

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Ninth Session
April 18, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:34 p.m. on Tuesday, April 18, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Olivia Diaz, Chairwoman
Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman John Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Brenda Erdoes, Legislative Counsel
Kevin Powers, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant

Minutes ID: 848



OTHERS PRESENT:

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers

Michael Giurlani, President, Nevada State Law Enforcement Officers' Association

Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County, and Municipal Employees, AFL-CIO

Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada

Marlene Lockard, representing the Retired Public Employees of Nevada; and Service Employees International Union, Local 1107 Nevada

Michael Hillerby, representing the Nevada District Judges Association

Mike Ramirez, Director of Government Affairs, Las Vegas Police Protective Association Metro Inc.; and representing the Southern Nevada Conference of Police and Sheriffs

Natasha Koch, Executive Officer, Nevada Highway Patrol, Department of Public Safety

Reid G. Kaiser, Assistant Director of Operations, Department of Transportation

Chairwoman Diaz:

[Roll was taken. Rules were explained.] We have one measure to consider as a Committee today. At this time, I will invite Assemblyman Ellison to the table and open the hearing on Assembly Concurrent Resolution 6. This is a proposal for an interim study concerning the salary and benefits of state employees. Assemblyman Ellison will present the bill for the Committee's consideration.

Assembly Concurrent Resolution 6: Directs the Legislative Commission to conduct an interim study concerning increases in salary and benefits of state employees. (BDR R-44)

Assemblyman John Ellison, Assembly District No. 33:

I am here to present Assembly Concurrent Resolution 6 for the Committee's consideration. Before I get started, I have many people with a lot more knowledge about this bill that will come forward and testify. I would like to get on the record some of the stuff that we have seen through the last several years. I have a few letters from individuals that were not submitted, so I will send them to you. We have a friendly amendment that the judges proposed (Exhibit C).

State employees play a critical role in the day-to-day operation of Nevada's state government. From folks who protect Nevada's streets, to the incredible staff of the Legislative Counsel Bureau (LCB), we are very thankful for their public service. The state makes significant investments into the retirement and training of state employees. We try to recruit and train talented individuals who will serve the citizens of Nevada with the limited resources available for our state and its agencies. However, at times, many experienced and trained state employees abruptly depart from state service after receiving

training from the state. This adds a unique burden and cost to again recruit and retrain those successors. Are we doing our jobs by getting commitments from both parties to mitigate the problem? I have heard from various agencies that this has been a problem for some time. We cannot keep recruiting talented and capable individuals only to have them leave to different government and private sectors.

Madam Chairwoman and Committee members, A.C.R. 6 was brought to us for several reasons. The Nevada Highway Patrol (NHP) will be here to testify on some of the problems that we run into, such as the millions of dollars this state invests in training just to lose them to another agency in the state. I thought it was \$1.7 million, but they will testify that in that agency alone, it is over \$4 million in the last three years.

I asked LCB how this has affected them. Even LCB has lost people. In the interim, they lost eight lawyers to local government. Imagine the time they invested to bring these people in who they have lost. The Department of Transportation (NDOT) will be here to speak in the neutral position, but NDOT in rural Nevada cannot get trained drivers and employees. As soon as we get these employees trained and they get their commercial driver's license (CDL), they go to either the mines or somewhere else.

We have a situation. We need to get a commitment from the employees and the state to try to resolve this, because we are losing millions of dollars a year due to losing people the state trained to other agencies. I talked to some of the people with the Las Vegas Metropolitan Police Department (Metro). The reason Metro likes to hire NHP officers is that these officers have already gone through background checks. They have already done their training. They have been in the field. It is a good investment that the state put out, but Metro benefits. I think we have a problem. We have to address this. I hope we can do this in the right way.

