added, someone needs to be monitoring the HR related issues at that level. He suggested that POOL/PACT HR consultants could/should do the job.

Ann Murdoch commented that the insurance issues are truly important and need to have the information as quick as possible.

Curtis stated that the Oversight Committee members would like to invite a representative from NACO and a representative from the Nevada League of Cities to attend the next scheduled meeting. The committee would be able to express to them the importance and concerns of monitoring and being informed of items that affect the human resources area. Mitch stated he will work with Curtis and make those arrangements.

Ann Wiswell added that Wayne Carlson provides a legislative update annually at the POOL/PACT Board meetings. She stated that POOL/PACT typically has someone at the legislature throughout the session listening for issues that might potentially impact coverage whether it is Workers’ Compensation, HR, regulatory compliance, etc. She suggested that Wayne be invited as well to include him in the discussion at the next meeting.

Curtis stated he will contact David Fraser with Nevada League of Cities and Municipalities. Mitch will contact Wayne (POOL/PACT) and Jeff Fontaine (NACO).

Mitch moved to item 3c, “Summary of Critical Incidents” from July 1, to January 31, 2008. These are examples identified to present to the POOL and PACT Board. Mitch stated he might possibly add one or two more issues that are currently active. Mitch stated he will provide information to the Board that demonstrates the extensive discussion and/or documentation involved in working with HR issues (which is well over 70). This helps send the message how POOL/PACT HR is assisting clients in mediating or avoiding potential claims.

Curtis asked what percentages are school districts versus local government in regard to critical incidents

Mitch replied he will report and answer Curtis in more detail as related to item 3g. However, the numbers were spread out between school, counties, and special districts. Mitch stated that the most serious are schools based on sexual misconduct issues. They are down in numbers, but not down enough. Ann Wiswell agreed with Mitch and stated this is an area they pay particular attention to. Nationally, educator sexual misconduct is on the rise; and from discussions with POOL/PACT underwriters those are areas that have a growing trend. Ann stated the amount of settlements and verdicts in those cases continue to escalate; they have a real concern about this. Some of the pools for the schools around the country have seen their coverage sub-limited for that particular area of coverage where they are limited to 2 million or 2.5 million of coverage.

Curtis asked Ann Wiswell if the national group felt that the actual incidents are going up or is the reporting of incidents going up due to more awareness? Ann stated it does not appear to be an increase of frequency; but more an increase of severity. The amount of dollars being paid out in settlements, the verdicts, and the settlements being paid out of court are huge. Plaintiff attorneys understand this and are aggressively pursuing parents to take action to court.

Mitch stated there is a greater awareness due to fact that schools report incidents earlier and engaging POOL/PACT HR assistance more quickly which helps mitigate potential damages.

Item, 3d "Summary of FY07-08 Services" identifies trainings, teleconferences, alerts, workshops, etc., which demonstrates POOL/PACT HR activity for the Board to review.

Mitch pointed out item 3e, "Summary of Budget FY07-08" that POOL/PACT HR expenditures are similar to the previous year. He anticipates coming in under budget expectations.

Curtis asked if staffing levels were still the same. Mitch affirmed that staffing is still the same.

Item 3f, "Summary of Budget FY08-09, which is the proposed budget. Mitch stated he had budgeted \$1,140,000 but after discussing with Wayne will reduce to \$1.1 million, which is a reduction of \$40,000. Salaries have increased from \$555,000 to \$659,039 due to include COLA increases; potential succession planning within the organization; and in-house promotions and/or increase of hours (part-time to full-time).

Curtis asked about the amount budgeting for the cost of living adjustments and whether the increase in the health insurances was due to an increase in rates or the part-timer going to full-time?

Mitch responded that the health insurance increase is due to an increase in rates. He also stated he is basing the Cost of Living Adjustment (COLA) at 3.5% to 4%; based on the Consumer Price Index (CPI), but unsure of what the amount will be by May.

Curtis shared that in his labor contract they fix a date for budgeting purposes using the January CPI and it came in at 4.2% for the west. He also stated they are contractual obligated and it could actually come in higher; he commented that Mitch's figure might possible be low, but it is within the range.

Curtis asked if POOL/PACT HR received health insurance through a private company. Mitch stated the health insurance is through St. Mary's. Dee asked what St. Mary's predicts for an increase. Mitch responded that he did not know the exact amount, but expects it could be between 10% to 15%; possibly higher.

Marilou commented their high-experience rate with St. Mary's was negotiated at 4.67% and recommended for Mitch to locate someone that will negotiate. Dee stated they were at an 11% increase.

The Management Services increase from \$30,000 to \$45,000 is due to upgrading equipment and sharing of IT services. Also, at the bottom of the page is the \$345,636 projected reserve over the life of the grant which is the 10% amount margin suggested.

