



STATE OF NEVADA

## BOARD OF EXAMINERS FOR SOCIAL WORKERS

4600 Kietzke Lane, Suite C121, Reno, Nevada 89502

### MINUTES OF BOARD MEETING

**Friday, April 12, 2019**

**MEETING CALLED TO ORDER:** The meeting of the Board of Examiners for Social Workers (BESW) was called to order by Vikki Erickson, Board President, at 9:12 a.m. due to video conferencing technical difficulties. The meeting was held at the University of Nevada, Reno (UNR) System Computing Services Building, Room 47, in Reno, Nevada, 89557. There was a simultaneous audioconference conducted at Mojave Mental Health 6375 W. Charleston Blvd., Suite A100, Las Vegas, Nevada 89146. President Erickson noted that the meeting had been properly posted and that the Board members present constituted a quorum.

**ROLL CALL:** Roll call was initiated by President Erickson, with the following individuals present:

Members Present:

Vikki Erickson, LCSW, President (**Erickson**)  
Jodi Ussher, LCSW, Vice President (**Ussher**)  
Susan Nielsen, Secretary / Treasurer (**Nielsen**)  
Monique Harris, LCSW, Board Member (**Harris**)  
Stefaine Maplethorpe, LCSW, Board Member (**Maplethorpe**)

Staff, Advisors Present

Michael Detmer, Esq., Board Counsel (**Detmer**)  
Sandra Lowery, Deputy Director (**Lowery**)  
Karen Oppenlander, Executive Director (**Oppenlander**)

*Board members and Board staff will be identified by the above **bolded** means throughout the minutes.*

**AGENDA:** **Erickson** asked for comment on the Agenda. It was agreed that the Agenda was correct as presented.

**PUBLIC COMMENT:** **Ussher** highlighted a beautiful set of pictures of the Board office included in the Board packet. She shared that the office has been significantly improved as Board member Susan **Nielsen** has loaned the Board some stunning artwork. On behalf of the Board, **Ussher** thanked **Nielsen** for her contribution. With no additional public comment,

## **REGULAR AGENDA:**

### **Board Operations**

**Erickson** turned to **Agenda Item 3A (For Possible Action) Review, Discussion and Possible Approval of February 8, 2019 Board Meeting Minutes.**

**Maplethorpe** made a motion to approve the Board minutes for February 8, 2019; **Harris** seconded the motion. Ayes: **Erickson, Ussher, Nielsen, Harris, and Maplethorpe.** Passed unanimously.

**Erickson** turned to **Agenda Item 3B, (For Possible Action) Review, Discussion and Possible Approval of Financials Third Quarter Report for March 31, 2019.** **Harris** introduced a new format for the budget that looks at the past (actuals) and also looks at future projections. Within the yearly budget, during the month of March we can see what was actually spent and the variance in dollars and percentages that were spent against the budgeted amount. **Lowery** commented that BESW has completed the third quarter so it should be hitting around 75% on income and expense line items for the year. **Harris** continued: If you look at our numbers and some of the line items, you can see where we are over 75% and we now realize that we can run out of money. This may not have been well understood in the past because we have focused on cash available. This presentation allows us to look at some areas where we may need to adjust our remaining budget line items for the remainder of this fiscal year. And in future years, we can look at our projections of income and expenses that will help us to exercise better oversight of our budget than we may have done in the past. **Ussher** clarified her understanding of the discussion during the last Board meeting: By looking at cash and accruals, we can manage to have funds on hand that would allow us to cover projected expenditures.

**Oppenlander** agreed with how important it is to factor in future obligations. For example, we know we're going to have to pay rent, phone, the Attorney General's Office for our Board Counsel, and so forth. So, now we are projecting expenses both monthly and annually. To figure out how to accomplish this, we asked for technical assistance from the director of internal audit in the executive branch (DIA). He met with Board staff for several hours. After this training, we forwarded meeting notes so that everyone could benefit. Today's financial presentation is our best working document that includes current actuals as well as two years of projected numbers for BESW.

**Nielsen** said that the big numbers are indicating positive income over the estimates that were in the budget. She finds that it's easy to move through the line items from total income down through total expenses; and, even though the line items may vary, they are pretty close to budget estimates.

**Harris** asked for clarification on the budget dated March 31, 2019. **Lowery** explained that the first page shows a monthly budget statement for March and the second page is the year-to-date budget statement that the Board is accustomed to seeing. On the year-to-date statement (75% mark – third quarter), it shows that we are slightly ahead for income at 78%; and, in the expenses section we are at 73% for total expenses (slightly under projection).