The bill and the explanation asks the Legislature to appoint a committee composed of three members from the Assembly and three members from the Senate, one of whom is appointed by the Legislative Commission as Chair of the committee, to conduct an interim study of the desirability and feasibility of increasing the salaries and benefits of state employees. To perform the study, the committee shall, without limitation, compare the current salaries and benefits of persons with similar qualifications who are employed by the State of Nevada with other employees of the private sector.

I thank you for allowing me to present this bill. I thought this bill was dead until last night. I was really excited to come forward and present this bill. If you have any questions, I would be more than happy to answer them.

Assemblyman Elliot T. Anderson:

I have an idea of what I think the answer is to this, but I am wondering what you think the study is going to find.

Assemblyman Ellison:

I think they are going to look around the state to study the benefit packages. When we had the recession, Nevada froze state employees' salaries and took away their merit pay. There was a lot of stuff that went down that never came back up. I think the study is going to look at the salaries and benefits. It is also going to have to look at how long someone is going to be in that employment if an employer hires them. Are they going to be there for a year or two years? If not, then if someone else picks them up in the state, are they going to reimburse the state for that training that these individuals went through? It is important that we look at all aspects of the issue. That is what I am hoping this committee will do. I hope they go through every bit of this and look at it. We are open to any suggestions that you might have.

Assemblyman Elliot T. Anderson:

What I meant was that I think we all know that there is a pay equity gap between local government employees and state government employees. What do you think the answer to the question that you are asking them to study will be?

Assemblyman Ellison:

I believe that you are going to see that the state employee wages are very low compared to county and other agencies. If we are losing this many employees that quickly, there is a problem. We are going to have to address it. We might not vote on it. We might not like it. At least we will get the study back, so people can look at it fully and answer questions. The other thing I am hoping we are going to find out is how to attain the investment that Nevada is making into the millions that it is not hanging onto.

Assemblywoman Monroe-Moreno:

I have two questions. Early in your presentation, you said that we need to have a buy-in or commitment from the employees and the state. Can you explain what you feel the commitment from the employees would be?

Assemblyman Ellison:

Let us look at the NHP. Right now, new hires go through Peace Officer Safety Training (POST). It costs thousands of dollars to send a highway patrol officer through POST training. When they get out, there is no commitment that says the officer has to stay for a certain time. The next thing you know, the officer is working for Metro for higher wages and better benefits. The problem is that the state's taxpayers paid for the training to have those people employed, so should there be something that says the employee has to commit to work for the State for a year? If an agency picks them up, are they going to pick up the cost of POST? Maybe that is the way to look at it. They are getting this training for free, so it should be up to them to step up to the plate.

Assemblywoman Monroe-Moreno:

I was looking at the friendly amendment that you said had been presented. What is the scope of what you believe are state employees? The friendly amendment includes district, appellate, and Supreme Court judges. What is the scope of employees that were included in your original? Are college professors and all of that included?

Assemblyman Ellison:

We are trying to look at the agencies that are having problems right now and that have lost many employees. There is LCB, NDOT, and NHP. Some agencies have had many people leave. What this committee will do is see which ones are really benefitting from this. Look at the judges. The judges are saying that they need to be put into this to be treated fairly also. I think that is a good way to look at the district attorney's offices and the judgeships.

Assemblywoman Monroe-Moreno:

Would this study also include our college professionals? We are losing many of our professors because they have not received merit increases as well. They come here, we train them, and then they take that knowledge somewhere else. This hurts us in getting research money for grants and other things in the state. Would they be included in this study?

Assemblyman Ellison:

I never thought about it, but I think the interim committee will probably look at everybody who is in a state agency.

Assemblywoman Bilbray-Axelrod:

Thank you for bringing forward the bill. I think it is something that definitely needs to be looked into. Regarding the example of Metro taking away from NHP, the folks who are getting our trained state folks all have collective bargaining agreements. Do you think maybe that is what is missing here?

