MINUTES OF THE MEETING OF THE SENATE COMMITTEE ON FINANCE AND

ASSEMBLY COMMITTEE ON WAYS AND MEANS SUBCOMMITTEES ON HUMAN SERVICES

Eighty-first Session April 22, 2021

The joint meeting of the Subcommittees on Human Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Julia Ratti at 8:09 a.m. on Thursday, April 22, 2021, Online and in Room 3137 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Julia Ratti, Chair Senator Nicole J. Cannizzaro Senator Marilyn Dondero Loop Senator Ben Kieckhefer Senator Scott Hammond

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair Assemblywoman Teresa Benitez-Thompson, Vice Chair Assemblywoman Maggie Carlton Assemblyman Jason Frierson Assemblyman Tom Roberts Assemblywoman Robin L. Titus Assemblywoman Jill Tolles Assemblyman Howard Watts

STAFF MEMBERS PRESENT:

Alex Haartz, Principal Deputy Fiscal Analyst Brody Leiser, Principal Deputy Fiscal Analyst Nancy Morris, Program Analyst Colby Nichols, Program Analyst

Tom Weber, Committee Secretary Melodie Swanson, Committee Secretary

OTHERS PRESENT:

Elisa Cafferata, Director, Department of Employment, Training and Rehabilitation Troy Jordan, Senior Legal Counsel, Employment Security Division, Department of Employment, Training and Rehabilitation

CHAIR RATTI:

Today we will be hearing budget closings for the Department of Health and Human Services (DHHS), Division of Welfare and Supportive Services (DWSS) and the Department of Employment, Training and Rehabilitation (DETR).

COLBY NICHOLS (Program Analyst):

Budget account (B/A) 101-3228 for Welfare Administration begins on page 3 of the presentation titled Human Services Joint Subcommittee Closing List #5, April 22, 2021 (Exhibit B).

HEALTH AND HUMAN SERVICES

WELFARE AND SUPPORTIVE SERVICES

<u>HHS-Welfare - Administration</u> — Budget Page DHHS-DWSS-9 (Volume II) Budget Account 101-3228

There are two major closing issues. Major closing issue 1 in B/A 101-3228 shown on page 4 of $\underline{\text{Exhibit B}}$ is for decision units E-275 and E-276, including a new social services program specialist position in each to be fully funded through the associated federal grants.

E-275 Elevating Education — Page DHHS-DWSS-13 E-276 Elevating Education — Page DHHS-DWSS-13

Decision unit E-275 will be funded through the U.S. Department of Agriculture, Supplemental Nutrition Assistance Program (SNAP) and will support SNAP outreach activities. Decision unit E-276 will be funded through the

U.S. Department of Health and Human Services, Temporary Assistance for Needy Families (TANF) program funds.

The DWSS indicates each position is needed to address an increase in workload due to increased responsibilities and reporting measures required by the DWSS's federal partners for their respective programs.

Regarding the social services program specialist for SNAP in decision unit E-275, the DWSS indicates this position's duties will include serving as a liaison with federal partners, compiling reports, assisting the Division with audits and providing certification training for its community partners. The DWSS indicates existing staff are currently performing some of these duties. However, having a full-time position dedicated to these duties would increase access to SNAP benefits and services for the population the DWSS serves.

Fiscal staff would note the cell phone/pager charges associated with this position are overstated in the <u>Executive Budget</u>. There will be a technical adjustment to bring those in line with the actual costs.

Regarding the social services program specialist for TANF in decision unit E-276, the DWSS indicates the position's duties will include serving as a subject matter expert on the State's TANF maintenance of effort (MOE) requirements including MOE spending, working with other agencies and community partners, and contract management of the various contracts and subgrants included in the DWSS's TANF program.

During the budget hearing on February 18, 2021, the Subcommittees asked the DWSS if the position for SNAP outreach in decision unit E-275 would replace contracted staff currently performing some of those duties. The DWSS confirmed the contracted staff position would be eliminated; however, if approved, preference would be given to the incumbent contractor in filling this new State position.

The Subcommittees inquired whether a reduction to the DWSS's authority for contract staff was included in decision unit E-275 to offset some or all of the costs of the recommended new position. The DWSS indicated it did not include

a reduction of contract expenditures in order to retain the ability to utilize contract staff in the future.

Following the budget hearing, Fiscal staff worked with the DWSS and the Office of the Governor, Office of Finance (GFO) to correctly align the operating costs, resulting in a technical adjustment to reduce cell phone/pager costs by \$13,970 in fiscal year (FY) 2021-2022 and \$13,790 in FY 2022-2023 with corresponding reductions in revenue.

The adjustments to revenue figures are listed on page 3 of Exhibit B. Inclusive of the technical adjustment, the total cost of the social service program specialist for the SNAP program recommended in decision unit E-275 would be reduced to \$76,912 in FY 2021-2022 and \$97,563 in FY 2022-2023.

The Subcommittees asked the DWSS to provide more information regarding changes to the federal programs and regulations contributing to its increased workload. The DWSS testified several of its programs had seen significant changes either in caseload or program scope in response to the coronavirus pandemic. In particular, the DWSS cited the creation of the Families First Coronavirus Response Act's Pandemic Electronic Benefits Transfer Program which has provided additional SNAP benefits to enrollees throughout the pandemic.

The DWSS indicated support for the SNAP program outreach and the TANF program was being provided by existing staff as time permitted. The various program and benefit changes, as well as growth in the Nevada Medicaid caseload, are contributing to a reduction in the amount of available time existing staff has to perform those duties proposed for the recommended new positions.

The DWSS indicated that as program changes made in response to the pandemic expired, such as the temporary suspension of redeterminations for Medicaid, it anticipated a further increase in workload addressing a backlog of work. This would further impact the ability for existing staff to support the SNAP outreach and TANF programs.

Do the Subcommittees wish to recommend approval of one social services program specialist in B/A 101-3228 decision unit E-275 funded with

SNAP administrative grants, with the noted technical adjustment to reduce cell phone/pager costs, resulting in total expenditures of \$76,912 in FY 2021-2022 and \$97,563 in FY 2022-2023 to support SNAP outreach, and one social services program specialist in B/A 101-3228 decision unit E-276 funded with the TANF grants totaling \$73,130 in FY 2021-2022 and \$93,601 in FY 2022-2023 to support the TANF program as recommended by the Governor?

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ONE SOCIAL SERVICES PROGRAM SPECIALIST IN B/A 101-3228 DECISION UNIT E-275 FUNDED WITH SNAP ADMINISTRATIVE GRANTS WITH THE NOTED TECHNICAL ADJUSTMENT TO REDUCE CELL PHONE/PAGER COSTS RESULTING IN TOTAL EXPENDITURES OF \$76,912 IN FY 2021-2022 AND \$97,563 IN FY 2022-2023 TO SUPPORT SNAP OUTREACH, AND ONE SOCIAL SERVICES PROGRAM SPECIALIST IN B/A 101-3228 DECISION UNIT E-276 FUNDED WITH THE TANF GRANTS TOTALING \$73,130 IN FY 2021-2022 AND \$93,601 IN FY 2022-2023 TO SUPPORT THE TANF PROGRAM AS RECOMMENDED BY THE GOVERNOR.

SENATOR DONDERO LOOP SECONDED THE MOTION.

SENATOR HAMMOND:

Does anyone actually use a pager?

Mr. Nichols:

The General Ledger line entry is identified as cell phone/pager charges. This would be the cost associated with the program specialist's mobile phone in decision unit E-275.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR CANNIZZARO WAS ABSENT FOR THE VOTE.)

* * * * *

Mr. Nichols:

Major closing issue 2 discussed on page 6 of Exhibit B is a Nevada Medicaid waiver eligibility system modernization in B/A 101-3228 decision unit E-552.

E-552 Technology Investment Request — Page DHHS-DWSS-15

The Executive Budget recommends total funding of \$995,000 in FY 2021-2022. Ten percent or \$99,500 of the funding is General Fund appropriations and 90 percent or \$895,500 of the funding is U.S. Department of Health and Human Services, Centers for Medicare and Medicaid (CMS) funds. The total funding will cover contract costs associated with modernizing the DWSS processes and systems used in determining eligibility for the Medicaid waivers. The recommendation is intended to allow the DWSS to replace various processes requiring physical documentation and the use of interoffice mail with modernized digital processes.