**Harris** asked for additional clarification about the \$81,528.59 total for 3 items listed on the budget presentation: (1) Bank of America Account One \$50,856.67, (2) Bank of America Account Two \$5246.47, and (3) Bank of America Certificate of Deposit \$25,425.45. She asked if this total is actually a reserve or if these monies are part of the cash on hand that BESW will need to meet current expenses. **Lowery** explained the BESW budget presentation noting that the net position of \$109,098 was the total from the end of the prior fiscal year on June 30th, 2018. It is listed at the top of the 2018/ 2019 budget and is currently labeled “Cash Reserve” (or could also be referred to as a “Fund Balance” from the prior year). This number is made up of the total amount of monies that were in items: 1) Bank of America Account One, (2) Bank of America Account Two, and (3) Bank of America Certificate of Deposit. We budgeted to utilize a significant portion of the \$109,098 during the 2018/ 2019 fiscal year; on March 31, 2019 there is a remaining total of \$81,528.59. She also stated that BESW won’t know the final amount of money available at the end of the fiscal year (net position) until June 30, 2019. Then she let the Board know that she planned to illustrate this further later on in the presentation.

Next, **Lowery** turned to graphs located on page three of the handout for “Monthly Income: Actual vs Budget” and “Monthly Expenses: Actual vs Budget”. She explained that when staff worked with the DIA, we discussed that some line items are routine and spread at one 12<sup>th</sup> per month e.g. rent. Other items vary e.g. items that are paid quarterly. And there are other line items that we pay for only once or twice per year e.g. software, hardware. Historically, we only estimated our line items at 1/12<sup>th</sup> per month. And while the new monthly actuals and projections are not perfected yet, we are in the process of amending BESW budget presentations to create a more useful Board presentation.

**Erickson** wanted to learn more about accurately projecting expenses. **Lowery** replied that BESW staff intends to more accurately portray expected income and expenses by adjusting projections routinely throughout the year. This method will enable the Board to exercise better oversight of the budget to increase accountability. **Lowery** continued by referring the Board to the next 12 pages and explained a sample tool that may help the financial stability workgroup to understand our financial patterns during their monthly review. **Oppenlander** gave an example using line item 7770 to explain how the \$33,700 budget was fully expended (as planned) prior to the end of the fiscal year.

**Harris** asked, “Will we be getting some type of training so that we can learn what we can and can’t do?” She conveyed understanding about how the Board can make budget revisions, might reduce spending in some line items, and increase spending in other line items when necessary. As BESW is close to being insolvent, on a nonprofit board, we might be able to fundraise to help the Board balance its budget. How do Board members learn how to best manage a government agency budget? **Lowery** replied that as a Board, we do not have the opportunity to raise funds.

**Oppenlander** added that the first part of “Finance” training was sent out to everyone by email last month. The DIA captured a translation of our tape recorded meeting into a “workshop/ training” type of format. The Board can consider that document as a training to understand budgeting in the government sector. Then in a Board retreat setting, as well as in our regular Board meetings, we can continue to go over our financial responsibilities in more detail; and, we can continue to look for additional training for the Board so that it fully understands its financial responsibilities. Therefore, this Board meeting is part of our training. And as the Executive Director, I am training the Board based on the experiences I’ve had with our auditor, the

Legislative Council Bureau auditor, and the Executive Branch auditor; I'm taking their expertise and passing it along to you.

**Oppenlander** addressed the two primary economic levers that bring in BESW income: (1) How many licensees BESW has and (2) How much BESW charges licensees to accomplish the required work of the Board. The Board needs to set a sweet spot between those two levers. BESW has fallen short of having enough staffing to complete all of the work that the Board has to accomplish. For example, if BESW fees had been adequate, we would have had staffing that would have reduced the backlog of cases in our compliance unit for the past 2 decades. In reviewing our situation, I had not realized that the last director took over an enormous backlog of investigation cases when she was hired.

Another way to look at this is BESW has been successful in terms of being outward facing. We are taking care of our licensees e.g. getting CEUs approved, being sure that clinical social work interns have sites available and have good supervision and so forth. However, looking more closely at the work of the compliance unit, we receive a growing number of allegations as we have increased our number of social workers. If we can verify that an allegation is warranted, we can then start an informal complaint process and conduct an investigation. From there, while most cases have been dismissed or discharged, there are a certain portion of these investigations that result in a number of actions taken. From the beginning, it appears we weren't able to make ends meet in order to fulfill these important regulatory functions in a timely manner. And it's still true today. So the sweet spot has never been hit between the economic levers – the number of licensees and the fees being charged per licensee. And expectations for this Board, like all boards and commissions, are higher than ever. The costs of business are higher and the expectations of what the Board will accomplish are higher. So somehow, we have to go back to the question that was brought up at our last meeting, "What are we going to need?" If we don't charge more for fees in the future, we have to understand that we would not be able to continue to operate as a freestanding board.