Assemblyman Ellison:

I think that is going to be one of the findings that is going to come out in the interim committee. They are going to look at this. Metro is in Clark County, and they have a little bit more money, benefits, and union organizations that they work with. They are at the top of the line. I think what this will do is compare apples to apples and oranges to oranges. The problem is that we cannot just throw money at the problem. We need to find out what the whole problem is. I am hoping we can do that.

Assemblyman Hambrick:

At the state level, the Nevada Division of Investigation (NDI) and the Office of the Secretary of State have investigators. Every one of the constitutional offices has investigators. Would you give them all the same salary to start and as they progress through their careers? I think that would be a recruiting benefit, because John Doe could be hired by NDI, but then could become an investigator in another group and transfer his benefits and seniority.

Would you be willing to rephrase the bill a little bit to try to give some parity to the law enforcement people, particularly at the state level, so they would not feel that they have to leave? I do not want to offer an amendment, because it is not my place at this point. All the state law enforcement employees have different codes and different job categories. Would you be willing to try to look at this, or urge the committee to give some parity to the state law enforcement employees and their investigators?

Assemblyman Ellison:

I think Assemblyman Hambrick hit the nail on the head. We have to be fair and equal across the board. We have parole and probation officers whose salaries and benefits went down so much that I do not know how many years it is going to take to get it back. If they have a matrix system to boost that up, it is going to take a while to do this. This is not an overnight fix. I think you are right. If I had a crystal ball, that is what I would do. I would bring out the magic wand and make this work. I think this is going to take some time to do, and it is going to take many smart people to do it.

Chairwoman Diaz:

Are there any further comments or questions from the Committee? [There were none.] Thank you for bringing this matter before the Committee. I know we need to look closely at that issue. I am sitting on the Assembly Committee on Ways and Means for the first time, and I hear repeatedly about the length of time that positions sit vacant. We cannot fill some positions or the turnover is too fast for us to fill them all.

Assemblyman Ellison:

That is the problem. We are investing millions of dollars and losing millions of dollars. I am getting calls from Assemblyman Hansen's district. The biggest numbers I am hearing from are NDOT employees and the NHP. They are going to be here to testify, and we can address some concerns.

Chairwoman Diaz:

I will start taking testimony in support of A.C.R. 6.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers:

I am a member for the statewide law enforcement coalition. We deeply support A.C.R. 6. It is a long time coming. We have had a lot of these in the past. It says right in the resolution something I dare anyone to question. It says, "The delivery of essential governmental services to the people of this State is dependent on the men and women employed by the State . . . This State makes a significant investment in the recruitment and training of state employees . . . The payment of adequate salaries and benefits is necessary to attract, recruit, and retain an effective workforce" We all know that. We have had studies in the past, such as 2003 and 2009. Where have they all gone? Looking at the history, they are transferred to the state archives. We have done the studies. We have not done anything with the studies.

Since 2015, the last time that the Legislature met in a general session, more than \$3 million dollars have been lost to NHP alone in terms of training funds. The reason they lost it is because people left, not because they moved to Cleveland or wanted to do something else with their lives, but they were looking for better-paying jobs. That is why they left. More than \$3 million in the past two fiscal years have been lost just for that. Another \$1 million lost on top of that is from the Division of Parole and Probation (P&P), Department of Public Safety. Just those two particular divisions within the Department of Public Safety have lost an incredible amount of money.

We do not have any problem with the amendment to include the district, appellate, and Nevada Supreme Court judges. Put them on, and maybe we will get the study done because we are putting them there. We do not have a problem with having state employees included. Let them do it. We want the process. Assembly Anderson asked what we expected to find. I think we expect to find that we are in the lower pay, lower benefit, and lower retention arena in the State of Nevada. That simply has to change. That has to change now, or at least by the next time we meet. Assemblyman Hambrick talked about pay parity. I know one individual whose W-2 forms I have in my briefcase downstairs. Right now, he is an almost nine-year veteran of P&P down south. He is making almost \$6,000 a year less than people who are working under him. That has to stop. We are not asking for pay increases as much as we are asking for pay reinstatement.

