

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-sixth Session  
March 3, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 3:38 p.m. on Thursday, March 3, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Steven A. Horsford  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman John Oceguera, Assembly District No. 16

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Policy Analyst  
Eileen O'Grady, Counsel  
Michelle Ené, Committee Secretary

**OTHERS PRESENT:**

Carole Vilardo, President, Nevada Taxpayers Association  
Ronald Bratsch, Corrections North Chapter President, American Federation of State, County and Municipal Employees Local 4041  
Timothy Filson, Nevada Corrections Association; Nevada Correctional Peace Officers Political Action Committee  
Kevin R. Ranft, American Federation of State, County and Municipal Employees Local 4041

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Ken Corzine, American Federation of State, County and Municipal Employees  
Local 4041  
Gene Columbus, President, Nevada Corrections Association  
James "Greg" Cox, Acting Director, Department of Corrections  
Jeffrey Mohlenkamp, Deputy Director, Support Services, Department of  
Corrections  
E.K. McDaniel, Warden, Ely State Prison, Department of Corrections  
Maud Naroll, Chief Planner, Budget and Planning Division, Department of  
Administration

CHAIR PARKS:

I will open the meeting on Assembly Bill (A.B.) 127.

**ASSEMBLY BILL 127**: Eliminates the requirement for compiling sets of books of legislative measures and related materials. (BDR 17-956)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):

Assembly Bill 127 eliminates the requirement for Senate and Assembly employees to compile sets of books containing bills, resolutions, journals and histories and gives them to the members of the Legislature, Legislative Counsel Bureau (LCB) and the press at no cost ([Exhibit C](#)). In the 2009 Legislative Session, over \$1 million was spent for printing and distributing these documents. We had 27 employees, whose wages totaled \$430,000, who put together those little red and blue books. Every morning they would come in and stack them on your desk. This was not an efficient use of time and resources during this electronic age.

This Session with the Nevada Electronic Legislative Information System (NELIS) and our legislative Website, citizen access is very good. This presentation is available to the public as soon as it is available to Legislators. By eliminating the publishing requirement, Nevada joins 17 other states, from Hawaii to Maine, in instituting a paperless system for better accessibility for the public, being environmentally responsible and reducing the State's expenses.

SENATOR SETTELMAYER:

The bill says: effective on passage and approval. Does that mean Senators who get their bills printed now will not be allowed to get them for the rest of this Session or in the future? How does that work?

ASSEMBLYMAN OCEGUERA:

Two things—one, we put this in the Standing Rules for this Session. There is an allowance for Legislators who might have difficulties with this. Two, the text of the repealed section in chapter 218A.420 of the *Nevada Revised Statutes* says that we “shall” do it. That means we could stop printing now if we want to. There could be exceptions; we just wanted to take out the language that they absolutely had to print them.

SENATOR DENIS:

There is a portion of the public who do not have access to a computer and therefore cannot access our system. What would be the plan? Could they just go to LCB and ask for a copy?

ASSEMBLYMAN OCEGUERA:

Copies will be available at the bill room. The general public can still have a printed copy. Legislators can print copies. Although we are telling them not to, that option is still available. The bill room is still open and functioning.

CAROLE VILARDO (President, Nevada Taxpayers Association):

I am in support of A.B. 127. Senator Denis, I can appreciate your question because I asked the Speaker’s staff the same question. I am technologically illiterate, dysfunctional, etc. I still like paper copies on occasion, although I will admit I am using the computer more to read them. I am impressed with NELIS. We do support the bill. It is a more efficient way to go, given the technology that is available. The fact that there will be copies available to the public who do not have access to computers or a library is a plus.

CHAIR PARKS:

We will close the hearing on A.B. 127 and move to Senate Bill (S.B.) 188.

**SENATE BILL 188**: Revises provisions relating to correctional officers. (BDR 23-699)

SENATOR JAMES A. SETTELMAYER (Capital Senatorial District):

Senate Bill 188 comes as a result of discussions in previous sessions about allowing correctional officers to work a 12-hour day. Last Session, the Legislature decided to not process that particular aspect. We did receive many e-mails on the subject from correctional officers. Since I have correctional facilities in my district, I felt it was important to bring forward their concerns on

this issue. The bill seeks to allow correctional officers the ability to work a 12-hour shift. The correctional officers have indicated they are willing to give up the overtime they would have normally received for this.