**Lowery:** Piggybacking on that, one of the things that we were encouraged to do is look at our budgetary projections based on getting fee ceiling increases. Based on information we received last night is that we will have a bill for fee ceiling increases. As you look at the last sheet in your financial packet, you'll see our existing budget and then you will see two columns of income and then a 2019/ 2020 budget and a 2020/ 2021 budget.

**Oppenlander:** Anything you see highlighted in red is simply the Board staff taking a stab at what the budgets might look like. This is really your discussion that has to happen but we wanted to provide you with a starting point. I asked Sandy to put in suggested fee increases into a couple of categorical areas in this draft budget. We have understood loud and clear from a few Board members that there wasn't an appetite for having LSW fees as high as LCSW fees. Knowing that we eventually will need to increase fees (after going through a formal public process), we are suggesting ways to spread costs fairly. Our intention today is to initiate the budget conversation.

More specifically, we need to answer the question of what we need to do in the future in relationship to the budget. We need investigation resources to be able to reduce our backlog; we need to pay attorney general's office fees for helping us get those cases cleared. Based on statements from the Sunset Committee, we need to have online application software, build reserves and so on. Staff started to figure out what this will cost in the 2019/ 2020 budget and the 2020/ 2021 budget using modest fee increases to forecast how that might look. The

financial presentation begins to address how we can get through the end of the year and what are we are going to do next year.

**Harris** asked about the suggested fees: are they incremental or are these numbers based on the fee ceilings determined during the last meeting. **Lowery** responded that all but one fee increase has been incremental. If you look at the bottom of that sheet, you'll see in red the numbers that staff used for projections. **Ussher** mentioned that it doesn't show what the current numbers are, just the one that's projected. **Lowery** responded that the current numbers are as follows: Applications are \$40, the renewal for an LSW is \$100, the renewal for an LCSW/ LISW is \$150, the initial application for an LSW is \$100, and the initial application for an LCSW/ LISW is \$100. **Detmer** commented about the agenda items; it was determined that we could finish Item B and then move forward to Item C. **Ussher** interjected that she wasn't prepared to make decisions today on Items B and C as the Board received this information right before today's meeting. **Oppenlander** agreed, stating that these handouts are for stimulating a discussion and not for a motion and a vote at this time. **Nielsen** mentioned that she saw the numbers in advance as part of the financial stability workgroup; she finds this format very easy to digest and thought it would be a good tracking tool. **Erickson** gave appreciation to the financial stability workgroup for getting together.

Next, **Erickson** introduced **Item 3C (For Possible Action) Review, Discussion and Possible Approval of Prospective Fee Modifications**. To clarify, **Oppenlander** stated that Item 3C is conveyed in a broad manner and includes "Approval of Motion" in case the Board wanted to make a motion; not necessarily so that it has to make a motion today. Also, she split out the topic of how we will communicate about fee increases to a later part of the agenda to be under the Executive Director's report; Also, she mentioned that we will need to be politically aware of what we decide to do about fee increases e.g. how it affects workforce development, and other interested groups e.g. veterans, and those who are moving to Nevada, etc. In Item 3C, she wanted so get into a longer discussion that was introduced in the last Board meeting as we will have to figure out within those fee caps what fees might we choose to increase. Also, we determined that we will want to be sensitive about making distinctions between a social worker who's licensed at the basic license level because they're probably earning less income than someone with a master's level license. The Board has talked about spreading the costs of fee increases among different categories – both carefully and mindfully.

**Lowery:** Based on that, we have looked at what might be possible after (if) we get the fee ceilings bill approved. What has been done for the past 10+ years was to increase income line items annually by 5%. It wasn't a very sophisticated method but it seemed to work as we have been trending upwards. Taking the possibility of potential new fee ceilings into account, we can work diligently to update our Nevada Administrative Code (NAC), establish modest, incremental fee increases (a portion of the fee ceilings), have public workshops about the fee increases, take public feedback into account, refine the final fee increases and get them approved by the Board, through the Legislature, etcetera. So, we applied optional increases to the second half of the draft 2019/ 2020 budget - just to have an idea of what it might look like. We have kept our expenses as low as we can. One item you will see is for computer software. We know that we have an unfunded legislative mandate to get initial applications and our renewals online. At this time, our renewals are online. Also, at the end of 2019, we will have another mandate to have computers that can accept and function with Windows 10 as the entire State of Nevada will be using Windows 10 as its operating system. That will require us to acquire new computers and some new software in the 2019/ 2020 budget. We are going to have a small change in our monthly rent based on our lease agreement. Then if you look forward to 2020/ 2021 budget, we

expect that we would have a full year of fee increases to draw upon. **Lowery** discussed a potential way to fund reserves. **Ussher** wanted to be certain that our strategic plan for creating reserves is in alignment with the auditor's recommendation. **Lowery** responded that the Legislative Branch auditor recommends between four to six months in reserves which is in alignment with the Board's decision to create a 5 month reserve by 2023.