According to the DWSS, the modernization project would improve document retention and process transparency by improving electronic document sharing and approval processes. It would also provide clients visibility to the status of the waiver application and would automate certain other system functions.

In response to Fiscal staff questions regarding whether there would be any additional costs beyond the Governor's recommended costs in FY 2021-2022, the DWSS confirmed it did not anticipate any increased ongoing costs as this recommendation would fund changes to a system which is already supported by existing information technology (IT) resources.

The DWSS indicates the system modernization was ranked as the highest priority for the 2021-2023 biennium by the Enterprise Information Technology Services (EITS) Strategic Planning Committee. The EITS Planning Committee ranks the priority of proposed significant IT investments for the next biennium during its budget building process.

During the budget hearing on February 18, 2021, the Subcommittees asked when the DWSS anticipated submitting the advance planning documents which are required by its federal partners and to provide a timeline for when those

documents would be submitted. The DWSS confirmed it is eligible for the 90 percent State and 10 percent federal funding split, and expressed confidence the project would be approved to be funded in this manner.

The DWSS indicated it was in the process of drafting the advance planning documents and would be ready to submit those to CMS as early as July 1, 2022. The DWSS further noted CMS has 60 days to review and approve or deny the advanced planning documents, once submitted.

The Subcommittees also asked for the projected timeline for the project's completion. In response, the DWSS indicated it estimated the modernization project would take approximately 12 months to complete. The Subcommittees inquired whether the DWSS anticipated awarding the contract for the project through a competitive bidding process.

The DWSS testified it had identified a vendor previously used for work on the system and hoped to use a solicitation waiver to contract with this vendor directly. However, should the solicitation wavier not be granted by the Department of Administration, Purchasing Division, the DWSS would instead award the contract through a competitive bidding process.

The Subcommittees inquired whether the federal partners mandated the contract be awarded through a competitive process. The DWSS indicated the federal government does not place any special considerations on procurement and deferred to the State's existing processes for procurement.

In response to a Subcommittee question as to how the DWSS had developed the estimated cost for the modernization project, the DWSS indicated it had utilized internal IT staff to develop the requirements and the estimated cost of the modernization project. This was done by comparing the scope of the proposed project with other IT projects within the Division. The DWSS also solicited input from various software vendors during this process. After the DWSS's internal IT staff developed an estimate for the project, they submitted a technology investment notification to EITS for review and approval which was included as backup in the Executive Budget.

Do the Subcommittees wish to recommend approval of contract costs totaling \$995,000, \$99,500 of which is General Fund and \$895,500 of which is federal Medicaid funds, in FY 2021-2022 to modernize the DWSS Medicaid waiver eligibility processes and systems?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I am glad that EITS recognized the importance of this modernization project. I would ask the DWSS and the vendor selected to update the system to consider and be sensitive to the families' needs when rethinking the Medicaid waiver eligibility process and the documentation submission process associated with it. Often supporting family members or outside professionals are helping family members through these processes, and the system's interface needs to be user friendly. This is an important consideration. I am excited about this project.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE IN B/A 101-3228 DECISION UNIT E-552 CONTRACT COSTS TOTALING \$995,000, \$99,500 IN GENERAL FUND AND \$895,500 IN FEDERAL MEDICAID FUNDS, IN FY 2021-2022 TO MODERNIZE THE DWSS'S MEDICAID WAIVER ELIGIBILITY PROCESSES AND SYSTEMS AS RECOMMENDED BY THE GOVERNOR.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Mr. Nichols:

There are three closing items in B/A 101-3228. Closing items 1 and 2 described in the table on page 7 of Exhibit B appear reasonable to Fiscal staff.

Closing item 3 on page 7 of <u>Exhibit B</u> identifies position transfers from the DWSS Office of Analytics B/A 101-3228 decision units E-506 and E-906 to the new DHHS, Director's Office, Office of Analytics B/A 101-3203 decision units

E-506 and E-906. These transfers are a part of the DHHS's efforts to centralize data and analytical staff within the new Office of Analytics.

E-506 Adjustments To Transfers - E906 — Page DHHS-DWSS-15 E-906 Transfer From Welfare Admin To Data Analytics — Page DHHS-DWSS-16

<u>DHHS DO - Data Analytics</u> — Budget Page DHHS-DIRECTOR-29 (Volume II) Budget Account 101-3203

E-506 Adjustments To Transfer E906 — Page DHHS-DIRECTOR-32 E-906 Transfer From Welfare Admin To Data Analytics — Page DHHS-DIRECTOR-38

At the budget hearing on April 9, 2021, the Subcommittees recommended approval of the companion decision units for the Office of Data Analytics budget.

Fiscal staff recommends a technical adjustment to B/A 101-3228 decision unit E-506 to correctly align the transfer amounts with the recommended amounts contained in the companion decision units in the Office of Data Analytics, B/A 101-3203.

The net impact of these adjustments is a reduction to the transfer amounts totaling \$32,148 in FY 2021-2022 and \$32,599 in FY 2022-2023. The adjustments are shown on the page 3 of Exhibit B. The DWSS and the GFO concur with these adjustments.

Fiscal staff recommends other closing items 1 and 2 be closed as recommended by the Governor, and other closing item 3 be closed consistent with the Subcommittees' action at the April 9, 2021, budget closing to recommend approval of companion decision units E-506 and E-906 within the Office of Analytics B/A 101-3203 with the noted technical adjustment to reduce unit authority in B/A 101-3228 decision E-506 by \$32,148 FY 2021-2022 and \$32,599 in FY 2022-2023 to correctly align the transfer amounts with the companion decision units. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1 AND 2 IN B/A 101-3228 AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 3 IN B/A 101-3228 BE APPROVED CONSISTENT WITH THE SUBCOMMITTEES' ACTION AT THE APRIL 9, 2021, BUDGET CLOSING TO RECOMMEND APPROVAL OF COMPANION DECISION UNITS E-506 AND E-906 WITHIN THE OFFICE OF ANALYTICS B/A 101-3203 WITH THE NOTED TECHNICAL ADJUSTMENT TO REDUCE AUTHORITY IN B/A 101-3228 DECISION UNIT E-506 BY \$32,148 IN FY 2021-2022 AND \$32,599 IN FY 2022-2023 TO CORRECTLY ALIGN THE TRANSFER AMOUNTS WITH THE COMPANION DECISION UNITS AND WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Mr. Nichols:

The DWSS Welfare Field Services B/A 101-3233 begins on page 11 of Exhibit B.

HHS-Welfare - Welfare Field Services — Budget Page DHHS-DWSS-26 (Volume II)

Budget Account 101-3233

There are two major closing issues. Major closing issue 1 concerns caseload changes in decision unit M-201 described on page 13 of Exhibit B.

M-201 Demographics/Caseload Changes — Page DHHS-DWSS-28

The DWSS provided updated caseload projections in March 2021 which are based on actual caseload counts through February 2021. As a part of the

update, the DWSS included updated projections for monthly client transactions which represent adjustments to staffing needs to reflect changes in caseload.

Monthly client transactions represent the total number of individuals enrolled in the DWSS's programs as well as the number of transactions per month. This information is used to determine the staff time needed for an average transaction and to determine total staff needs.

The table on page 13 of Exhibit B summarizes the difference in average monthly client transactions by comparing the projections included in the Executive Budget versus the projections included in the March 2021 caseload update.

In line with the March 2021 caseload update, the DWSS projects the average monthly client transactions will increase by 2,593 in FY 2020-2021 as compared to the projections included in the Executive Budget. The caseload is projected to further increase by 11,353 in FY 2021-2022 and 11,832 in FY 2022-2023 as compared to the projections included in the Executive Budget.

When comparing year-over-year changes in the March 2021 caseload update, the DWSS projects the average monthly client transactions to increase from 175,891 in FY 2020-2021 to 208,794 in FY 2021-2022 which represents an 18.7 percent increase over FY 2020-2021. The DWSS projects client transactions to remain relatively flat with 209,282 projected average monthly client transactions in FY 2022-2023.