Dee noted the Contract Services were down and asked if this was due to the fact that more services are being completed in-house. Mitch responded that was correct. Dee also asked about the Member Education and Services amount. Mitch replied that the budgeted amount last year was not entirely spent; therefore, it was reduced to \$40,000. This amount is to cover not only our services and training, but also includes members/clients and the cost for speakers or other outside resources.

Nancy Medford asked if that is where the Clear Direction funds will be budgeted. Mitch stated yes. Mitch reminded members of the previous discussion on the Clear Direction program reimbursement offer which will be available to the Essential Management Skills (EMS) Certificate Program graduates and other supervisors/department heads identified within the entities. Nancy questioned if this program was included within this budget. Mitch affirmed it was.

Item 3g, "Report of Employment Related Claims", is a report Mitch reviews regularly to identify patterns of the claims activity. Last year there were 29 claims or significant incidents in the calendar year; to date there are nine. Mitch states he is optimistic that the claims might possibly start to decline. Mitch identified two items of importance. Last year of the 29 claims or significant incidents, POOL/PACT HR was only involved in five. Mitch referenced to last year's Board meeting where he emphasized the importance of having POOL/PACT HR engaged and notified early in the process. Of the 10, POOL/PACT HR is involved in seven. This indicates POOL/PACT HR is being contacted early in the process.

Mitch referenced Curtis's earlier question of whether the claims are recurring year to year with the same employer. Mitch stated of the five employers with two to three claims from last year, have zero claims to date this year. Of the eight who have a claim this year, only four had one claim last year. Mitch is encouraged by the numbers which are low even though the year is not completed. One more point is of the other 29 claims last year, nine of them were EEOC complaints in comparison to the 10 claims this year only two are EEOC complaints.

Curtis asked of the four claims, were they split evenly among the school districts, counties, etc. Mitch stated that is true to date; two school districts and two counties. Mitch is encouraged the school districts are getting involved from the HR perspective. They are recognizing HR from the liability and morale stand point; he is witnessing increased communication from the school districts.

Mitch stated the last item to be presented is item 3h "Employment Opportunity Listing Website" which is just a printed copy from the homepage website. To date there are 42 entities that have joined the website. This has only been up for a couple of weeks and the stats are not available at this time. A request for public service inclusion was sent to rural Nevada newspapers. A letter was also sent to the Employment Security Department to request this link be added to their job website; no responses received yet.

Curtis asked for a motion to approve the above items to be presented at the annual POOL/PACT Board meeting in April. Marilou moved the motion; Nancy seconded the motion. Motion carried.

4. Item: Report on Current Activities

4a. Service Offerings

FY07-08 Service Plan Summary

Workshops – Focus Group Sessions

- "7 Questions" Workshop – March, 20, 2008
- Workplace Violence – Regional training May 13, (Elko) and May 20 (Carson City) tentative

Video Conference –

- Protecting Children from Educator Sexual misconduct – April 15, 2008

Teleconferences Update

E-learning and SafeSchools Update

Confidentiality of Personnel Records – (handout)

Draft Ordinance of FBI Background Checks – (handout)

Personnel Policies

Mitch stated this is the standard report presented to the Oversight Committee; however some of these items are duplicative as previously discussed above. He briefed on the workshops; "7 Questions to Use When Establishing Cause for Disciplining and Terminating Employees" scheduled for March 20, was expanded to include an afternoon session due to the level of interest. Dana Cotham is presenting. Mitch referenced that the Workplace Violence workshops will be regional trainings (May 13 in Elko and May 20 in Carson City) as a collaborative effort with Willis Pooling, POOL/PACT HR, and a guest speaker from the law enforcement at UNR.

On April 15th a 90 minute video conference for the school districts on “Protecting Children from Educator Sexual Misconduct” is also a joint effort with Bob Baird, United Educators, attorney Tom Becko, POOL/PACT HR and Gary Wyatt from Department of Education.

Mitch stated there are currently no teleconferences scheduled at this time; however there might be one on the FBI Background Checks Ordinance based on the information received during a phone conference with the FBI and Public Safety scheduled tomorrow (March 6, 2008).

The EMS Certificate Program had 178 graduates. Make-up sessions for those individuals that are missing one or two sessions are being offered. Locations are scheduled for one in the northeast, possibly Ely, and in Carson City; understanding that the number of participants will drive where those sessions are held. If make-up sessions are completed by all participants, the EMS graduate number will increase to over 200. As discussed earlier, the Clear Direction Program will be offered to EMS graduates. Mitch referenced a letter that was sent to all entities with graduates along with information on the process of signing up for the Clear Direction Program. If committee members are interested, contact Mitch directly for information on the reimbursement process.

Regarding the two human resource e-learning courses that are available, Mitch stated the statistics were encouraging and relatively close for the two fiscal years, noting that we are just over half way through this fiscal year.

Ten of the 15 school districts have taken advantage of the SafeSchools Program. The schools make-up in excess of 6,000 employees. There are over 12,000 courses completed with the big users being Carson City, Elko, Nye, Churchill, and Lincoln.