**Ussher** asked, "If we are able to go with fee increases, what will be the plan to educate and promote discussions to involve the licensees?" **Lowery** replied, "We will send out a notice to our LISTSERV that says that we have a bill and this is what it says and this is what our intent is" **Oppenlander** added that she had sent out a copy of an earlier LISTSERV email to the Board. This LISTSERV email went out to all social workers and we also placed the information on our website about our proposed bill. We communicated very openly about what we were going to do. What she isn't able to do yet is send the content of the bill. And she still can't send that out until the bill sponsor introduces the bill later in April. As soon as that bill is introduced, we will be able to communicate with the licensees and the public about what the bill says specifically. The next part of communication in general is to send the entire logic flow of what we will do when the bill is passed and signed into law. This is a road map for what we will communicate to the public, to social workers, to small businesses and so on about what any fee increases might look like and then get feedback.

**Harris** queried about the forms of communication that we will we pursue. **Lowery** responded that we have started with electronic communication. We learned that in 2015, another group got ahead of us by communicating electronically about our proposal for fee ceiling increases and broadcast information that was inaccurate thus destroying our ability to pursue a bill. Now we are communicating with our licensees before the bill and after the bill is introduced. Then, if the bill goes through, we will go into through the NAC change process. A part of that process will include communication with licensees. It will also include two public workshops in the southern Nevada and two public workshops in northern Nevada. Licensees and the public will be able to join us to ask questions.

**Nielsen** asked if Board members are going to testify during the legislative session as things are moving very quickly during this session. **Lowery** replied that it is too early to tell and continued her response stating that Karen, Vikki, and Miranda will need to be there. Also, that she will be supplying data for testimony.

**Oppenlander** stated that it was helpful to learned about what happened in prior legislative years. To learn more, she scheduled meetings with social work departments at the University of Nevada, Reno as well as the University of Las Vegas. In both discussions, the department chairs talked about the increasing need for social workers in Nevada. Subsequent to that, Dr. Shadi Martin from UNR asked **Oppenlander** to join the school of social work community advisory board. So far, she has attended the second meeting of that new committee. It was an honor to accept that invitation and be part of that committee as well as open up an ongoing communication between the University of Nevada, Reno and this Board. Additionally, through the discovery process, we have contacted some of those who stood in opposition against the Board in 2015. Those individuals have stated that they are not taking the same position against the Board during this current session. In summary, we are striving to have open, transparent communication in advance with any identified groups or individuals that are in opposition.

**Ussher** stated that she was one of the people that opposed the Board's bill in 2015. She did not get an email from the University. She represented working social workers who heard about

the bill by checking the legislative website. That's why she wants to stress that it's vital for us to use the LISTSERV to get the message out to working social workers. **Oppenlander** thanked **Ussher** for this important background information. Following the first LISTSERV email that was circulated and posted on the website, the majority of the feedback received from licensees was primarily to thank the Board for the changes that are happening and to let us know how they are perceiving the Board moving forward today.

**Ussher:** I have one suggestion about our meetings in 2019. We aren't putting advance notice about our meetings on the website. In order for people to take time off, come to the meeting and be able to participate in these kinds of discussions, they need more advance notice. Also, we should post that our agendas will be posted 3 days prior to the meeting. **Oppenlander** agreed to do this. At this time, **Detmer** made sure that the Board discussion was specifically aligned with the agenda topic.

**Erickson** checked in to ask if there was anyone who was interested in having further discussion on Item 3C (For Possible Action) Review, Discussion and Possible Approval of Prospective Fee Modifications. **Harris** asked a question about future fee modifications and more specifically, where we stand now. **Oppenlander** responded and brought the Board to page 10 of the minutes that restated the last Board conversation. She also said that the Board does not have a complete historical chart in this Board packet. **Maplethorpe:** Did we decide to have additional fees charged for quarterly progress reports? **Oppenlander:** No, the Board motion on page 10 of the minutes from the last meeting restricts our bill language; we will need to stay within this structure acknowledging that we may have missed some opportunities to raise other fees.