There are different issues that have come up with a 12-hour shift. The Department of Corrections indicates that if forced to go to this, it could cost more money or force them to lay people off. Other factions say it will actually save money. I want to make sure that whatever we do, it does not require us to lay anyone off. We are trying to meld both sides to figure out a way for this to occur. That may require changes in the language. We have a proposed amendment. I will work with both sides to try to accomplish both goals. I feel that if an individual wants to work a 12-hour day, what do I care? After all, by the end of the Session, we will be thinking a 12-hour day is a coffee break.

SENATOR HORSFORD:

I want to thank Senator Settelmeyer for bringing this bill. This was an issue we tried to work on at the end of last Session when we heard directly from those workers who are impacted. I appreciate your following up. Based on the input we will hear today, maybe we will be able to reach some type of consensus on how to implement this policy within the Department of Corrections system. Would this apply to all correctional facilities? I hear Ely is where the greatest concern is because of the distance people drive to work.

SENATOR SETTELMAYER:

The way the bill is written, it would give the correctional facility the ability for a 12-hour day. The amendment process could take the ability of the Department of Corrections to have the final say and limit it to the warden of a facility. My biggest concern is how to do this so we do not have to lay anyone off. The proposed amendment has some very valid concerns and issues. It would not be the entire facility, but only the correctional officers. Their administrative assistants would not be required to work a 12-hour day. It would allow an eight-hour day if that is their desire. It allows flexibility in that aspect.

SENATOR DENIS:

When you do the 12-hour days, within the guidelines, do you have an overtime issue? Is this going to help the overtime issue? You are still going to have shifts that come right up against each other.

SENATOR SETTELMAYER:

Correct. I believe the concept of an 84-hour time frame within a modified two-week period allows them to work four extra hours, but not get overtime. Some individuals at the Department of Corrections have said that is a problem because it gives them more money. It does not give them more money because they will not be on overtime. They are working four more hours, therefore they will get four more regular hours of pay. That is a logical thing. An added benefit, according to the officers, is 12-hour shifts allow them to cool down per se, to not deal with the stress and rigors of the job by having to gear up and gear down on an 8-hour cycle.

RONALD BRATSCH (Corrections North Chapter President, American Federation of State, County and Municipal Employees Local 4041):

We are introducing this bill with the 84-hour schedule. The concept is that each officer will work an extra four hours, absorbing up to 70 positions statewide. By absorbing those positions, it would be absorbing our relief factor as far as the extra eight hours per month. There will not be a short day. We were on 12-hour shifts three years ago before being taken off by Howard Skolnik, the former Director of the Department of Corrections. The 12-hour shift helps with scheduling, because the employees do not have to cover that 8-hour day every two weeks in the cycle that was produced by only working 80 hours. Talking to supervisors at the facility where I work, Northern Nevada Correctional Center (NNCC), it really helps with the Center's scheduling problems. By absorbing those positions, there will be savings. You will neither have contributions for 70 officers on the Public Employees' Benefits Program (PEBP) nor accrual of additional sick and annual leave throughout the year because our sick and annual will not go up with the hours that we are working. There will be savings in the annual mandatory training and more cost savings with regard to shift differential. Right now, we have two shifts that receive shift differential. On a 12-hour shift, half of one of those shifts would be absorbed into the day shift which would not qualify for shift differential with the other four hours going to the graveyard shift, which is a smaller team overall. It would save at least half, if not more, on shift differential. There are more topics that I did cover in our amendment ([Exhibit D](#)).

CHAIR PARKS:

Have you shared this amendment with the requestor of the bill?

MR. BRATSCH:

Yes, I have. We have differences on the amendment. We are proposing this because the Department has shown it is not willing to work with the officers regarding the 12-hour shift, even with the savings we are recommending. We feel this will save up to \$3 million by working these extra hours. With the State's current budget crisis, we felt that this was a fairer position considering we are also going to take the statewide pay cuts. The Director is looking to introduce additional cuts to correctional officers. I used to own a private security business. I had 125 employees; I would never have done anything to jeopardize the cash that I needed to flow to my officers. I do not understand why those things are being introduced without trying to negotiate or work on other ways of doing it, such as implementing the 84-hour schedule. Due to the lack of support on the 12-hour shifts, we are proposing this amendment and changing the word "may" to "shall" to force our Director to save money.

SENATOR CEGAVSKE:

The language on page 3, line 39, of the proposed amendment to S.B. 188, Exhibit D, is new language, and on line 39 you want to change "may" to "shall"? Are these your only changes? Then you add the word "peace" on page 4, line 2.