Changes to the DWSS's caseload do not necessarily mirror changes to the client transactions which drive the position levels needed. Workload associated with certain tasks such as updating client status or information is not necessarily strictly generated by the client caseload for a program. Applications for its programs generate workload regardless of whether applicants are denied or approved.

The table on page 14 of Exhibit B shows the average monthly caseloads for the three programs which generate the largest portion of the DWSS workload. These programs are Nevada Medicaid, the TANF New Employees of Nevada (NEON) program and the SNAP program. The table also shows

projections included in the <u>Executive Budget</u> versus those projections included in the March 2021 update.

The DWSS indicates the projected changes in average monthly client transactions are used to determine the amount of family services specialist positions needed to meet the projected demand. The DWSS determines the number of support, managerial and administrative staff needed using a series of staffing ratios to ensure there are sufficient staff resources and that each position's duties are in line with its classification.

The table on page 15 of <u>Exhibit B</u> shows the recommended new positions to address the projected increase in monthly client transactions. The table also shows a comparison between positions contained in the <u>Executive Budget</u> versus those positions contained in the March 2021 caseload update.

Based on the March 2021 update, the projected increase in average monthly client transactions results in the need for a total of 306 new positions. This is an increase of 80 positions when compared to the 226 new positions originally recommended in the Executive Budget.

Due to the projected decline in TANF transactions included in the March 2021 update, the DWSS is requesting the elimination of six administrative assistant positions and five social worker positions whose duties are fully funded by the TANF program. This would result in a net increase of 295 new positions based on the March 2021 caseload update.

No lay-offs are anticipated as a result of the reduction of those 11 positions. The DWSS anticipates incumbents will transfer to other roles within the Division, and it will use existing vacancies to further address the position eliminations. As recommended by the Governor, the overall impact of the changes to staffing is a net increase in expenditures of \$3.3 million in FY 2021-2022 of which \$1.3 million is from the General Fund, and \$4.8 million in FY 2022-2023 of which approximately \$2 million is from the General Fund when compared to decision unit M-201 in B/A 101-3223.

During the budget hearing on February 18, 2021, the Subcommittees inquired how the pandemic and associated economic impacts had affected the DWSS's

workload and operations. The DWSS indicated the suspension of Medicaid redeterminations was contributing to a significant increase in the caseload, as fewer enrollees are exiting the program. In addition, the Division noted the economic impacts of the pandemic meant higher than anticipated enrollment in the SNAP program.

The DWSS also indicated the enhanced unemployment insurance benefits instituted in response to the pandemic were pushing the household income of potential TANF enrollees above the threshold for eligibility, which was contributing to the decreases in the TANF caseload.

As noted in the caseload table on page 14 of Exhibit B, those trends have continued through the additional four months of FY 2020-2021 caseload data included in the March 2021 update. The DWSS testified it believed its increased workload was directly correlated to the impact of the pandemic.

The Subcommittees asked for more information regarding the DWSS's ability to start hiring certain positions as early as July 1, 2021. The DWSS testified it had dedicated staff for hiring panels and quarterly training academies, and training and recruitment was an ongoing, continual process. The DWSS expressed confidence it would be able to successfully fill the positions using these processes as recent recruitments had received strong interest from applicants.

The Subcommittees inquired how the DWSS would approach staffing should the projected increase in caseload not materialize. The Division testified should that happen, it would institute an internal pause on hiring to avoid having to lay off staff as a result of caseload decreases. The DWSS's hiring team meets quarterly to adjust hiring practices and quotas to reflect changes in caseloads.

Decision unit M-201 in B/A 101-3233 does not include costs for additional office space for the recommended new staff. When asked if the Division had sufficient office space for the recommended new positions, the DWSS indicated it does not anticipate needing additional space as a maximum of 30 percent of its staff is anticipated to continue to work from home during the 2021-2023 biennium.

The DWSS confirmed no significant issues have arisen by having staff work from home during the pandemic. In response to concerns expressed by the Subcommittees, the DWSS confirmed any staff who wished to work from the office was able to do so in a safe, socially-distanced manner.

Do the Subcommittees wish to recommend approval of \$10.3 million in FY 2021-2022, of which \$3.8 million is from the General Fund, and \$14.3 million in FY 2022-2023, of which \$5.2 million is from the General Fund, as recommended by the Governor for caseload increases?

Do the Subcommittees recommend approval of an adjustment to increase decision unit M-201 in B/A 101-3233 by \$3.3 million in FY 2021-2022, of which \$1.3 million is from the General Fund, and \$4.8 million in FY 2022-2023, of which approximately \$2 million is from the General Fund, to align funding with the DWSS updated staffing needs as reflected in the March 2021 caseload update?

SENATOR KIECKHEFER:

If allowed by federal guidance, is there a mechanism in place which would allow the State to use stimulus funds to draw down other federal funds allocated in the General Fund? Is there a way to replace the potential General Fund need for these programs with stimulus funds through the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act?

BRODY LEISER (Principal Deputy Fiscal Analyst):

We do not have guidance yet on the CARES federal stimulus dollars.

SENATOR KIECKHEFER:

I understand the guidance issue. Is there a mechanism to swap out the funds if it is eventually allowable under federal guidelines, and if the legislature chose to do so?

MR. LEISER:

Depending on the timing, if federal funds became available after budget closings and the money bills were approved, I believe the mechanism would be to authorize the use of federal funds either through future legislation or possibly

through a work program recommended by the Governor which would go to the Interim Finance Committee (IFC). If using a work program as the mechanism, the procedure would be to then reserve those funds in a special use category, Category 93, in the General Ledger for reversion to the General Fund.

CHAIR RATTI:

The number one question the Subcommittees are hearing is how to use the federal stimulus dollars to help stabilize these programs. We know there are a lot of mechanisms, and we will figure out how to implement those at the right time if the Subcommittees agree.

ASSEMBLYWOMAN CARLTON:

In the first discussion of these budgets we were talking about employees working from home, and having the opportunity to do so as well as having the opportunity to come back to their respective work places. There are financial, mental and family costs to working at home.

At some point we should be having a much larger conversation about the implications of the options of working from home, particularly if the State is moving in that direction beyond the public health emergency measures currently in place. Different work places may handle this issue differently. It would be good to establish some parameters such as differential pay, for instance.

SENATOR DONDERO LOOP:

I worked from home and had technology and office supply costs. Some of them were covered and reimbursed, and some of the costs were not reimbursed. There are real costs to working at home.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE \$10.3 MILLION IN FY 2021-2022, OF WHICH \$3.8 MILLION IS FROM THE GENERAL FUND, AND \$14.3 MILLION IN FY 2022-2023, OF WHICH \$5.2 MILLION IS FROM THE GENERAL FUND, AS RECOMMENDED BY THE GOVERNOR FOR CASELOAD INCREASES AND RECOMMEND APPROVAL OF AN ADJUSTMENT TO INCREASE DECISION UNIT M-201 IN B/A 101-3233 BY \$3.3 MILLION IN FY 2021-2022, OF WHICH \$1.3 MILLION IS FROM THE GENERAL FUND, AND \$4.8 MILLION IN FY 2022-2023, OF WHICH

APPROXIMATELY \$2 MILLION IS FROM THE GENERAL FUND, TO ALIGN FUNDING WITH THE DWSS UPDATED STAFFING NEEDS REFLECTED IN THE MARCH 2021 CASELOAD UPDATE.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Mr. Nichols:

The second major closing issue in B/A 101-3233 decision unit E-232 described on page 16 of Exhibit B is for ten new positions to support the creation of the Recovery through Employment Unit.

E-232 Efficiency & Innovation — Page DHHS-DWSS-30

The <u>Executive Budget</u> recommends additional TANF block grant revenues of \$660,719 in FY 2021-2022 and \$830,316 in FY 2022-2023 to fund ten new positions and the associated costs to establish the new Recovery through Employment Unit.