**Erickson** called for a recess asking everyone to return at 10:40 a.m. When everyone was gathered at 10:42, she reconvened the meeting. At this point, she moved on to **Item 3D (For Possible Action) Review, Discussion and Possible Approval of Cap for Sick Leave Payout.** **Oppenlander:** When I started a year ago, the first thing I wanted to know about was personnel liabilities. Within 36 hours, **Lowery** and the former Program Assistant IV turned the numbers over to me. At that point, I knew that the Program Assistant IV and the Director of Social Work Practice were going to be retiring by the end of the fiscal year (June 30 2018). It was explained that the monies needed to cover the retirements were built into the existing budget (July 1 2017 – June 30 2018). On a related note, **Lowery** gave me minutes from a July 27, 2017 Board meeting (pp. 12, 13 of 17) that was copied for your Board packet (in section three d). This section covers an amended sick leave policy that the Board adopted during the Board meeting on July 27 2017. **Lowery** stated that prior to this new policy the Board had operated under the State of Nevada HR guidelines. The new policy that was adopted by the Board included a significant change for any new hires regarding sick leave.

**Oppenlander** stated that she had included the sick leave formula in the Board packet that comes from the Division of HR Management. She went on to discuss the culture for sick leave that was in place in the past. Today, employees are using their sick leave appropriately (vs. using the sick leave payout as part of retirement). So today the Board's staff is operating within a different culture and people are using the sick leave time they are allotted in the way it is intended. Now, we have two approaches in place: (1) for the one remaining person that was hired prior to the Board meeting on July 27 2017 and (2) there is a different approach for those hired after July 27 2017. I have processed through the financial ramifications of converting the single person over into the newer system that was instituted for new hires. From a financial point of view, I would classify the potential amount of money involved to not re-categorize the remaining employee's sick leave under the original policy as de minimus (under \$67 per month).

With those pieces of information, I turn this item that is back on the agenda today to the Board member that made his request.

**Ussher** commented, "I've been asking to have this on here for a year". She explained her reason for this request and stated that it was not personal or against any employee. She summarized that this matter was presented to the Board in July of 2017. It was believed by the employees that sick leave was part of the staff's retirement plan by the Board staff. With that being the case, the Board agreed to pay that out and continue the existing process. Since then, through some research, she learned that sick leave is not typically considered to be part of a retirement plan. It is something that staff is supposed to use. The intention at that point was to have a discussion about putting a cap on sick leave that would eventually be paid out. That being said, if there is policy that's established by DHS or elsewhere that we would be in alignment with, there may be no objection.

**Erickson:** In our State agency, we get a percentage of sick leave pay upon retirement (the formula is calculated after a certain amount based on how many years are worked).

**Lowery:** That policy has been in place since the first director left the Board. That was the State HR Policy that the Board opted to follow rather than create its own policy; and, it remained that way until the Board until July 2017 when the Board created its own HR manual.

**Erickson** asked if the payout was based on the formula utilized for the 2018 retirement payouts. At that point, **Lowery** went over the specifics of the formula used referring to the Board packet. For example, employee 'one' had 1900 hours of sick leave but based on the State HR formula was paid out for 356 hours. And employee 'two' had 941 hours of sick time and was paid for 115 hours. **Oppenlander:** Employee 'three' who was hired under the old system, if retiring today, has about 1000 hours sick leave and would be paid out at 130 hours after applying the formula.

**Harris:** Sick leave is meant to be used to promote self-care (as intended) and not to preserve it for an exit plan. **Oppenlander** agreed and stated that this is now what is expected. **Erickson** added that it is the expectation that if an employee comes in ill, is not fit to work that day, or at risk of spreading illness, that the executive director would instruct the person to go home and utilize the benefit of sick leave. **Oppenlander** agreed and explained that sick leave was also being used for preventive doctors' appointments.

A long discussion ensued and **Lowery** clarified that there are two different ways that were approved by the Board to provide for sick leave benefits at retirement for staff: one method follows the State of Nevada HR Policy for the one employee hired prior to July 2017; the second method for all other employees hired after July 2017 is that no sick leave is paid upon retirement. For the one employee that still falls under the old method, the State formula would not carry forward 720 hours of her accrued sick leave hours (90 days); of those hours, after the 720 are subtracted, the remaining number of hours are divided in half. Historically, this is the formula utilized for Rose, Judy and everyone else that retired. The vote in 2017 came about as the Board was concerned about the budgetary impact of the practice of using the State of Nevada HR system template. This concern came to light as the Board had never had its own HR manual. So then, at that same July 2017 meeting, the Board created its own HR manual.

**Ussher:** The basis for bringing this matter up today is to make a request that there be a ceiling for accruing sick leave hours.