MR. BRATSCH:

Yes. Because correctional officer really only goes to one area, we added the word "peace" so it includes lieutenants, sergeants, our seniors and our trainees. It includes everybody who is working the seven-day, 24-hour post. In the proposed amendment to S.B. 188, Exhibit D, on page 3, line 38, we left the "85%" because we are asking that they "shall" do it instead of "may." We put in the 85 percent verbiage so there is flexibility with some of the eight-hour shifts that they feel are needed throughout the Department. We are not making it mandatory that every officer goes to this, we are making it mandatory for 85 percent. This is a savings up to or over 70 positions statewide.

SENATOR CEGAVSKE:

Could you do 100 percent if they wanted to?

MR. BRATSCH:

Yes. This is a minimum. If they want to go to 100 percent 12-hour shifts in the 84-hour workweek, that would be acceptable under this bill. The other concern was the layoffs. I know the facility where I work would absorb 10 positions; we

are currently down 14 positions. We have 15 positions out on extended absence, and with the furloughs, we are down an additional 10 positions.

SENATOR CEGAVSKE:  
What do you mean by extended absence?

MR. BRATSCH:  
Administrative leave, military leave and things like that. These positions cannot be filled. They have to be left open for officers' return from military duty.

SENATOR HORSFORD:  
Is there a cost savings to the budget by implementing this proposal? Would we reduce projected overtime by moving to this approach?

MR. BRATSCH:  
After talking to Director Cox, we feel there are enough open positions statewide to absorb these 12-hour shifts. They will not need to run an academy class right away, and that would reduce overtime immediately.

SENATOR HORSFORD:  
We will need to get projected cost savings. The State needs all the money it can get.

TIMOTHY FILSON (Lieutenant, Nevada Corrections Association; Nevada Correctional Peace Officers Political Action Committee):  
This bill has good intentions; however, it does have some items that need clarification because of their direct impact. It will have a fiscal impact, which could be positive or negative. Our current custody positions in northern Nevada are approximately 749 with 60 vacant; southern Nevada custody positions are approximately 1,029 with 63 vacant. This totals 1,778 custody staff throughout the Department and approximately 123 vacant positions ([Exhibit E](#)).

CHAIR PARKS:  
Do your calculations include the concept that Mr. Bratsch spoke about in his testimony regarding the 84-hour work schedule that will add [s/c] 70 positions or does your calculation include just the correctional officers?

LT. FILSON:

Those would be included with the current calculations. If we do not have to lose 79 positions to go to the 12-hour shift, these numbers would be correct.

CHAIR PARKS:

Does your math include sergeants, training officers and supervisors?

LT. FILSON:

Yes. That would be all uniformed custody staff who work at major facilities.

CHAIR PARKS:

We have been given an amendment by Mr. Bratsch. We are trying to determine whether or not your calculations include his amendment.

LT. FILSON:

No, it would not. I formulated this last night with the current information that was available.

CHAIR PARKS:

Based on the bill itself and not the amended bill.

LT. FILSON:

Some of the pros and the cons of a 12-hour shift can be seen on [Exhibit E](#), along with some direct savings as a result of 12-hour shifts. We have had staff going home after a 12-hour shift at 6 a.m. drowsy, and there have been car accidents. I would like to bring to the Committee's attention that travel from metropolitan Las Vegas area to Indian Springs is approximately 30 to 50 miles. A few officers who work for me live on the outskirts of Henderson and commute 65 miles each way. There would be a percentage of officers who might not agree to sign the alternate workweek agreement going from an 80-hour shift to an 84-hour shift. That would be something that would have to be looked into.

The Nevada Corrections Association sees a lot of pros and cons with this bill, and we would like to see more discussion before we take a stand either way.



SENATOR CEGAVSKE:

We need to make sure you have the proposed amendment so you can look it over. Your handout was hard to follow, we need something more simplistic. Could you address the bill itself and the amendment? It would really help us.

LT. FILSON:

I will work on making it easier to understand.

KEVIN R. RANFT (American Federation of State, County and Municipal Employees Local 4041):

We have a lot of concerns and complaints. The No. 1 complaint from the officers at the Department of Corrections is they do not have 12-hour shifts. There will be a financial savings to the State General Fund if we implement this bill with the amendment. There are 70 to 83 officers who will cause those savings. You will have savings with PEBP and all the shift differentials. Once the fiscal analysts' review is done, you will be close to the figure of \$3 million savings in the biennium. We feel the 12-hour shifts are supported by approximately 90 percent of the correctional officers statewide.