The Unit will collaborate with community partners and employers to help identify pathways to employment for TANF recipients in recovery for substance use disorder and/or experiencing housing instability. The ten new positions recommended in decision unit E-232 include one new social services manager position stationed in Las Vegas and nine new workforce services representative positions stationed across the State.

The intent of the Unit is to aid the DWSS in providing clients experiencing substance abuse issues or housing instability with opportunities to gain and maintain meaningful employment. By doing so, the Division hopes to help its clients overcome these issues.

During the budget hearing, the DWSS provided additional information regarding how it identified the need and service model for decision unit E-232. The DWSS

testified it had modeled its recommendation on New Hampshire's Recovery Friendly Workplace Initiative which encourages employers to develop work environments conducive to recovery from substance abuse issues. The DWSS indicated that historically it had approached TANF recipients achieving employment as the end goal of the program. However, the Division identified employment could serve as a resource which also provides purpose, social interaction and stability to TANF recipients in recovery.

The DWSS clarified these positions would not be providing direct counseling or support to the recipients, as those services were already being provided by social workers who provide one-on-one case management support to the program's recipients. The staff included in this recommendation would work to identify employers in Nevada willing to work with employees in recovery with the goal of incorporating employment into the recipient's support system.

The Subcommittees asked the DWSS to clarify how it had identified TANF grant revenues as an appropriate funding source for the new positions and whether alternative funding sources were available. The DWSS indicated there were no alternative funding options available through its typical revenue sources, which include SNAP or Nevada Medicaid grant funds. The Division clarified the new positions would focus specifically on securing employment for TANF recipients which justified the use of TANF block grant funding.

The Subcommittees asked how the nine workforce service representative positions would be distributed across the State. The DWSS indicated it would assign the positions based on the number of potential employers in the State. The Division testified it anticipated most of the positions would be stationed in Clark County, with a smaller number located in northern Nevada and at least one position stationed to serve the more rural areas of the State.

In addition, the Subcommittees questioned whether employers who opted to participate in the recovery friendly workplace program would be eligible for any incentives from the DWSS. The Division indicated employers who participated would be eligible for existing TANF workforce development incentives through the NEON program, which offers a \$2,000 incentive to employers who employ TANF recipients upon meeting certain criteria. The incentive is used to pay up to 50 percent of the employee's salary or training hours.

The DWSS indicated if the Recovery through Employment Unit were successful, it may request additional authority for these incentives in forthcoming biennia as more employers entered the program through the Unit's efforts.

Do the Subcommittees wish to recommend approval of ten new positions and associated costs to establish a new Employment through Recovery Unit funded with TANF block grant revenues of \$660,719 in FY 2021-2022 and \$830,316 in FY 2022-2023 as recommended by the Governor?

ASSEMBLYWOMAN CARLTON:

I appreciate the intent of this program. However, a similar program has been tried in the past. The program had issues because employers receiving grants would hire on employees for a short time, let them go and repeat the pattern over and over because they could get subsidies for these employees.

As requirements for this program are developed, I hope this will be taken into consideration and there is accountability on the employer's side, so the program is truly benefiting both the employer and the prospective employee. We do not want to give these potential employees hope, give them a job and an opportunity to feel successful, only to see them be let go. The program's intent is to change the dynamic and culture of these employees.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE TEN NEW POSITIONS AND ASSOCIATED COSTS IN B/A 101-3233 DECISION UNIT E-232 TO ESTABLISH A NEW EMPLOYMENT THROUGH RECOVERY UNIT FUNDED WITH TANF BLOCK GRANT REVENUES OF \$660,719 IN FY 2021-2022 AND \$830,316 IN FY 2022-2023 AS RECOMMENDED BY THE GOVERNOR.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Mr. Nichols:

There are two other closing items in B/A 101-3233 described on page 18 of Exhibit B. Other closing item 1 is described in the table on page 18 and appears reasonable to staff.

Other closing item 2 is related to the budget reduction measures included in decision unit E-685. To achieve targeted budgeted reductions, the Executive Budget recommends the closure of four DWSS offices located in Las Vegas and to keep certain permanent and intermittent positions vacant in FY 2021-2022 only.

E-685 Staffing and Operations — Page DHHS-DWSS-31

On April 1, 2021, the Joint Senate Committee on Finance and the Assembly Committee on Ways and Means, also known as the money committees, took action to approve the Governor's recommendation to eliminate or hold vacant those various positions for the purposes of budget reductions on a Statewide basis.

In addition, the money committees preliminarily approved authorizing the U.S. Department of Treasury, American Rescue Plan Act of 2021 (ARPA), Coronavirus State and Local Fiscal Recovery Funds to restore those positions effective October 1, 2021, pending guidance from the federal government on the allowable uses of the funds. The money committees provided Fiscal staff with authority for necessary technical adjustments.

Following the meeting of the money committees, Fiscal staff confirmed with the DWSS the leased offices proposed to be closed in decision unit E-685 would need to remain open to accommodate the decision to restore the positions recommended to be held vacant as well as to accommodate the additional positions included in B/A 101-3233 decision unit M-201.

As shown on page 3 of Exhibit B, Fiscal staff recommends a technical adjustment to revenue which would remove the reductions for office rent and other expenditures associated with the closure of the four DWSS offices in Las Vegas and would allow the DWSS to retain the leased office spaces. The adjustment results in additional operating costs of \$1.4 million in FY 2021-2022

of which \$467,684 is from the General Fund and \$1.5 million in FY 2022-2023 of which \$477,313 is from the General Fund. As revised by the technical adjustment, decision unit E-685 would reduce personnel-related expenditures to achieve total savings of \$3.6 million in FY 2021-2022 only, of which \$1.4 million is from the General Fund.

The decision made by the money committees on April 1, 2021, included the restoration of all costs associated with decision unit E-685 including office lease costs and not solely personnel costs. The Subcommittees may wish to recommend the money committees reconsider their action regarding decision unit E-685 to ensure the costs recommended to be restored are only for the personnel-related costs funded through General fund appropriations should the Subcommittees recommend approval of the noted technical adjustment.

Fiscal staff recommends other closing item 1 be closed as recommended by the Governor and other closing item 2 be closed with the noted technical adjustment to reinstate costs associated with the leased offices, resulting in additional funding of \$1.4 million in FY 2021-2022 of which \$467,684 is from the General Fund and \$1.5 million in FY 2022-2023 of which \$477,313 is from the General Fund.

Staff also recommends the Joint Full Committee reconsider its original motion which included the restoration of office lease costs using ARPA funds that was preliminarily approved during the April 1, 2021, meeting of the money committees. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN TOLLES:

Is there a way we can sublease those office spaces so they do not sit vacant?

Mr. Nichols:

The budget reduction measures in decision unit E-685 as recommended by the Governor would close those offices. However, following the March 2021 caseload update, increased staffing needs were identified by the DWSS and preliminary recommendations to reinstate the positions previously recommended to be held vacant were considered.

My understanding is the intent of the technical adjustment is not to restore those lease costs so the offices would sit vacant, but to reinstate those lease costs. The Division would then have sufficient space for the positions initially anticipated to be held vacant for FY 2021-2022 and sufficient space for those additional positions now included in decision unit M-201 due to the March 2021 caseload update.

ASSEMBLYWOMAN TOLLES:
Are we putting staff in those offices?

Mr. Nichols:

Yes.

CHAIR RATTI:

Thank you for clarifying. We are going to keep the offices, and we are going to put staff in those offices.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEM 1 IN B/A 101-3233 AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 2 IN B/A 101-3233 BE APPROVED WITH THE NOTED TECHNICAL ADJUSTMENT TO REINSTATE COSTS ASSOCIATED WITH THE LEASED OFFICES RESULTING IN ADDITIONAL FUNDING OF \$1.4 MILLION IN FY 2021-2022 OF WHICH \$467,684 IS FROM THE GENERAL FUND AND \$1.5 MILLION IN FY 2022-2023 OF WHICH \$477,313 IS FROM THE GENERAL FUND AND ALSO MOVED TO RECOMMEND TO THE JOINT FULL COMMITTEES THAT IT RECONSIDER ITS ORIGINAL MOTION WHICH INCLUDED THE RESTORATION OF OFFICE COSTS ARPA **FUNDS** LEASE USING WHICH WAS PRELIMINARILY APPROVED DURING THE APRIL 1, 2021, MEETING OF THE JOINT SENATE COMMITTEE ON FINANCE AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

· * * * *

NANCY MORRIS (Program Analyst):

The DETR Administration B/A 101-3272 begins on page 19 of Exhibit B. This budget provides leadership, direction and support for DETR and is funded by cost allocation reimbursements.