This bill also talks about the Great Recession and all the things the state employees have given. They have given and given, and it is time for them to stop collectively begging and start collectively bargaining in the sense that we come up here and say, let us figure out exactly where they need it back. If there are some areas from this study that we do not like, we will live with them. There are going to be areas we need to be educated by. This study will help to educate us to do a better job in recruiting, retaining, and keeping the backbone of the state agencies alive, which are the employees. It is time for the state not to continue to balance its budgets and do everything else we do on the backs of these people. You have heard it all before, and we are here to say it again. Let us not put it into a state archive. Let us actually follow up and do something. We would encourage you to support A.C.R. 6. We are very much in support of it ourselves.

Michael Giurlani, President, Nevada State Law Enforcement Officers' Association:

I am a 25-year retired veteran of the Nevada Highway Patrol as a state trooper and a member of the statewide law enforcement coalition. We support A.C.R. 6. It is time to address this elephant in the room. For many years, Nevada has suffered from these budget cuts. Public safety, as a whole, has suffered greatly from these cuts. As Assemblyman Ellison put it, we put a lot of time and money into training these people. That time and money is wasted when a person looks across the street and says, I can do the same job for better pay. It is so easy to do. They do it. We suffer greatly for it. Public safety has taken a serious hit. We talk about the poor pay and the high cost of training for these people we have lost and invested so much time and effort into. This study will show that what we have all been talking about is actually true. This cost study will indicate that it is time to give these employees what they so desperately need. We ask that you support A.C.R. 6.

Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County, and Municipal Employees, AFL-CIO:

We are in strong support of A.C.R. 6. This is a familiar subject to the American Federation of State, County, and Municipal Employees (AFSCME), as we represent many state workers. I would like to focus in on what Assemblyman Anderson and Assemblywoman Bilbray-Axelrod were talking about, which is the accuracy of the information that has been looked at in past years since the Great Recession.

Sadly, this question has come up this session, so I have this already in my tablet. I had an exhibit that I prepared for Assemblyman Ellison when he was Chair of the Assembly Committee on Government Affairs back in 2015 in a similar discussion. This was actually in opposition to a bill. The bill was Assembly Bill 280 of the 78th Session. The hearing was April 7, 2015. With a little bit of a preparatory remark, I want to read this into the record. It is not a long exhibit.

One of the things that gets lost in this discussion is that at the 50,000-foot level, we are always thinking in terms of what is in the Governor's budget as far as compensation for state employees. There were also a great deal of things that, for years, were untouched and baked into the regulations—the *Nevada Administrative Codes* (NACs) that fall under *Nevada Revised Statutes* (NRS) 284. There were certain bills that were passed in 2008 and as recent as 2015 wherein state employees lost the statute that granted them longevity pay. These cuts have come from multiple sources. Let me read into the record what I put together for Assemblyman Ellison back in 2015 ([Exhibit D](#)):

Dear Chairman Ellison and Committee members:

The Retiree Chapter of AFSCME, Local 4041 is in opposition of A.B. 280. In support of our testimony at yesterday's hearing, I offered to submit to the committee an exhibit that AFSCME 4041 entered into NELIS for the February 22, 2013 Joint Meeting of the Senate Committee on Finance and Assembly Ways and Means. That 2013 exhibit is attached to this letter exhibit in opposition of A.B. 280.

The exhibit detailed the compensation cuts that State Employees have undergone since 2009. Some of the cuts to benefits and compensation were due to legislative actions in the 2009 and 2011 sessions; some were enacted as regulatory changes by then-Department of Personnel for the State of Nevada, which is now the Department of Administration Human Resource Management (DHRM), and others were enacted by executive orders of then-Governor James Gibbons.