Besides the financial savings to the State General Fund, this bill will benefit the officers. This will give supervisors fewer employees to manage. This will make the system easier to schedule because you do not have to fill in the short day.

The 12-hour shifts in Ely and Lovelock may be taken away. Those are hard to manage because there is an eight-hour void where they have to bring somebody in. Senate Bill 188 solves that by allowing those officers one shift to work through the extra four hours. It simplifies the process. The 12-hour shifts will be manageable and easier to follow. They will build morale. The morale within the Department of Corrections is as low it can go since the 12-hour shifts were taken away. People are leaving and retiring because they cannot stand the way the current system is set up; it needs to change. They asked that the 12-hour shifts be brought back, allowing employees to have some dignity and respect. The 12-hour shift promotes camaraderie. The way the shifts are scheduled now, we have no camaraderie. This bill is going to enhance the safety and the security within the prison system. We can back each other up. It will open the communication lines. The 12-hour shifts are six days a month that officers do not have to drive to the prison system. If we are there six less days per month or longer, it gives us an opportunity to be with our families.

Ninety percent of the officers are asking you to put these 12-hour shifts in to build camaraderie and morale. The 84-hour program, under the Fair Labor Standards Act of 1938 and S.B. 188, are going to put us in line with other states, like Alaska, which are very comfortable with 12-hour shifts.

I appreciate your support on this bill and the amendment as written. I would be happy to listen to anybody who would like to sit down and reasonably discuss some of the proposed changes. I know there are concerns; we will be happy to sit down and resolve these issues.

SENATOR CEGAVSKE:  
What is a shift differential?

MR. RANFT:  
A shift, like swing or graveyard that is hard to retain officers, is not a prime shift. The reason for a shift differential is to allow officers to come in and then retain them on that specific shift, whether swing or graveyard. In this opportunity, the swing or graveyard shift will be combined into one; therefore, you would have savings in shift differential. It is a retainment factor to get people to work that shift.

SENATOR CEGAVSKE:  
Are you paid more?

MR. RANFT:  
Yes. It is a 5 percent pay increase. That is very common for swing and graveyard shifts throughout the Country.

CHAIR PARKS:  
Mr. Bratsch made a comment that the 12-hour system was in operation three years ago. The previous Director changed to an eight-hour system. I would like to understand what transpired and the specifics of it.

MR. RANFT:  
I have been an officer for almost 11 years in the Department of Corrections. We have seen the 12-hour shifts come and go, depending on who the Director is at the time. In 2001, the 12-hour shifts were implemented throughout the State. The women's prison was under privatization at the time, so the employees remained on the eight-hour shifts. Two years later, the 12-hour shifts were

taken away. There was a lawsuit. Part of the settlement offer was to immediately implement 12-hour shifts. When former Director Howard Skolnik came in, about three or four years ago, he took the 12-hour shifts away again. His reasoning was that wardens and supervisors work eight-hour shifts across the State, so he felt it was not manageable. A lot of the supervisors would disagree, as they wanted the 12-hour shifts, but it was the wardens', the deputy directors' and former Director's call. It was done for managing purposes.

With the 84-hour pay period on the 12-hour shifts, we are removing a lot of concerns. We can keep someone 4 hours after their shift, up to 16 hours, or we can call someone in 4 hours early, but we do not have the 4 hours in the middle. The amendment for this bill fixes the management scheduling problem.

There are enough vacant positions that there would be only one or two layoffs. The south has 12 correctional officer vacancies per month and the north approximately 8 per month. We would not bring this bill forward if we thought there would be layoffs. We are adamantly opposed to layoffs. We feel the State, cities and counties have been affected enough.

KEN CORZINE (American Federation of State, County and Municipal Employees Local 4041):

I support S.B. 188 and the 12-hour shifts. When Howard Skolnik took away the 12-hour shifts in 2006, it was devastating for a lot of people. I started doing the research and found that several states, not just California, went to an alternate shift to save money, but the states also combined corrections with parole and probation.

At NNCC, we have 1,450 inmates and 192 to 200 correctional staff. We used the mandated staffing allotments to put money into staffing positions and create a roster. The roster has 12-hour shifts for the majority of correctional staff. We left eight to ten positions on eight-hour shifts, positions that were necessary on day shift but were not on nights or graveyard. The 12-hour shift is the only resolution we have for eliminating the overtime for the extra four hours. When we had the 12-hour shifts, our people did not need extra positions to fill the 8 hours at the end of the two weeks. They were willing to stay and work it. We found a way to provide an eight-hour shift for people who had commitments due to single parenting and child care.