EMPLOYMENT, TRAINING AND REHABILITATION

<u>DETR - Administration</u> — Budget Page DETR-89 (Volume II) Budget Account 101-3272

The first major closing issue in B/A 101-3272 is Budget Amendment No. A214433272 (Exhibit C) described on page 20 of Exhibit B. This budget amendment was reviewed by the Subcommittees on March 23, 2021. The Governor recommends Budget Amendment No. A214433272 for the addition of \$191,559 over the 2021-2023 biennium to add a permanent accountant III position.

The Governor also recommends decision unit E-806 through Budget Amendment No. A214433272 to reclassify one management analyst II position to an administrative services officer I. Decision units E-231 and E-806 in B/A 101-3272 are not in the Executive Budget.

According to DETR, the accountant III position is needed to perform duties previously completed by the Office of the State Controller. The Controller's Office informed DETR it would no longer compile the unemployment compensation fund financial statements.

In a follow-up memo on April 16, 2021, DETR indicated the Controller's Office decision is related to previous material errors in financial statements which have occurred and consequently resulted in audit findings. As existing DETR staff do not possess the required skill set, the Department recommends the new accountant position to provide qualified staff to prepare the unemployment compensation fund financial statements.

Budget Amendment No. A214433272 includes interagency transfers of federal unemployment insurance administration grant funding from the unemployment insurance budget of \$74,764 in FY 2021-2022 and \$102,935 in FY 2022-2023 to support the accountant III position, as the position's work is directly related to the Unemployment Insurance Program.

The administrative services officer I position in decision unit E-806 is recommended to be reclassified as the position is now providing supervision to four accountant technicians and seven accounting assistants which is out of class for a management analyst. Those responsibilities are consistent with the administrative services officer class specifications.

Do the Subcommittees wish to recommend approval of decision unit E-231 of Budget Amendment No. A214433272 in B/A 101-3272 to add an accountant III position funded with transfers in from the unemployment insurance budget of \$177,699 over the 2021-2023 biennium?

Do the Subcommittees wish to recommend approval of decision unit E-806 of Budget Amendment No. A214433272 in B/A 101-3272 to reclassify a management analyst II position to an administrative services officer I position funded with cost allocation reimbursements of \$13,860 over the 2021-2023 biennium?

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNIT E-231 BUDGET AMENDMENT NO. A214433272 IN B/A 101-3272 TO ADD AN ACCOUNTANT III POSITION FUNDED WITH TRANSFERS IN FROM THE UNEMPLOYMENT INSURANCE BUDGET OF \$177,699 OVER THE 2021-2023 BIENNIUM AND TO APPROVE DECISION UNIT E-806 OF BUDGET AMENDMENT NO. A214433272 IN B/A 101-3272 TO RECLASSIFY A MANAGEMENT ANALYST POSITION TO AN Ш ADMINISTRATIVE SERVICES OFFICER I POSITION FUNDED WITH COST ALLOCATION REIMBURSEMENTS OF \$13,860 OVER THE 2021-2023 BIENNIUM.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

Major closing issue 2 in B/A 101-3272 is Budget Amendment No. A215223272 (Exhibit D) described on page 21 of Exhibit B. Through this budget amendment, the Governor recommends cost allocations reimbursements of \$73,642 over the 2021-2023 biennium to reclassify the filled, unclassified assistant to the director position to an additional unclassified deputy director position.

The Department stated two deputy directors were necessary to provide strategic leadership within DETR. One director would focus on programs and the other would focus on operations. The current assistant to the director's role was focused on specific assignments and projects, rather than leadership. Previously, DETR had two deputy directors.

The legislature approved eliminating one of the deputy director positions during the Seventy-third Session as a result of the decline in federal administrative funding at the time.

However, according to DETR, operating with one deputy director during the pandemic caused it to focus on reacting to current demands instead of long-term strategy. The Department also indicated that during the pandemic it became clear it needed to coordinate funding at a leadership level to ensure it could deliver services and make necessary long-term operational changes as needed.

The table on page 22 of Exhibit B describes the different areas of responsibility for the two positions. If approved, the final salary for the unclassified deputy director position would be determined by the money committees when the 2021-2023 State Employee Salary Bill is considered.

Do the Subcommittees wish to recommend approval of Budget Amendment No. A215223272 to reclassify the assistant to the director position to a deputy

director position funded with cost allocation reimbursements of \$73,642 over the 2021-2023 biennium with the understanding the final salary of the deputy director position would be determined by the money committees when the 2021-2023 State Employee Salary Bill is considered, with authority for Fiscal staff to make technical adjustments?

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTES TO APPROVE BUDGET AMENDMENT NO. A215223272 IN B/A 101-3272 TO RECLASSIFY THE ASSISTANT TO THE DIRECTOR POSITION TO A DEPUTY DIRECTOR POSITION FUNDED WITH COST ALLOCATION REIMBURSEMENTS OF \$73,642 OVER THE 2021-2023 BIENNIUM WITH THE UNDERSTANDING THE FINAL SALARY OF THE DEPUTY DIRECTOR POSITION WOULD BE DETERMINED BY THE JOINT SENATE COMMITTEE ON FINANCE AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS WHEN THE 2021-2023 STATE EMPLOYEE SALARY BILL IS CONSIDERED, WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

Major closing issue 3 in B/A 101-3272 on page 22 of Exhibit B is the transfer of the Office of the Governor, Office of Workforce Innovation's (OWINN) B/A 101-1004 into DETR'S Administration B/A 101-3272 and the transfer of the Nevada P-20 to Workforce Research Data System's (NPWR) B/A 101-3270 to decision unit E-241 in DETR'S Administration B/A 101-3272.

<u>DETR - Office of Workforce Innovation</u> — Budget Page DETR-47 (Volume II) Budget Account 101-1004

E-240 Efficiency & Innovation — Page DETR-49 E-240 Efficiency & Innovation — Page DETR-91

<u>DETR - Nevada P20 Workforce Reporting</u> — Budget Page DETR-54 (Volume II) Budget Account 101-3270

E-241 Efficiency & Innovation — Page DETR-56 E-241 Efficiency & Innovation — Page DETR-91

During the budget hearing on March 4, 2021, the Department indicated it recommended transferring the OWINN budget to DETR because both entities receive funding from the U.S. Department of Labor, Workforce Innovation and Opportunity Act grant. According to DETR, the transfer would provide operational efficiencies for fiscal and human resources activities and would allow the two divisions to more easily share information and funding.

In addition, the NPWR reporting would benefit from being in the same department with DETR's Research and Analysis Bureau because they both work with similar types of data and would more effectively use the information.

Assembly Bill (A.B.) 459 was introduced on April 8, 2021, to effectuate the move of OWINN to DETR.

ASSEMBLY BILL 459: Revises provisions relating to workforce development. (BDR 18-1068)

At the closing of the OWINN budgets on April 14, 2021, the money committees approved the Governor's recommendation to move the OWINN and the NPWR reporting budgets to DETR, contingent upon enabling legislation.

Do the Subcommittees wish to recommend approval of moving the OWINN and the NPWR reporting budgets to DETR and associated cost allocation changes consistent with the money committees' actions in closing the OWINN and the NPWR reporting budgets contingent upon enabling legislation?

SENATOR KIECKHEFER:

I objected to the transfer of OWINN when we closed the budget at the meeting on April 14, 2021. However, I will not object to the recommendation today, as it is needed to effectuate change.