Because Human Resource Management has undergone an overhaul of their website since 2013, a few of the links in the original exhibit submitted to the 2013 Committee to departmental memos, which are called PERDS and are what the DHRM puts on their website whenever there is a change to the

NACs or a legislative action that changed benefits, are “stale.” Here are the links. The 2009 furloughs were linked. Call-back pay is especially important for people in the Department of Public Safety. Public Employees Retirement System (PERS) reporting was Senate Bill 427 of the 75th Session. Here is a link for the regulatory actions made in February 2010 by executive order of Governor James Gibbons. A few of these cuts were restored in the 2013 session budget bill. Furloughs were reduced for the biennium but not eliminated. Step increases were restored starting in July 2014 but without retroactivity for the lost years of no step increases from 2009 to July 2014. The pay restoration of the 2.5 adjustment to salary was enacted, which was the first restoration in pay from the original cuts in 2009. I sincerely hope that this information helps move the discussion forward on A.B. 280. Thank you for your consideration in this matter.

In conclusion, one thing that was lost in many of the discussions in 2013 and 2015 is that there were provisions in NAC under NRS Chapter 284 that specifically had a list of things that you got, such as a 5 percent pay increase. There were things that could be seen as disproportionately affecting public safety to a certain extent, such as if an employee handled chemicals or rode a motorcycle. That is part of getting into the weeds of this discussion.

I can forward this exhibit from 2015 to staff. I will make sure the links work, so the Committee can look at those executive orders of then-Governor Gibbons. It was in response to the fiscal crisis, but all of those things in the code were suspended. They have never been reenacted. They have never come back to play. Nevada's public safety and corrections folks have really taken hits.

Chairwoman Diaz:

I will now defer to a cosponsor of the bill, Assemblyman Oscarson.

Assemblyman Oscarson:

When Assemblyman Ellison came to me with this bill, I felt like it was exactly what the doctor ordered. I have the unique opportunity to travel through a significant part of rural Nevada. Unfortunately, I have had some interactions with the Nevada Highway Patrol in those travels, but it has always been positive. We will just leave it at that. It is always positive, professional, and courteous. The one thing I hear time and time again is the problem with staffing, and the fact that there is not another highway patrolman for sometimes hundreds of miles. It takes them significant periods of time to get to accident scenes and help those who are travelling, either from our state or outside our state. It is not because we do not have positions available. It is because we do not have people to fill the spots.

I know significant numbers from our southern area of command of the highway patrol have left for other agencies in our own state. Basically, what is happening is the state is being outbid. It is being outdone by city agencies and city entities that are hiring people who the state spends about \$100,000 on their POST, equipment, cars, and other things. The state is losing them when it has invested taxpayer dollars to train them.

We have to be proactive. We cannot continue to be reactive to these issues. We have to look at where these dollars are going and figure out a way to incentivize and keep good employees who we have spent lots of money to train. I am grateful that the leadership of some of these entities have come to me, and we have had these conversations. The reason I signed onto the bill is that I feel the pain of our public servants when they are woefully understaffed. It affects not only our safety, but their safety. They continue to do it day after day, knowing that they may not have any backup or anyone to help them for a significant period of time. They do it because they love it. They do it because they love their state. They do it because they provide a service to us as residents of this state.

Ronald Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:

I represent the Peace Officers Research Association of Nevada and our law enforcement coalition that represents about 9,000 law enforcement officers in Nevada. I am here today in support of A.C.R. 6 on behalf of Assemblymen Ellison and Oscarson. I know that many members of the Committee come from law enforcement backgrounds. I think some history is needed. You heard Mr. McCann talk about the previous class and compensation studies that the state has had. They have had them in the past.