When Arizona implemented the alternate shifts, it left certain institutions that were close to each other on eight-hour shifts. New Mexico was another primary example that has one 8-hour shift institution and the rest on 12-hour shifts. My example ([Exhibit F](#)) allowed for ten positions at NNCC to stay on eight-hour shifts. Visitation is a primary concern because the inmates want to see their families. Mailroom is a primary concern because the inmates deserve to have their letters from home and the stuff that keeps them connected. There is no need for those people to be there on the 7 p.m. to 7 a.m. shift or the 6 p.m. to 6 a.m. shift. Those people have a chance to stay home at night and there was no relief factor for it.

In the regional medical facility at NNCC, the officers who work the clinic, mental health unit and infirmary had a relief factor for the majority of staff, but some officers were not needed on swing and night shifts. The plan was for the senior to go home at 3 o'clock because a sergeant was in charge of the entire building. This left two floor officers in each position. We did the documentation and have recommended it to our Director since 2006, when it was taken away. Morale goes up when you are working with one team. When you are working with five teams and the majority of them are overtime people from another shift, or trainees who need training while you are still trying to do your regular shift, you do not get the work done. You are trying hard to maintain a decorum where that trainee is safe. When you look at a 12-hour roster for NNCC, seven days out of every two-week period you are home with your family. In 2006 and 2007, we were told you get more time with your families when you work eight-hour shifts; I do not agree. The eight-hour shift makes it difficult to find time for household chores and leisure.

GENE COLUMBUS (President, Nevada Corrections Association):

Our association will support any reasonable legislation that proves to be a cost savings and helps prevent the closure of a prison. I am going to reserve further comment pending assurances that future positions will not be lost within the Department.

JAMES "GREG" COX (Acting Director, Department of Corrections):

My preference would be that this would not be legislated. I have committed to my staff to look at the implementation of 12-hour shifts. We currently have those shifts at Lovelock and Ely. It is a complex issue. When we did a survey, 65 percent of our staff wanted 12-hour shifts and 35 percent did not. I have said to both associations that I understand why staff wants 12-hour shifts.

There are issues associated with 12-hour shifts. Some of them have been brought up. One is the variable work agreement. I cannot force any employee to sign a variable work agreement. Thirty-five percent of my staff do not want 12-hour shifts. *Nevada Administrative Code* (NAC) would have to be changed regarding shift differential to make it neutral. Deputy Director Jeff Mohlenkamp will discuss some of the financial aspects.

I have repeatedly testified that this Department is forty-ninth in the Nation in the staff-to-inmate ratio. Alabama is the only other state that has fewer staff than Nevada. With the elimination of 70 or 80 legislatively approved positions, you are putting the Department at the fiftieth rank. I do not support the elimination of positions in my Department. I do support continuing to work with my staff on how we can implement 12-hour shifts at our other facilities. I do not see how we can implement 12-hour shifts at our camps. In our rural forestry camps, it is not possible; we do not have the staff or the supervisors to do it.

E.K. McDaniel, Warden, Ely State Prison, the longest of any serving warden in the State, has implemented 12-hour shifts. He can discuss the implementation and the fact that there are multiple shifts when you have 12-hour shifts. I think this discussion needs to take place.

SENATOR HORSFORD:

I appreciate your willingness to work with the correctional officers, Director Cox. The issue is that this was a policy last Session. Commitments were made, and I realize the Department of Corrections was under a different administration then. I understand, but that does not give me assurance that once we are gone, there will be change. What is your time frame to do this, if you were to do it on your own?

MR. COX:

We are committed to people's annual leave, training and other things we do as part of our operation. The earliest I could implement 12-hour shifts at our major facilities would be January 1, 2012. I have talked to both associations about this, and no one thought I could do it any sooner.

SENATOR HORSFORD:

Let me clarify my question. How long would it take you to reach agreement to implement 12-hour work shifts if the bill did not have to be processed?

MR. COX:

Looking at how we currently do it at Lovelock and Ely, as they have referenced, we did it before with 80 hours. I would suggest to the Committee that my plan would be how we did it the past. I do not want to give up those positions. I already have a plan. We can go back to that without going to the 84-hour pay period. When you talk about vacancies, if I didn't have any, I would have those positions. I am always going to have vacancies.

SENATOR HORSFORD:

Maybe I am not being clear on my question. You said that you are willing to collaborate with them on implementing a 12-hour work shift. How long would it take you to come to terms on the implementation of that, from a policy standpoint rather than legislative?