ASSEMBLYWOMAN CARLTON:

Thank you, Senator Kieckhefer. That is the way things are supposed to be done in this building, and I appreciate it.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE MOVING THE OWINN B/A 101-1004 AND THE NPWR REPORTING BUDGET B/A 101-3270 TO DETR AND ASSOCIATED COST ALLOCATION CHANGES CONSISTENT WITH THE ACTIONS OF THE SENATE COMMITTEE ON FINANCE AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS ACTIONS IN CLOSING THE OWINN B/A 101-1004 AND THE NPWR B/A 101-3270 BUDGETS CONTINGENT UPON ENABLING LEGISLATION.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

Other closing items 1, 2, 3 and 4 in B/A 101-3272 are shown on page 24 of Exhibit B. Other closing item 4 has noted technical adjustments.

Fiscal staff recommends other closing items 1, 2 and 3 be closed as recommended by the Governor, and other closing item 4 be closed with the noted technical adjustments. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE CLOSING ITEMS 1, 2 AND 3 IN B/A 101-3272 AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 4 IN B/A 101-3272 BE APPROVED WITH THE NOTED TECHNICAL ADJUSTMENTS WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

The DETR Unemployment Insurance B/A 205-4772 begins on page 25 of Exhibit B. This budget provides temporary partial wage replacement to unemployed workers.

<u>DETR - Unemployment Insurance</u> — Budget Page DETR-64 (Volume II) Budget Account 205-4772

There is one major closing issue in B/A 205-4772 shown on page 26 of Exhibit B which is ongoing funding through Budget Amendment No. A214394772 (Exhibit E). This budget amendment addresses ongoing unemployment claim activity associated with the pandemic.

The Governor recommends federal funds of \$16.1 million in FY 2021-2022 and \$102,935 in FY 2022-2023 for 183 intermittent positions in B/A 205-4772 through Budget Amendment No. A214394772.

The Governor also recommends a transfer of funds to the DETR Administration B/A 101-3272 and the DETR Information Development and Processing Division (IDP) B/A 101-3274 to support position additions recommended in budget amendments related to those budgets. Budget Amendment No. A214433272, Exhibit C, is the DETR Administration budget amendment.

Budget Amendment No. A214423274 (Exhibit F) is the DETR IDP budget amendment.

<u>DETR - Information Development and Processing</u> — Budget Page DETR-94 (Volume II)
Budget Account 101-3274

Budget Amendment No. A214394772, <u>Exhibit E</u>, includes decision units E-225, E-226, E-227, E-228, E-229, E-230 and E-234 totaling \$14.3 million in FY 2021-2022 to add 183 intermittent staff to B/A 205-4772. These decision units are not in the Executive Budget.

According to DETR, additional staff are needed to support increased workloads due to the increase in unemployment benefit claims and related activity. The Department indicates the positions are planned to be phased out during the 2021-2023 biennium as its workload stabilizes.

As of April 12, 2021, DETR indicated 138 of the currently authorized 183 intermittent positions were filled, and it was recruiting to fill the remaining 45 positions. The Department also indicated it had shifted staff to the areas of most concern and would continue to shift resources as needed within DETR.

The Rapid Response Strike Force made a number of recommendations regarding the unemployment compensation system. One of which was to continue the use of temporary and contract staff to address increased workloads which aligns with the staffing model included in Budget Amendment No. A214394772.

On page 27 of Exhibit B is a listing by decision unit of the staff to be added to the Unemployment Insurance Program through Budget Amendment No. A214394772. The staff positions include 94 Call Center positions, 36 Fraud Unit positions, 3 Benefit Accuracy Measurement Unit positions, 26 Contributions Unit positions, 11 Appeals Unit positions, 12 Unemployment Insurance Support Services Unit positions and 1 public information officer position.

Federal funding for the Unemployment Insurance Program typically consists of an annual base grant for program administration that is supplemented by potential above-base grants based on quarterly workload reports submitted by DETR.

During FY 2019-2020 and FY 2020-2021, DETR received increased unemployment insurance administrative grant funds as well as additional federal administrative grant funding through the CARES Act. These grant funds will help fund certain programs such as the Federal Pandemic Unemployment Compensation (FPUC) emergency program funded by the CARES Act.

Based on current federal law, the FPUC program has been extended through September 2022 which suggests administrative funding for the Unemployment Insurance Program would continue to be available in FY 2021-2022.

Budget Amendment No. A214394772 includes \$6.9 million in federal administrative grant funding, \$2.8 million in federal administrative above-base grant funding and \$6.5 million in FPUC administrative grant funding. For the above-base grant, DETR stated based on calculations using current workloads and timing of receiving above-base grant awards as compared to when the actual increased activity occurred, it projects adequate funding would be available to support costs in the budget amendment. Historically, above-base funding has not been included in the legislatively-approved budget, as the funding is not guaranteed until the grant award is received.

During the budget hearing on March 23, 2021, DETR expressed confidence sufficient funding would be available to support costs in Budget Amendment No. A214394772. However, the amount of administrative and above-base grant funding available to the Department in the 2021-2023 biennium is uncertain.

The Department may need to adjust its staffing plan if federal funding is lower than anticipated in FY 2021-2022. Conversely, if additional federal funding is available in the 2021-2023 biennium and workloads remain high, DETR may need to request work programs to support additional operational costs.

Budget Amendment No. A214394772 includes decision unit E-901 to transfer out federal program administrative funding over the 2021-2023 biennium from B/A 205-4772 to support position addition in the IDP Budget Amendment No. A214423274. Decision Unit E-901 is not included in the Executive Budget.

Subsequent to the budget hearing on March 23, 2021, DETR indicated the funding source in decision unit E-901 for transfers to the IDP B/A 205-4772 is incorrect and requested a technical adjustment. The \$1.7 million included in Budget Amendment No. A214394772 as submitted is comprised solely of unemployment insurance administrative grant funding.

To accommodate that technical adjustment, DETR indicates the funding should be comprised of \$1.5 million in unemployment insurance administrative grant funding, \$197,862 in Pandemic Unemployment Assistance \$65,954 in Pandemic Emergency Unemployment Compensation administrative grant funding. These monies would fund two of the positions in the IDP B/A 101-3274 which would be assigned to fraud prevention work. If the Subcommittees wish to recommend approval of Budget Amendment No. A214394772, Fiscal staff recommends a technical adjustment to align the funding sources of the transfer.

Do the Subcommittees wish to recommend approval of Budget Amendment No. A214394772, including federal funds of \$16.1 million in FY 2021-2022 and \$102,935 in FY 2022-2023 to support 183 intermittent positions in B/A 205-4772 and transfers to the DETR Administration B/A 101-3272 and the DETR IDP B/A 101-3274 with the noted technical adjustments and approval for Fiscal staff to make further technical adjustments based upon the Subcommittees' actions in closing the Administration and IDP budgets?

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE BUDGET AMENDMENT NO. A214394772 INCLUDING FEDERAL FUNDS OF \$16.1 MILLION IN FY 2021-2022 AND \$102,935 IN FY 2022-2023 TO SUPPORT 183 INTERMITTENT POSITIONS IN B/A 205-4772 AND TRANSFERS TO THE DETR ADMINISTRATION B/A 101-3272 AND THE DETR IDP B/A 101-3274 WITH THE NOTED TECHNICAL ADJUSTMENTS AND

APPROVAL FOR FISCAL STAFF TO MAKE FURTHER TECHNICAL ADJUSTMENTS AS NECESSARY BASED UPON THE SUBCOMMITTEES' ACTIONS IN CLOSING THE ADMINISTRATION AND INFORMATION DEVELOPMENT PROCESSING BUDGETS.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

There are three other closing items in B/A 205-4772 described on page 29 of Exhibit B. Other closing items 2 and 3 both have recommended technical adjustments. With these technical adjustments, these recommendations appear reasonable to staff.

Fiscal staff recommends other closing item 1 be closed as recommended by the Governor and other closing items 2 and 3 be closed with the noted technical adjustments. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEM 1 IN B/A 205-4772 AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEMS 2 AND 3 IN B/A 205-4772 BE APPROVED WITH THE NOTED TECHNICAL ADJUSTMENTS AND WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

The next budget for the Subcommittees consideration is the Employment Security Special Fund B/A 235-4771 which begins on page 31 of Exhibit B.