**Lowery:** We created our own policy manual that completely removed any sick time pay that would be paid after someone leaves the organization. That decision was made effective on July 1st, 2017; employees hired by the Board from that day forward would not have any sick time payout. And, as of that date, any employees hired before that date would fall under the terms of the State HR Manual. What you are proposing is that the Board change the existing employee from the system we agreed to and put her on a modified system that is somewhere in between the State system and our own policy. **Ussher:** I'm suggesting that we come up with a formula; we come up with an amount that she will get paid when she leaves that is based on where she's at now; figure out what that amount is and then put her on our current plan. **Lowery:** You're saying that we take her out of the system that she was hired in; honor the hours she has. **Ussher:** I'm saying that there would be no further accrual for payout.

**Erickson:** Historically, working for the State, there have been two changes in PERS (retirements) that have impacted me. There was a date that I was hired on; and, later there were changes made to the retirements for people hired after me; that if you started after "this time" this is the percentage and this will affect your Social Security in this manner; any individuals hired before that date remained on the previous system. And then, it was changed again. And I thought, I'm glad I was hired at that time because in the future, they won't get what I get. But I remained on the benefit plan that I was hired on. In the State system that I work in, each person maintains what they have when they were hired based on the presumption that they accepted the job with these terms. That's how it's been since I started.

**Lowery:** That is a perfect example. Karen and Caroline were hired under a new set of policies regarding HR and they have a different benefit package than our other employee does. And your point is that when you're hired into a system and we make changes in the future, we don't go back and make changes to the past.

**Harris:** In my opinion, that's not the same thing. What we're talking about with this employee is projection. If she uses days, there isn't a concrete amount that she is going to exit with. If she is allowed to have what she has, and then begins to operate under the new HR manual, she could be sick tomorrow and need 50 hours of her accrued sick leave. It's all speculation. And I think there's two separate things we're referring to.

**Erickson:** I hope that my discussion on PERS didn't influence this in the wrong way because I realize this discussion is about sick leave. But, that was the example that I had on an HR policy change that has occurred during my time working for the State. Two things, I want to say: Historically, the State has respected that somebody has been hired under a certain presumption that when you are hired for a position or even interviewed for a position, one of the things that you do want to know about is what kind of benefits come with this position. Sometimes even if the hourly pay isn't great perhaps the benefits are well worth your time. Somebody may accept a job and turn down another position because of the benefits. Another thing I want to point out as something that we've also discussed here in this meeting is the environment of the office and the fact that the overall environment is conducive to somebody being able to use their sick leave and annual leave to make sure that they're working in a healthy environment. As the Executive Director has indicated she does promote that staff utilize their sick leave; and, I would hope that if that wasn't the case that it would be brought in front of the Board to address. But it sounds like the Executive Director does encourage staff to stay home when they are sick in order to recover. So those are two important things I want to point out in this discussion as well. Somebody is hired under the presumption that this is a benefit that they will receive; and that there is encouragement for the Board staff to utilize their sick leave when they are in fact sick.

**Ussher:** I really appreciate what you're saying. The thing I want to point out is that the employees for our Board are not State employees. Our policies, when you come to work for our Board, are the policies we have in place. I have worked in a quasi-State environment and there are others where you are hired with one policy and then policy changes occur based on budgets and there's no money and that's the way it is. For us, how do I tell social workers that we're increasing fees but we're not tightening up what we're doing ourselves? So that's just where my thoughts have been.

**Erickson:** It sounds like we have tightened up since we had our discussion and previous vote on July of 2017. At this time, our policy is even tighter than the regular State HR policy and there is absolutely no sick leave pay out for employees hired after that period of time. **Lowery:** Correct, it was a very significant shift. **Erickson:** Then, the individuals hired after that period of time were not under the impression that they would have sick leave pay out. And before this meeting, I mistakenly understood that the former policy for sick leave payout was dollar for dollar and it's not. Thank you for clarifying that. It actually doesn't seem to me as harsh as if somebody had 1500 hours of sick leave that they would be paid their regular hourly rate per hour upon leaving. **Lowery:** 1500 hours translates down to 255 hours of pay out.

**Nielsen:** I worked for the federal government and they didn't give any credit for sick leave. And I agree with what Vicky has stated; that you get hired at a certain moment in time when things apply or do not apply and then you live with that (generally) all the way through. I think it would be fair to an employee to have the expectation that they were hired at a pay scale and with conditions and that these be maintained because that's what they were told. I don't see any fairness to taking them to the conditions that a new hire might have because of different factors (pay grade, pay amount, income tax on pay etcetera). There's so many different things and all of us that are doing the same job and were hired under completely different circumstances; and then those circumstances were maintained for the lifetime that you operated under those things that you were promised. That seems only fair to me.