MR. COX:

I think we could accomplish this with our staff in less than 30 days.

SENATOR HORSFORD:

Public employees and our correctional officers, in particular, are being asked to make concessions this Legislative Session: pay cuts, an increase in contributions for Public Employees' Retirement System and PEBP, elimination of longevity and merit. If 90 percent of your correctional officers are saying that they want this, what is the problem of getting it done?

MR. COX:

Our data says that 65 percent want a 12-hour work shift.

SENATOR HORSFORD:

Sixty-five percent is still overwhelming support. You are not going to get 100 percent of anything. If the majority wants this change, then you have to listen.

MR. COX:

I have been listening, I hear you and I heard them. I look at the perspective for the future of the Department in recruiting and retaining people. Due to the cuts my staff has taken and other State employees have taken, it would be harder for us to recruit in the future. I have talked to both associations about doing this. I asked a very tough question, operationally from my standpoint, how does this help me? They will tell you it does not. I am still willing to move forward in

doing this. Their proposal and plan is 84 hours in a 14-day pay period. The bill says "shall," it does not say "may." I have committed to look at doing this. I cannot do it at this time due to the annual leave and other issues that we have with the Department. They understand that.

SENATOR HORSFORD:

If you can reach an agreement, and we can make the decisions on what needs to be maintained in the number of positions, we can impose the policy through the budget process. If agreed upon, we could have an implementation date in the future. I am asking again, why can you not get that done? We are here now, the parties are talking, and you can reach these agreements now. What are we waiting on?

MR. COX:

I would like to have Deputy Director Mohlenkamp talk about the fiscal aspect of implementing this change.

JEFFREY MOHLENKAMP (Deputy Director, Support Services, Department of Corrections):

The testimony submits there would be significant savings to the State by going to an 84-hour biweekly work period. That concept has some merit, if the Department had a sizeable budget for overtime. Our Department does not have any overtime in its budget. The only way to enact the 12-hour shifts, on a cost-neutral basis, would be to eliminate approximately 80 positions, with all the correctional officers and seniors working 12-hour shifts. That gets you to cost-neutral, it does not create significant savings. In order to pay for the extra four hours, you have to eliminate positions under our current budget.

We have submitted in our budget package in the Governor's recommended budget to eliminate one shift of the shift differential pay. This takes back from those savings. Right now, we go from 16 hours in a typical institution to 8 hours of shift differential. This would actually move it from 8 hours to 12 hours of shift differential. It would increase our budget, unless there was a change in the NAC that has taken place or the budget was not passed as it is. We do not see significant savings coming from this.

SENATOR HORSFORD:

We are available to handle these issues here and now. If you cannot make it happen, then we have to pass legislation because, even with your premise that

it will not save money, it will improve morale. If 12-hour shifts will improve morale and work conditions for people who are sacrificing, then it is worth considering. We have to evaluate multiple factors, costs and savings being one of them. With due respect, you wanting the positions or not, that is a policy decision for the Finance Committee. From a policy standpoint, the question is: Does this improve morale? Can you do it operationally? What are the pros and cons of each? After we agree on the policy, then we can determine the financial implications. Is there a cost savings? Are there impacts to positions? We will evaluate that. I want to see your analysis, but first we need to decide policy. I have not heard you speak on anything pertaining to the policy of improving morale and the operational effectiveness of our correctional facilities.

E.K. MCDANIEL (Warden, Ely State Prison, Department of Corrections):

I have been doing 12-hour shifts as Warden of Ely State Prison for about seven years. There are some definite advantages to 12-hour shifts. The main one is there are officers who like those shifts. It was referenced earlier that one of the reasons officers like 12-hour shifts in Ely is because of the distance they have to travel to work. That is not accurate information for Ely. It is accurate in regard to Lovelock. Many of the people do not live in the Lovelock area, so they commute from Reno or other locations to work. The 12-hour shift means they have to commute to work fewer times during the month. In Ely, most of our staff live within a 10- to 15-mile radius. Twelve-hour shifts do work, but it depends on the facility that you are operating and the mission of that facility. Ely State Prison is a maximum custody facility. Seventy-five percent of inmates are locked down, so the way we deal with inmates is very clinical. There are different things that happen at different times. One item in the amendment is to require a certain percentage of staff to work a 12-hour shift. At every institution, the percentage would be different depending on the mission of that facility.