Back in 2001 and 2003, it cost \$80,000 to train a highway patrol officer. Let us extrapolate that to today. It costs \$120,000 to train a highway patrol officer to get them on the street. Officers do not get into this profession for the money or the benefits. At the beginning, they get into it because they care. They continue to care, but they have to put food on the table. They have to find houses and take care of their families. Finally, an officer realizes when he or she is living in Austin, Eureka, Elko, Reno, or Las Vegas, Nevada, that there is a cost of living. That cost of living is high. My ex-partner, who was one of the presidents of the Highway Patrol Association and lived in Las Vegas, lost his house. He lost everything during this recession period that the bill talks about.

The bill is going to give you another example. I have a document from 2013 that I printed out before I came to the hearing. It is from the State of Nevada and shows a biennial salary study of 2003. It says, "Disposition: . . . Transfer to State Archives." It goes on. This document talks about when there is a study, it goes to the archives. In this day and age, this will hopefully come back and show that we have a problem here that needs to be fixed.

I have to go back to what Assemblyman Ellison talked a little bit about. This came up in 2001 or 2003. The then-Director of the Nevada Highway Patrol, Department of Public Safety was Richard Kirkland. He was the ex-Police Chief for the City of Reno, the ex-Sheriff of Washoe County, and he went on to become the Director of Public Safety. He brought a bill forward to do something such as what Assemblyman Ellison talked about. It penalizes the trooper who comes to work for the state, goes to the police academy, and then goes to the Reno Police Department or some other location. That bill would have allowed that particular trooper to have to pay back the cost of the training. Pat Dolan, who is a very good labor attorney and counsel for the Washoe County Sheriff's Office, got up

and said that Washoe County tried this with deputies because there were problems then with pay. You cannot do that. It penalizes the person who comes here, so I would highly recommend that you do not do that.

It is not the employee's fault that the state is not paying adequate pay and benefits. From what I know and what these poor officers go through, there is a bill going through the Legislature right now. Maybe this legislation will finally do something that has been brought up already. I have a collective bargaining bill going through here for state employees. It is Senate Bill 486, and I hope it is coming over to the Assembly side.

I am a retired homicide detective, and I have been representing labor in this state for over 33 years. I can tell the Committee that this bill would allow some reinforcement to the fact that collective bargaining works for Nevada's state employees. They need this. You may not give them the money, but you may give them the due process rights. This is what we have tried to do all these years. This is going to show state employees that they are the training ground, whether it is law enforcement, professional technical employees, psychologists, or custodians, and it will show them that they are grossly underpaid. I have to do something, because I represent law enforcement along with others in this state.

This is a Peace Officers Research Association of California magazine. [Held up magazine.] Every month they publish an article, and the back of it is nothing but recruitment for law enforcement. What is our competition in Nevada? We have what is called lateral entry. You can come and be trained here, or you can go over there. The starting pay for a police officer in the San Pablo Police Department is \$90,000. The ending pay is \$109,000. Class and compensation benefits are being paid because there is a recruitment problem. Our job, and the Legislature's job, to a degree, is retention. If the state is going to be paying \$80,000 to \$120,000 a year for law enforcement training, is it not right that we keep these dedicated people? They really want to stay here, but they have to survive in our state. It is important.

We do not want for anyone in the legislative body to lower the standards to recruit law enforcement. It is so critical in this day and age, because of what we are up against in the nation right now. People are coming and daring us to take action. When we do take action, we are scrutinized. We are going to have body cameras, which is awesome. We are going to be able to show to you all everything that we do. Some of you who have been in law enforcement know that. We are very transparent in what we do. You are going to get the bang for your buck by paying and providing class and compensation benefits to our law enforcement officers and state employees. You are going to have good employees who stay here. That is what I try to do.

In addition to representing Reno and Clark County, I represent many of the same people that Mr. McCann and the Nevada Association of Public Safety Officers represent. We represent attorney general investigators, parole and probation, correctional officers, and highway patrol all over the state. The men and women who dedicate their lives to come here deserve the support of the Legislature. We can do it through collective bargaining if you want us to do

that, or you can pay adequately through the class and compensation studies that support and reinforce the fact that you are a training ground. That is not a criticism. Unfortunately, we all know that we are in money times, and we had the recession. All these people gave more than all of us gave. They took furloughs. Once a week, they would give up their pay. That is a lot for these people to do. Their families suffered for it. Their insurances suffered for it.