**Maplethorpe:** Where do we go from here? I'm working for the City of Las Vegas where we have negotiations. And then there was the recession when State employees had to take furlough days. And depending on when you have come in you may have the policy: "you don't use it, you lose it". And then there's the culture that is very important. It's might not be salary, but it is a perk that benefits your life. So, things are taken into account when you have any job. Now, we can move forward and not renegotiate for one employee but just keep it how it is.

**Erickson:** Is there any further discussion; how can we make a motion? **Detmer:** The agenda item is written for a cap on sick leave. **Erickson:** It seems that it was intended to move an employee that was hired under a previous sick leave pay out policy to the current Board sick leave policy that does not include any sort of a payout. **Ussher:** Based on the discussion today, I get a sense about the way the vote would go. So do I need, as the person that suggested this agenda item, make a motion so the vote can take care of itself and be on record? Or do we need to just leave it at a discussion and move on? **Detmer:** I'm most concerned about the nature of the motion and how it is agendized. After a brief discussion, **Erickson** determined to leave this as a discussion and move on without changing the existing policy. **Ussher** agreed.

**Erickson** introduced **Agenda Item 3E (For Possible Action) Review, Discussion and Possible Approval: Discussion of Procedures Related to NAC 641B.305**. **Oppenlander** introduced the item and turned to Nevada Administrative Code 641B.305 which covers the Board's procedure upon receipt of an accusation. She asked the Board Counsel to explain how

he has been training the Compliance Unit to comply more accurately with the regulation. **Detmer** stated that NAC 641B.305 is included in the Board packet. In the past few Board meetings, the Board has been kind enough to review and act upon a variety of disciplinary cases that were brought before it. In reviewing NAC 641B.305, it was questioned about whether the Board wanted to continue with that process or even should continue with that process. While the Board has had this as a process that it follows, the current process is not provided for within the existing regulation. The process for a complaint is spelled out. In summary, the process outlined in 641B.305 is that the Board staff investigates and preliminarily adjudicates the complaint. When an accusation is received, it is considered an informal complaint. This starts a vetting process which in turn leads to an investigation process. If after the investigation, there is a determination by Board staff and legal counsel as to whether or not there are sufficient facts to sustain a violation, that's when we get into the formal complaint process which is essentially just what it sounds like. We lodge a complaint from the Board which would lead to a disciplinary hearing, or otherwise a settlement agreement. If Board staff and legal counsel determines that there are insufficient facts to sustain a violation, that's where we classify the matter as a "discharge". It's not dismissed. It's filed away. If later on there is evidence or reason to bring that action back, it can be brought forward for a disciplinary complaint and further action. What has appeared to have been the process is that Board staff was not adjudicating as determined by the regulations, but when we got to the discharge part, the Board would make that discharge process an action item. As I stated at the outset, that's not required, it's not provided for, and it's questionable whether or not it should be followed that way.

**Lowery:** I think what you said is that we don't need to bring cases to the Board that we believe can be discharged. **Detmer:** That is correct. Board staff will make an initial determination as to whether or not there are sufficient facts to file a complaint. If Board staff determines there are sufficient facts to file a complaint, it will do so. If there are insufficient facts, it gets discharged i.e. it gets filed away for possible future actions that come to light or circumstances dictating that it would be appropriate. **Ussher:** Is the licensee notified of the difference between a "discharge" and "dismissed"? **Detmer:** The process in place for a discharge is that the letter lets the licensee know the matter has been discharged. Also, that this information is being put in their file. **Ussher:** If I got a letter saying the case was discharged, I would think it was over. **Detmer:** The word discharge is more appropriate for what is happening than dismissed. **Ussher:** So are you saying that the previous people have been told it's dismissed when it should be discharged?

**Oppenlander:** Prior to the current Board Counsel, we historically dismissed cases. If you recall last summer, our fourth Deputy Attorney General was assigned to us and has been helping us to understand our regulation. Since then when we discharge a case, we send a letter to the complainant as well as to the respondent; therefore, both parties know what this means. **Ussher:** This doesn't indicate any kind of time limitation. **Oppenlander:** Correct. **Detmer:** You do have a State retention policy that comes into play and I will research this further.

**Lowery:** I have a hypothetical question. If I have had a case filed against me, when I file my malpractice renewal and they ask if I have had disciplinary action taken against me, what do I say if I have a discharged case? **Detmer:** In that situation, no formal complaint was filed which is different than what the discharge of an informal complaint that is being discussed. However, I will research that particular question to what is an appropriate response. **Lowery:** That would be a huge liability for any social worker that has had a complaint filed against them. If we're discharging them, licensees will need to know how to respond to that on their malpractice

renewals and licensees so that licensees can be covered by their insurance carriers.