At Ely State Prison, approximately 65 percent to 70 percent of our staff work 12-hour shifts. To make 12-hour shifts work efficiently, we have 12 different shifts. We have a skeleton crew on our graveyard shift because you do not want more people than you need. We need additional people in our facility when feeding inmates, when moving mass numbers of inmates or for different kinds of activities going on within the facility. We encompass that with an overlap shift. We do not have extra people standing around with nothing to do and then not enough people when it comes time to actually do something.



My biggest concerns are dictating to the facility manager or warden what percentage of people he would need to have on 12-hour shifts. Every institution has a different mission, inmate population and number of officers who are assigned to that facility. We would need to figure out how many officers can we feasibly put on 12-hour shifts and how many other shifts do we need to make this work.

SENATOR HORSFORD:  
Do you know what that would be?

MR. MCDANIEL:  
I do not know. We would have to do an analysis of each institutional facility. Then we would sit down with the physical plan and the number of staff at that facility and determine the number.

SENATOR HORSFORD:  
We did this before, in 2006. That is only five years ago. Is that information available now?

MR. COX:  
When we had 12-hour shifts before, we were doing them with 80 hours, not 84 hours. The 12-hour shift could be implemented quickly because we have done it before, but not under the 84-hour plan.

SENATOR HORSFORD:  
What is the challenge of figuring this out? The objective is having a more conducive work environment for the correctional officers. That is the ultimate goal.

MR. MCDANIEL:  
I agree. In our meetings with both associations, we did talk about looking at individual facilities to see how we can work out 12-hour shifts. We have made a commitment to do that. I have not seen the amendment, but one of the concerns in the original bill says the Director may be able to do that. It is impossible to implement 12-hour shifts at camps. We have 12 officers assigned to our rural camps. It would take more staff to do a 12-hour shift. The larger number of staff assigned to a facility, the easier it is to accomplish the goal of a 12-hour shift.

Operationally, it is difficult for supervisors. The problem is, officers are on different kinds of leave, such as annual, sick, extended sick, workers' compensation and military leave. So when a sick call comes in and the supervisor only has X number of people to man the next shift, he has to go to a list and call someone in to try and cover the shift. When we do 8-hour shifts, it is not difficult to hold a person over to work a 16-hour shift. You do not want to hold someone over after a 12-hour shift, it is too long for someone to work. It is a little more complicated to get shifts covered.

SENATOR HORSFORD:  
But it can be done?

MR. MCDANIEL:  
Yes.

MR. COX:  
Yes.

SENATOR HORSFORD:  
Whether we put it in statute or agree to it in the budget process, it can be done. You guys need to figure it out. I do not know how many people you need at every facility. I will not know unless you work together to figure that out. Director Cox, do you commit in the next 30 days to bring us a plan?

MR. COX:  
We have the plan. If the Committee recommends this 84-hour plan, we will have to have a fiscal analysis with a budget. We had a plan with 80 hours, which did not call for reducing the number of staff in the Department as this plan does with the 84 hours. I have worked with both associations and other staff who do not belong to the associations. I understand why they want the change. I view communications and negotiations as being twofold. I did not receive the amendment and I want the Committee to know that. I will commit to—and have to both associations—implementing the strategy that we had because we did that. The 84-hour plan has an impact to the Department.

SENATOR CEGAVSKE:  
Have you met with the associations and talked about the original bill?

MR. COX:  
Yes.

SENATOR CEGAVSKE:  
What are your comments back to them on the original bill?

MR. COX:  
My comment back to them on the original bill was that I did not agree with the elimination of positions in this Department. I referenced what we were doing in the past, what we did for three or four years prior to that. I am willing to go back and commit to that plan. This plan I am not. I told them why.

SENATOR CEGAVSKE:  
Did you tell them your objections to the plan?

MR. COX:  
Yes.

SENATOR CEGAVSKE:  
We have an amendment to the original bill, which you will have an opportunity to see. I hear that you want to have flexibility for a combination of shifts because of the dynamics. Is there a way to get you guys back together to look at the amendment and bring back a proposal? Let us know whether you are going to move ahead or if we are going to move ahead.

MR. COX:  
Yes.

SENATOR SETTELMAYER:  
I believe the original bill said 84 hours, but there is no reason to state that you could work someone 80 hours. I think it gives you the flexibility to get an extra four hours out of employees without having to pay them overtime. With a "may" not a "shall" under the original bill, you could simply do 12-hour shifts, if you so choose, and work 80 hours not 84 hours. I do not think the original bill could be that objectionable. I appreciate the discussions that we have had. Just for my own knowledge, when you had 12-hour shifts, what percentage of correctional officers were on 12-hour shifts?