The next issue “Confidentiality of Personnel Records” is a topic that was previously discussed as to whether recent changes to NRS 239.001 opened a window relative to access to personnel information and a legal opinion was obtained. The opinion summary states that if you have a policy in place that allows you to identify and protect certain personnel records and you have balanced the need of the public to access that information along with the privacy of the employee, you are in a good position to proceed along those lines.

Mitch reminded members that at the December 12, 2007, meeting Curtis and Mitch discussed that if an opinion was received that increased the rights of the employer to declare personnel information confidential a request could be sent to the AG asking whether or not this would apply to public employers of Nevada. Mitch cautioned that the Committee may not want to go forward to the AG at this time. Mitch stated that we go with the position that we have a policy in place, identify the records that are confidential, and do so based on privacy concerns for the employee.

Dee stated that you continue with your practice and rely on your balance test. Until it goes to higher court for an opinion, she will continue to keep the records confidential.

Curtis stated that Elko City has request for a lot of public records but have not gotten to the point of asking for personnel files, but probably only a matter of time. Curtis suggested this is a good time to get a policy in place if you do not have one.

Curtis stated his offer still stands if the Oversight Committee still wants his City Attorney to review the materials. Mitch stated that a discussion with the attorney would be helpful.

Dee stated guidance should be the State Personnel System. Mitch agreed and the advantage is they have a policy in place which was approved by Legislature Council.

The issue of whether an ordinance for FBI background checks was required, Mitch stated there will be a phone conference with POOL/PACT HR, attorney Brent Ryman, the Public Safety Department, and a representative from the FBI. This was arranged due to the understanding that the FBI stated if

you want an employee's background to be checked through the FBI, you have to have an ordinance in place that authorizes you to do so. The FBI identified a few questions they have before we recommend a course of action. POOL/PACT HR anticipates getting approval by the FBI.

Dee stated it is important to not make this exclusive for just employees. You need to cover liquor licenses, home occupations health care, etc. Actually have cart-blanch to cover operations and not just employees.

Curtis commented that organizations could check with their Police Chief to verify what is already addressed and covered, or to start the process.

Marilou stated they have an ordinance in place for brothels and any child care. Dee stated if you miss one thing it will be rejected – you need to have everything in your organization covered.

Curtis requested Mitch ask how this would (if at all) impact the Transportation Security Administration (TSA) regulations. The TSA fingerprint backgrounds are separate but go through the same process but different agency.

Dee requested Curtis to forward his final ordinance to Mitch so it can be shared to all members for review. Curtis stated that he would if the ordinance is correct.

Ben stated they are required to do background checks on all employees as well as volunteers; anyone that has contact with children.

Dee asked if Mitch expects to get a “hand-stamp” from the Department of Public Safety (DPS) on the final draft of the suggested language. Mitch responded yes. Dee stated for this to go into effect by August 2008, the ordinance needs to be developed in the next 60 days.

**4b. Report Packet to POOL/PACT Joint Executive Committee – (handout)
Overview of POOL/PACT Human Resources
Charter Directive with Oversight Committee Members
HR Activities**

The handouts identified are to be presented to the POOL/PACT Joint Executive Committee on March 11, 2008, along with the Scope of Services FY2008. Mitch noted on the Charter Directive, item #5, “Duties of the Oversight Committee Members include conducting membership surveys about services and satisfaction.” Mitch commented that a survey for fiscal year 2008 would be ideal to complete and implement changes or suggestions in fiscal year 2009.

Curtis stated due to the time lapse since the last survey and the transition, it is a good time to conduct another survey. Curtis questioned if the last survey (under Larry Beller and Associates {LBA}) should be used as a starting point or start over with a new survey. Dee stated that an on-line survey would be a good idea.

Members discussed if a professional surveyor should be contacted or another outside third-party resource to assist with development, conducting, and finalizing survey. Discussion also included the criteria to be included in survey, what type of survey, and identify the information to be gathered by the survey. Curtis commented that a survey should be conducted now so there would be a measurable baseline for future surveys.

Ben commented that he would contact Gus Hill from the University of Reno. After hearing committee members, he summarized that he would identify meeting needs of clients, the Scope of Services, and are clients needs being met. Ben stated that after meeting with Gus Hill, if UNR are interested in assisting with survey, Ben would bring a draft survey to Oversight Committee Members along with POOL/PACT HR to comment and approve. Ben will coordinate meeting with Gus and Mitch.

5. **Item:** **Report on Other Activities**

5a. **HR Problem Solving Reports (2nd Quarter) – (handout)**

Mitch commented that this is the regular report for the last quarter. There were no additional comments.

6. **Item:** **Schedule Next Regular Meeting for CHRM Oversight Committee Meeting**

The next Oversight Committee meeting is scheduled for June 11, 2008, at 10:30 am.

7. **Item:** **Public Comment**

None.

8. **Action Item:** **Adjournment**

The meeting was adjourned at 12:00 p.m.