I thought it was important for you to know what is out there; you have in your hand the power to do that. In my opinion, there are millions of dollars in the legislative session in certain segments that you are all looking at for education and the like. They deserve that as well. The children deserve it. In addition to recruiting, the most important thing is retention.

Marlene Lockard, representing the Retired Public Employees of Nevada; and Service Employees International Union, Local 1107 Nevada:

Once in a prior life, I was in a position working for the State of Nevada. I often said at that time, "Not all public employees are created equal in this state." I will not tell you the date or the century that I am referring to. You can see from the testimony here today that this has been going on in this state for many decades. State employees are always last. The State of Nevada foots the bill to train and employ people to go to other governmental public agencies. That is a fact. I would hope that when this study is done, it includes the total investment that the state puts in per employee for their very technical positions.

Today, we have heard a lot about the different requirements for some employees. Occupational Health and Safety Administration (OSHA) inspectors have a very important, critical job. I know those employees go to Chicago for an extended period of time to be trained in very specific OSHA requirements that are required by federal and state law. More recently, there was the recession. I think one of the worst public policy decisions was made under the guise of the recession, but was really a Spending and Government Efficiency (SAGE) Commission recommendation that failed to pass this Legislature for two different sessions.

When we hit the recession, a decision was made not to offer new employees medical retiree benefits in the future. There is already a retention problem. Now, on top of that, when new employees are hired, they no longer can expect to have medical coverage when they retire. In the long term, you look at all of these factors and the total cost of the benefit package. You can see the state does not add up. The state has one of the lowest public employee workforces in the United States. If you look at state governments, the total of state employees in Nevada has one of the lowest rates of state employees for the jobs that they are required to do.

Michael Hillerby, representing the Nevada District Judges Association:

We appreciate the sponsor's considering the amendment in front of the Committee as friendly, and we appreciate the Committee's consideration of including Supreme Court, appellate and district court judges in the salary survey. As all of you know, the Legislature sets the salaries, and the State General Fund pays the salaries for Supreme Court, appellate

and district court judges. Much as with the situation with peace officers, there is another group of judges who have their salaries set and paid by local governments. Those are municipal and justice court judges. Their retirement benefits are paid differently into the judicial retirement system. As those salaries creep up, we see fewer people wanting to make the move from municipal and justice courts into the district court, particular the first level of those three that the state pays. They get a more difficult and often larger workload with less pay sometimes. We would appreciate your consideration of including the judicial brethren in that.

Mike Ramirez, Director of Government Affairs, Las Vegas Police Protective Association Metro, Inc.; and representing the Southern Nevada Conference of Police and Sheriffs:

I would like to mirror what Mr. McCann and Mr. Dreher said. From Metro's perspective, we see many people who start with NHP and other agencies and then come to us due to the increase in salary. We support this bill.

Chairwoman Diaz:

Is there any further testimony in support for A.C.R. 6? Seeing none, we will go to testimony in opposition to A.C.R. 6. Seeing none, we will go to neutral.

Natasha Koch, Executive Officer, Nevada Highway Patrol, Department of Public Safety:

I am a captain. The two largest divisions within the Department of Public Safety, which are the Nevada Highway Patrol and Parole and Probation, have tracked the number of sworn officers who have left for better pay and benefits starting in fiscal year 2015 to current. To this date, the Department has lost 81 sworn officers. They have left for better pay and benefits. The Department calculated how much this has cost them since fiscal year 2015. The amount is \$4.6 million. This calculation is only from backgrounds once they complete field training. If they stay for two or three years, that is not in that calculation. The only thing in the calculation is when they start backgrounds, through the academy, through field training, and once they complete field training.