MR. COX:

About 60 percent to 65 percent of the staff is on 12-hour shifts at Ely right now. It goes back to Mr. McDaniel's discussion on how many would be at each location, it would be ten on a mission. It is complex. Those are the issues. The complexity is the fact we have 14 other shifts to make the mission and the facility operation efficient and effective.

MR. RANFT:

Regarding the survey that the Director was talking about, it went out by former Director Skolnik. The survey did discuss the variable work schedules. We feel that the survey was completely flawed the way it was produced. It entered into discussion with the ten-hour shifts. Twenty-nine percent of the officers did want the ten-hour shifts. If we go back and say 8-hour shifts versus 12-hour shifts, we feel that it would be closer to 85 percent to 90 percent. Anything over 52 percent, a lot of places throughout the State, they go with the majority. I understand the concerns with individuals who want the eight-hour shift, but it is very minimal. We do allot 15 percent to be on an eight-hour shift. Alaska and other states are on the 84-hour pay period; it works for them. We would be happy to provide that information to you.

MR. CORZINE:

The bill does not eliminate people from having to work our yards. Having 12-hour shifts, and allowing for a few 8-hour shifts at the same institution, eliminates positions that we had to man in the old system that we did under 80 hours. We had people specifically manning that short four-hour period so people could go home after eight hours. If you remove the need to cover that four-hour period, instead of paying overtime, you put all those people who used to come in early just to cover the four-hour shift into a huge pool of sick and annual officers who are going to cover your days off, people who call in sick, people who have to go to training. Those people move into another venue of covering the same yard. We do not eliminate anyone. We did 12-hour shifts and 8-hour shifts under the 80-hour work schedule. We are saying, if you move that NAC to an 84-hour work period, we are not getting paid for overtime. We are still doing the same job, we are not laying anyone off because we do not eliminate a post and we eliminate having to cover a short day by putting people where they are needed. That is for the supervisors to cover the people who are not there.

CHAIR PARKS:

There is an opportunity for those noncorrectional officer positions that support people going to a workweek of four days, ten hours rather than five days, eight hours. We have quite a challenge with this bill. I would certainly like to give some thought as we proceed to how we might be able to improve morale. And consequently, when you improve morale, you improve productivity. I would also like to consider looking at some of the support staff who work eight-hour shifts and see if there is an opportunity to move them to a ten-hour, four-day workweek. With the current economic downturn and high gasoline prices, traveling to work fewer days will be financially beneficial.

I will close the hearing on S.B. 188 and open the hearing on Assembly Bill 15.

**ASSEMBLY BILL 15**: Repeals requirements for the compilation and publication of certain biennial reports and statistical abstracts. (BDR 29-428)

MAUD NAROLL (Chief Planner, Budget and Planning Division, Department of Administration):

Assembly Bill 15 asks your permission to drop two publications that the Budget Division currently produces but which get little or no use. One is the Nevada Statistical Abstract and the other is the Biennial Report. The reasons for the elimination of these reports are detailed in my written testimony ([Exhibit G](#)). Carole Vilardo of the Nevada Taxpayers Association supports this bill.

CHAIR PARKS:

We will close the hearing on A.B. 15. I have three bills that we might consider taking action on today. There is no additional testimony. The first one is S.B. 157, sponsored by Senator Valerie Wiener. The bill was uncontroversial. There was some discussion on a possible change to the bill. However, the response, when looking at other similar legislation, does not have those types of particular language. The bill stands well on its own.

**SENATE BILL 157**: Revises provisions governing the donation of unspent campaign contributions. (BDR 24-6)

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 157.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

We also heard two bills today, A.B. 15 and A.B. 127. They have been processed through the other House. They are a repeal of existing language in the statutes. I do not know if any member of this Committee wishes to delay passage of these bills for purpose of some change.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 127.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR CEGAVSKE MOVED TO DO PASS A.B. 15.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

There being no further business, we are adjourned at 5:19 p.m.

RESPECTFULLY SUBMITTED:

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Michelle Ené,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 127	C	Assemblyman John Ocegüera	Presentation on A.B.127: Eliminating the Requirement for Legislative Employees to Publish Bill Books
S.B. 188	D	Ronald Bratsch	Amendment to S.B. 188
S.B. 188	E	Timothy Filson	Statistical Data and Outline of Pros and Cons of S.B. 188
S.B. 188	F	Ken Corzine	Position Roster
A.B. 15	G	Maud Naroll	Written Statement