



STATE OF NEVADA
COMMISSION ON ETHICS
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MINUTES
of the Meeting of the
Nevada Commission on Ethics' Personnel Manual Subcommittee

April 25, 2013

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. The Commission on Ethics held a public meeting on Thursday, April 25, 2013, at 9:00 a.m. This meeting was held telephonically. Members of the public were invited to attend at the following location:

Nevada Commission on Ethics
704 W. Nye Lane, Ste. 204
Carson City, NV 89703

1. Order and Roll Call.

Chairman of the Subcommittee Tim Cory, Esq. called the meeting to order at 9:40 a.m. on Thursday, April 25, 2013.

Present telephonically were Commissioners Tim Cory, Esq. and Gregory J. Gale. Present at the meeting location in Carson City were Executive Director Caren Cafferata-Jenkins, Esq. and Commission Counsel Yvonne Nevarez-Goodson, Esq.

Commissioner Carpenter was excused from this Subcommittee meeting.

2. Open Session for Public Comment.

No public comment.

3. Discussion and possible action to develop items to be included in proposed NCOE Personnel Handbook.

Executive Director Caren Cafferata-Jenkins, Esq. noted for the record that although this Subcommittee was created to develop a Personnel Handbook, it has taken on a much larger role, and that is the development of a recommendation for the organizational structure of the staff, in particular with the new Associate Counsel. Executive Director Cafferata-Jenkins asked that this subcommittee meeting be focused on this task to assist her and Commission Counsel to develop an appropriate job description and undertake recruitment of the Associate Counsel position in a timely manner. She also briefly discussed the other goal of this Subcommittee, which is to develop a Personnel Manual for the agency to complement the State's Employee Handbook and State Administrative Manual (SAM). She urged the Subcommittee members to

keep in mind that imposing strict policies can become tricky in an agency with only 6 employees, and that flexible guidance may be more appropriate in many instances.

Executive Director Caren Cafferata-Jenkins, Esq. presented ideas of how the new Associate Counsel position could fit into the current staff structure. She provided the Subcommittee members with the structural organizational chart for the Public Utilities Commission which suggests a Counsel position might be under the direction of the Executive Director, while the Executive Director and Commission Counsel both report to the Commission. Another scenario presented suggested the new Associate Counsel position could report directly to the Commission. She stated NRS 281A suggests that the Commission can hire outside legal counsel if Commission Counsel is unable to provide legal advice or write opinions, in this instance because of a due process concern. NRS 281A also gives the Executive Director the authority to hire persons as are necessary to carry out the administrative work of the agency.

Commission Counsel Yvonne Nevarez-Goodson, Esq. discussed her view of the proposed new staff structure. She stated that the Commission is not necessarily bound by NRS 281A regarding how the new position is structured, as the Legislature and Governor approved the additional position. She reported that the NCOE's former Subcommittee to Restructure Staff supported an Associate Counsel position to be requested through the 2013 Budget and Legislative process. In July 2012, the Subcommittee reported its recommendation to the Commission that the Commission hire the new position and be the appointing authority with the supervisory and administrative concerns to be considered after the position was approved. Commission Counsel Nevarez-Goodson discussed her view that while the original function of this position was to handle third-party cases, including leading the investigation and presenting evidence to the Commission; she believes that responsibility is part-time and this person would likely assist the Commission in other roles, including litigation, First-Party Requests, training and/or legislation.

A lengthy discussion ensued regarding potential changes to the current staff structure with the addition of the new Associate Counsel. This discussion focused on who will interview, hire and supervise this new individual, the current staff operations under NRS 281A, and the job description and responsibilities. Other State Agencies' organizational charts, including the Public Utilities Commission, Gaming Commission, Contractors Board and the AG's Office, were referred to and compared to that of the Ethics Commission.

Commissioner Gale moved that the Subcommittee make a recommendation to the full Commission that the new Associate Counsel position should report directly to the Executive Director, and the Executive Director would have hiring and firing authority over that individual. Commissioner Cory seconded the Motion; and thus, it was passed unanimously.

Chairman Cory and Commissioner Gale agreed that once the Subcommittee has provided its report to the full Commission and the Commission accepts the report, the Subcommittee will reconvene in order to discuss exactly what the new position will be responsible for on a daily basis with input from the Executive Director and Commission Counsel. The Subcommittee will also reconvene at a later date to create the contents of the NCOE Personnel Manual.

4. Open Session for Public Comment.

No public comment.

5. Adjournment

The Subcommittee meeting was adjourned at 11:15 a.m.

Minutes prepared by:

/s/ Valerie Carter
Valerie Carter
Executive Assistant

Minutes approved June 19, 2013:

/s/ Tim Cory, Esq.
Tim Cory, Esq.
Chairman, Personnel Subcommittee