**Oppenlander:** The distinction that we will be making here is the difference between an accusation that's been made (informal complaint) and a formal complaint. **Detmer:** Also, an accusation that is discharged is less than a formal complaint that is an action being taken against a licensee. And I will research this further and have an answer for the Board by the next regularly scheduled meeting. **Erickson** asked if there were additional questions and there were none.

**Erickson** introduced **Item 3F: Review, Discussion of Discharged Disciplinary Cases**

**Numbers G18-06, G18-05, G18-04, G13-25, G17-12.** **Oppenlander:** The Compliance Unit investigated these cases (informal complaints) and determined that we did not have sufficient evidence to proceed in Cases G18-06, G18-05, G18-04, G13-25, and G17-12. The Investigator, the Executive Director and the Board Counsel were all in agreement. We notified the Board President about our determination, our intent to bring Item 3E to today's Board meeting, and our intent to discharge all five of these cases. Next, we sent discharge letters to the individuals that received the alleged accusations as well as those that had lodged the accusations. **Ussher** complimented the Compliance Unit for going back to clear a case from 2013. **Erickson** asked if there were additional questions and there were none.

**Erickson** introduced **Item 3G: Review, Discussion of Licensure and Compliance Unit**

**Statistics.** **Oppenlander** discussed the current backlog of 86 cases. 51 of these cases are with Board staff and about 34 cases are being researched by our Board Counsel's office. **Detmer** stated that he is working closely with Board staff to adjudicate these cases and get rid of the backlog. Of note, **Oppenlander** let the Board know that in calendar year 2018, we had 35 new cases come in. And while we only have four cases so far in 2019, one is requiring an "all hands on deck approach" at this time. By combining information in the Reno office with information stored in the AGs database, we are now getting close to being able to prioritize cases by tiering them based on: provability, seriousness of offense, age of case, and cost of case. **Erickson** asked if there was any further discussion. There was none.

**Erickson** introduced **Item 3H: Review, Discussion of Report: Online Renewals Software**

**Implementation.** **Lowery** updated the Board on the online renewals process stating that we had processed \$23,000+ renewals online in March. Also, we've been a lot of positive feedback. We have worked to help licensees upload their CEUs. Also we've placed quick links to the process on the home page of our website. And, interns are starting to upload their quarterly reports through the online system into a portal that comes directly to **Lowery**. This means that we have far less paperwork now. We are continuing to improve the process. The software vendor has been terrific to deal with. Also, it is very simple to verify licensees that are updated in "real time"; all without having to call the Board office.

**Erickson** turned to **Item 3I: (For Possible Action) Review, Discussion and Possible**

**Approval of Update re: Report from Capitol Partners.** **Oppenlander** stated that Miranda Hoover from Capitol Partners was unable to be at the Board meeting today. However, Miranda provided a Legislative Update for the Board for April 8<sup>th</sup>, 2019. It is a thick packet so if anyone on the Board has any questions about any of the bills and BDRs, please contact her directly.

**Nielsen** updated the Board about several Department of Education BDRs that are related to social work. **Nielsen** stated that she was being asked by people in education circles to support

certain bills. For example, Senate Bills SB89, SB319, and SB372 are related to services provided by licensed social workers that are employed by the Department of Education as “school social workers”. She discussed her plans to contact Capitol Partners as these bills are requiring immediate attention. There was substantial discussion about the legislative session and the response to the various bills coming into the Board for fiscal notes; especially, the Board response about Board endorsement of school social workers and costs associated with this. There also was a discussion about how similar the Nevada school social worker response is to other parts of the country; especially those states that have national affiliations that are involved in the process. **Ussher** thanked **Nielsen** for her attention to these matters during the session.

Next, **Erickson** turned to Agenda **Item 3J Executive Director’s Report**. **Oppenlander** reported on her recent trip to Charleston, SC to attend the ASWB training on March 28, 2019. This is the same new board training that all Board members have already attended. She also referred to future strategic agenda items e.g. a contract for bookkeeping services, reserve policy, satisfaction survey results about our renewals process, and our communications about fee increases. Last, **Oppenlander** and **Detmer** let the Board know that we will have to plan to attend an urgent Board Hearing at 9 a.m. on Friday, May 17, 2019.

**PUBLIC COMMENT:** Erickson then moved to **Item 4, Public Comment**. There was no public comment.

**ADJOURNMENT:** To conclude, **Erickson** introduced **Item 5 (For Possible Action) Adjournment**.

**Ussher made a motion to adjourn the meeting at 12:45 p.m., seconded by Maplethorpe. Ayes: Erickson, Ussher, Nielsen, Maplethorpe, and Harris. Passed unanimously.**

Meeting Minutes Respectfully Submitted by Karen Oppenlander, LISW, Executive Director.