<u>DETR - Employment Security - Special Fund</u> — Budget Page DETR-60 (Volume II) Budget Account 235-4771

There is one major closing issue in B/A 235-4771 which is decision unit E-238 for contract programmer staff described on page 32 of Exhibit B. The Governor recommends using reserves totaling \$1 million over the 2021-2023 biennium to fund contract programmer staff in the IDP budget to support the unemployment insurance system (UInv) enhancements and defect resolution.

E-238 Efficiency & Innovation — Page DETR-61

The National Association of State Workforce Agencies (NASWA) completed an analysis of the Ulnv system in February 2021 and recommended replacing the existing system with a new system which would be cloud-based. The estimated time to develop the system would be approximately 3.5 to 4.5 years.

Concurrent to the development of the new system, the NASWA's analysis recommends improving the current system including performing security scanning and weak spot identification, as well as incorporating more automated testing in parallel with the development of the new system. The NASWA's report estimates that the total project cost for the new system would run between \$30 million and \$42.5 million.

The report of the Rapid Response Strike Force noted the outdated technologies in the current system and recommended DETR implement updates in the near term to improve the current UInv system.

Decision unit E-238 in B/A 235-4771 recommends \$500,000 in each year of the 2021-2023 biennium to support contract programmer staff which would include two full-time contract programmers and one part-time contract

programmer for an annual total of 5,000 hours. The contract staff would work on security upgrades, system enhancements, mitigation of security vulnerabilities and implementation of federal benefit programs in the current system.

At the budget hearing on March 4, 2021, DETR indicated it was following the approach to a system recommendation in the NASWA's analysis which included providing immediate stabilization of the current system. The contract programmers in decision unit E-238 would implement improvements to the current system rather than developing a new system.

The Department stated it had not yet identified a funding source for a new system and noted federal funding might become available for the system modernization effort. Pending federal guidance, the ARPA funding may be appropriate to support costs associated with a new system. The Department stated it is now preparing a request for proposal (RFP) so it can move forward quickly once an appropriate funding source for the new system is identified.

Do the Subcommittees wish to recommend approval of transfers of \$1 million over the 2021-2023 biennium to the DETR IDP B/A 101-3274 to support contract programming staff funded with reserves as recommended by the Governor?

SENATOR KIECKHEFER:

The recommendation suggested perhaps the update on the new system should wait a year or two. Is this update something DETR wants to do immediately or does DETR want to wait a year or two?

CHAIR RATTI:

I appreciate the question for clarification. There is a distinction between the ongoing maintenance necessary and the new upgrade to the system.

Ms. Morris:

The Department indicated contract staff would support the current maintenance to the system, and it was still identifying the funding source for implementing the new system. The Department indicated it expected the RFP to take some time before the system could actually be developed and deployed.

SENATOR KIECKHEFER:

I understand decision unit E-238 is to maintain the current system. It would be helpful to hear from DETR as to whether it wants the funding now if we could find it.

ELISA CAFFERATA (Director, Department of Employment, Training and Rehabilitation):

The current funding in B/A 235-4771 decision unit E-238 would help with stabilization and updates which are immediately needed. The RFP would incorporate detailed business requirements, and this process could take from six months to one year.

The Department is looking at possibly hiring an agency to help build the RFP itself which would require going through the Purchasing Division. It will take DETR up to a year or two to lay out all the requirements which will coincide with the ARPA's guidelines. The Department would like to get started soon on this process, so it could be ready as soon as the funding is identified.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE TRANSFERS OF \$1 MILLION OVER THE 2021-2023 BIENNIUM TO THE INFORMATION DEVELOPMENT AND PROCESSING B/A 235-4771 IN DECISION UNIT E-238 TO SUPPORT CONTRACT PROGRAMMING STAFF FUNDED WITH RESERVES AS RECOMMENDED BY THE GOVERNOR.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

Other closing item 1 in B/A 235-4771 is shown on page 34 of Exhibit B. Fiscal staff recommends other closing item 1 be closed as recommended by

the Governor. Fiscal staff requests authority to make technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE B/A 235-4771 OTHER CLOSING ITEM 1 AS RECOMMENDED BY THE GOVERNOR WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

The DETR Employment Security Division Administration (ESD) B/A 205-4773 begins on page 35 of Exhibit B. This budget is funded through cost allocations.

<u>DETR - ESD Administration</u> — Budget Page DETR-70 (Volume II) Budget Account 205-4773

There is one major closing issue in B/A 205-4773 described on page 36 of Exhibit B. The Governor recommends total funding of \$307,403 over the 2021-2023 biennium in decision unit E-234 to support a new unclassified deputy staff attorney position and associated costs.

E-234 Efficiency & Innovation — Page DETR-72

The Department indicated the position is recommended to address an anticipated increase in petitions for judicial review resulting from the increase in unemployment claims in the State.

During the budget hearing on March 3, 2021, DETR reiterated its current legal structure which includes one senior attorney and two contracted attorneys would not be sufficient to address its anticipated increase in Petitions for

Judicial Review. The Department noted it was just beginning to experience an increase in legal activity as a result of increased unemployment claims activity due to the pandemic.

The Department indicated it anticipates the increase in legal activity would last for ten years, as legal activity from the Great Recession lasted for five years after the peak of the recession. The Department also indicated the increase in unemployment activity associated with the pandemic has been much greater. After the anticipated increase in legal activity related to the pandemic subsides, DETR would still require staff to address non-pandemic related ongoing legal issues such as collections and bankruptcies.

The Department indicated the two contracted attorneys essentially had full-time workloads. The Department also indicated with the increased workloads and without the new position, contract attorney expenditures were expected to be approximately \$336,000 each year of the 2021-2023 biennium. However, DETR anticipated with the additional position, contract attorney costs would decrease by \$216,000 each year from \$336,000 to \$120,000 per year.

Decision unit E-234 in B/A 205-4773 recommends the addition of an unclassified position. Pursuant to *Nevada Revised Statutes* 612.230, all ESD staff except the administrator and senior attorney are to be in the classified service. A statutory change would be required for an additional unclassified position in the ESD. <u>Senate Bill 75</u> as amended would allow for the additional unclassified position. It passed out of the Senate on April 19, 2021.

<u>Senate Bill 75</u>: Revises provisions relating to unemployment compensation. (BDR 53-349)

If approved, the final salary for the new unclassified deputy staff attorney would be determined by the money committees when the 2021-2023 State Employee Salary Bill is considered.

Do the Subcommittees wish to recommend approval of cost allocation reimbursements totaling \$307,403 over the 2021-2023 biennium to support a new unclassified deputy staff attorney position contingent upon enabling legislation as recommended by the Governor with the understanding the final

salary for the position would be determined by the money committees when the 2021-2023 State Employee Salary Bill is considered and with authority for Fiscal staff to make technical adjustments?

ASSEMBLYWOMAN CARLTON:

What is the public policy decision for having this position as unclassified?

TROY JORDAN (Senior Legal Counsel, Employment Security Division, Department of Employment, Training and Rehabilitation):

I am not aware of any attorney positions in the State which are not unclassified. The classification keeps the position in line with all other State attorney positions.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO FULL COMMITTEES TO APPROVE COST **ALLOCATION** REIMBURSEMENTS TOTALING \$307,403 OVFR THE 2021-2023 BIENNIUM IN B/A 205-4773 DECISION UNIT E-234 TO SUPPORT A NEW UNCLASSIFIED DEPUTY STAFF ATTORNEY POSITION, CONTINGENT UPON ENABLING LEGISLATION, AS RECOMMENDED BY THE GOVERNOR WITH THE UNDERSTANDING THE FINAL SALARY LEVEL FOR THE POSITION WOULD BE DETERMINED BY THE JOINT SENATE COMMITTEE ON FINANCE AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS WHEN THE 2021-2023 STATE EMPLOYEE SALARY BILL IS CONSIDERED WITH AUTHORITY FOR FISCAL STAFF TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

There are four other closing items in B/A 205-4773 as shown on page 38 of Exhibit B. Other closing item 4 appears reasonable to Fiscal staff with the noted technical adjustments.