If we were more competitive with pay and benefits, we may not have lost these 81 employees. From speaking to former employees, the pay difference is approximately \$1,000 a month. This is greatly due to the PERS contribution that we have. We really want to thank the sponsors for giving this pay issue the attention it deserves. We believe one of the ways to stop the loss is to have a pay bill that would keep our pay within 5 percent of the top five paid agencies within the state.

Reid G. Kaiser, Assistant Director of Operations, Department of Transportation:

Thank you for allowing me to discuss briefly the workforce we have at the Department of Transportation (NDOT). Currently at NDOT, we have 1,826 employee positions with 9.5 percent vacancies, or 176 vacancies. That means we have 1,650 employees and 456 of these employees, which is 28 percent, are probationary or trial

employees. That means that we are aggressively seeking to fill our positions, but 28 percent of our staff have either been hired within the last year or have been promoted within the last year and are in their trial year for state employment.

Statewide, on our construction crews, there are 213 positions with 32 vacancies, which is a 15 percent vacancy rate. Statewide, on our maintenance crews, we have 512 positions with 40 vacancies, which is an 8 percent vacancy rate. Statewide, NDOT has 481 engineering positions with 64 vacancies, which is a 13 percent vacancy rate. During the Great Recession, state employees made significant sacrifices with respect to pay and benefits.

How does that affect our maintenance employees? Let me give you an example. Right now, there is a maintenance crew out of the Carson City office that maintains U.S. Route 50 up at Lake Tahoe, from U.S. Route 395 to the state line. They also are required to snowplow State Route 28, from the intersection on U.S. Route 50 to Incline Village. That maintenance crew has eight employees. This last winter, as crazy as it was, they had four of those employees working at night and four of those employees working during the day, twelve hours a day, seven days a week. Their main task is keeping that road open. They did a great job, but it is a lot of work for an eight-employee staff to take care of those two roads.

We are given permission to hire temporary employees. That crew is allowed to hire five temporary employees, but temporary employees are also required to have a CDL to drive a snowplow. That crew was not able to fill any of their positions because the rate of pay for those temporary positions is so low. That makes for long hours for our maintenance staff.

On the engineering side, NDOT is able to fill our engineering vacancies with consultants, which, on the flip side, are very expensive. Their rate of pay is over \$100 an hour with all their benefits, insurance, and so forth. That price tag is significant to NDOT.

Natasha Koch:

I apologize. I wanted to make one correction. With the pay bill, we would like to be within the top five paid agencies.

Chairwoman Diaz:

I do not see anyone else coming before the Committee. Assemblyman Ellison, do you have any closing remarks?

Assemblyman Ellison:

Even if the money that was being lost to other agencies was put back, that would not even fill the hole. The bill says, "During the Great Recession, state employees were required to take furloughs, reductions in pay, loss of merit and longevity pay and other reductions in benefits." We treat some people highly and others very differently.

[Chairwoman Diaz designated that ([Exhibit E](#)) and ([Exhibit F](#)) were not presented but are made part of the record.]

Chairwoman Diaz:

With that, I will close the hearing on A.C.R. 6. This Committee is adjourned [at 2:30 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Committee Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to Assembly Concurrent Resolution 6, submitted by Michael Hillerby, representing the Nevada District Judges Association.

[Exhibit D](#) is a letter dated April 8, 2015 to the Assembly Committee on Government Affairs submitted by Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County, and Municipal Employees, AFL-CIO, in opposition to Assembly Bill 280 of the 78th Session.

[Exhibit E](#) is written testimony in support of Assembly Concurrent Resolution 6, submitted by Kent M. Ervin, Legislative Liaison, Nevada Faculty Alliance.

[Exhibit F](#) is a document titled "State of Nevada 2012 Salary & Benefits Survey," by the Department of Administration, Division of Human Resource Management, and submitted by Bonnie L. Moore.