Fiscal staff recommends other closing items 1, 2 and 3 be closed as recommended by the Governor and other closing item 4 be closed with the noted technical adjustments. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1, 2 AND 3 ON PAGE 38 OF EXHIBIT B IN B/A 205-4773 AS RECOMMENDED BY THE GOVERNOR AND OTHER CLOSING ITEM 4 IN B/A 205-4773 BE APPROVED WITH THE NOTED TECHNICAL ADJUSTMENTS WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

The DETR IDP B/A 101-3274 begins on page 39 of <u>Exhibit B</u>. The budget provides IT services to DETR and is funded primarily through indirect cost allocation reimbursements and transfers from the ESD.

There is one major closing issue in B/A 101-3274 which is Budget Amendment No. A214423274 described on page 40 of Exhibit B. Through this budget amendment, the Governor recommends interagency transfers of \$1.7 million in FY 2021-2022 to support 16 intermittent positions through decision unit E-232. Decision unit E-232 is not in the Executive Budget.

During the budget hearing on March 23, 2021, DETR indicated the 16 positions would include both a developer team and a technical team. The developer team would work on database applications, web support, application development, programming, cyber security, forensics and project management. The developer team also supports the Ulnv system and would assist with implementing benefit programs. The technical team would provide desktop and help desk support to ensure staff is able to access information systems.

The Department indicates the 16 intermittent positions through Budget Amendment No. A214423274, Exhibit F, in B/A 101-3274 were created in the State's Human Resources Data Warehouse in the fourth quarter of 2020. However, the positions were not filled at that time, pending approval of a work program by the IFC. The work program was approved on April 1, 2021. One IT manager position has been filled. An offer of employment has been made for one additional position and recruitments for three positions have been posted.

Do the Subcommittees wish to recommend approval of Budget Amendment No. A214423274 including transfers of federal program administration grant funding of \$1.7 million from the unemployment insurance budget in FY 2021-2022 to provide continuation funding for 16 intermittent positions?

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO FULL COMMITTEES TO APPROVE BUDGET **AMENDMENT** NO. A214423274 IN B/A 101-3274 INCLUDING TRANSFERS OF ADMINISTRATION FEDERAL PROGRAM GRANT **FUNDING** OF \$1.7 MILLION FROM THE UNEMPLOYMENT INSURANCE BUDGET IN FY 2021-2022 TO PROVIDE CONTINUATION FUNDING FOR 16 INTERMITTENT POSITIONS.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

There are five other closing items shown on page 41 of <u>Exhibit B</u>. Other closing items 3, 4 and 5 appear reasonable to Fiscal staff with the noted technical adjustments.

Fiscal staff recommends other closing items 1 and 2 be closed as recommended by the Governor, other closing items 3 and 4 be closed as recommended by the Governor with the noted technical adjustments and other closing item 5 be closed as a technical adjustment consistent with the Subcommittees' recommendation in the Employment Security Special Fund B/A 235-4771. Fiscal staff requests authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1, 2, 3 AND 4 IN B/A 101-3274 AS RECOMMENDED BY THE GOVERNOR WITH THE NOTED TECHNICAL ADJUSTMENTS AND OTHER CLOSING ITEM 5 IN B/A 101-3274 BE APPROVED AS A TECHNICAL ADJUSTMENT CONSISTENT WITH THE SUBCOMMITTEES' RECOMMENDATION IN THE EMPLOYMENT SECURITY SPECIAL FUND B/A 235-4771 WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. Morris:

I will now present four DETR budgets the Subcommittees have not previously reviewed. Fiscal staff is responsible for developing closing recommendations for these budgets.

The DETR Equal Rights Commission B/A 101-2580 begins on page 43 of Exhibit B. The Nevada Equal Rights Commission oversees the State's Equal Employment Opportunity program providing mediation, investigation and resolution of employment discrimination complaints. The program also has jurisdiction over discrimination in housing and places of public accommodation.

<u>DETR - Equal Rights Commission</u> — Budget Page DETR-79 (Volume II) Budget Account 101-2580

There are no major closing issues. There are three other closing items shown on page 44 of <u>Exhibit B</u>. Other closing item 3 appears reasonable to Fiscal staff with the noted technical adjustments.

The DETR Commission on Postsecondary Education B/A 101-2666 begins on page 45 of Exhibit B. The Commission sets policy, adopts regulations and grants licenses to operate private postsecondary institutions.

<u>DETR - Commission on Postsecondary Education</u> — Budget Page DETR-108 (Volume II)

Budget Account 101-2666

There are no major closing issues. Other closing items 1 and 2 are shown on page 36 of Exhibit B. Other closing item 2 appears reasonable to Fiscal staff with the noted technical adjustments.

The DETR Research and Analysis B/A 101-3273 begins on page 47 of Exhibit B. The Research and Analysis Bureau is the primary source of labor market and economic information for DETR.

<u>DETR - Research & Analysis</u> — Budget Page DETR-100 (Volume II) Budget Account 101-3273

There are no major closing issues. There are three other closing items shown on page 48 of Exhibit B. Other closing item 3 appears reasonable to Fiscal staff with the noted technical adjustments.

The DETR Workforce Development B/A 205-4770 begins on page 49 of Exhibit B. The workforce development budget provides job placement services and labor market information to employers and job seekers.

<u>DETR - Workforce Development</u> — Budget Page DETR-40 (Volume II) Budget Account 205-4770

There are no major closing issues. There are three other closing items shown on page 50 of Exhibit B. Other closing item 3 appears reasonable to Fiscal staff with the noted technical adjustments.

Fiscal staff recommends budgets shown on page 51 of Exhibit B be closed as recommended by the Governor with the technical adjustments noted to align DETR's cost allocation revenues and charges based on information provided by the Department. They include B/A 101-2580, B/A 101-2666, B/A 101-3273 and B/A 205-4770. Fiscal staff requests authority for Fiscal staff to make other technical adjustments as necessary.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE B/A 101-2580, B/A 101-2666, B/A 101-3273 AND B/A 205-4770 AS RECOMMENDED BY THE GOVERNOR WITH THE TECHNICAL ADJUSTMENTS NOTED TO ALIGN DETR'S COST ALLOCATION REVENUES AND CHARGES BASED ON INFORMATION PROVIDED BY THE AGENCY WITH AUTHORITY FOR FISCAL STAFF TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DONDERO LOOP SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR RATTI:

In closing, one of the specific memories I have from 2020 in the midst of the pandemic was sitting in Special Session with the DETR team huddled around its conference room table. The Department staff were trying to help the legislators address the extraordinary number of Nevadans who had found themselves unemployed and to contemplate the large amount of new programs which had been rolled out to address those issues and the need associated with all those programs.

The fact that we are all here together sitting in the same room today feels like a small step forward to regaining some sense of normalcy. That we are doing it in masks surrounded by plexiglass with only five people from DETR spread out six feet apart is a good reminder that while it is a step forward, we have a long way to go.

Although we are moving toward a more normal state of health, we recognize the economic tale of the pandemic will linger for many Nevadans and impact the amount of work which needs to be done for this particular Department. It is good to see the DETR team today and we thank you for all your good work. The Subcommittees are here to help in any way we can.

That concludes our budget closings for today. Is there anyone who would like to provide public comment?

Remainder of page intentionally left blank; signature page to follow.

DATE:

CHAIR RATTI: Seeing no public comment, this meeting is adjourned at 9:46 a.m.			
	RESPECTFULLY SUBMITTED:		
	Melodie Swanson,		
	Committee Secretary		
APPROVED BY:			
Senator Julia Ratti, Chair			
DATE:	-		
Assemblywoman Daniele Monroe-Moreno, Chair	-		

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	Α	1		Agenda
	В	3	Colby Nichols, Program Analyst	Closing List #5
	В	19	Nancy Morris, Program Analyst	Closing List #5
	С	21	Nancy Morris, Program Analyst	DETR-Admin Budget Amendment A214433272
	D	23	Nancy Morris, Program Analyst	DETR-Admin Budget Amendment A215223272
	Е	28	Nancy Morris, Program Analyst	DETR-Unemployment Budge Amendment A214394772
	F	28	Nancy Morris, Program Analyst	DETR-Info Development Budget Amendment A214423274