

BOARD OF REGENTS
BRIEFING PAPER

AGENDA ITEM TITLE: UNIVERSITY POLICE CRITICAL LABOR SHORTAGE DESIGNATION

MEETING DATE: SEPTEMBER 8 & 9, 2022

BACKGROUND & POLICY CONTEXT OF ISSUE:

Law enforcement agencies throughout the country, as well as University Police Services system wide, have experienced historic and unprecedented impacts to recruiting and retaining police and dispatch employees due to a variety of issues including COVID-19, societal scrutiny, heightened law enforcement accountability, a robust hiring environment, and salary and benefit inequities that has resulted in employees separating from service for a variety of reasons.

As a result of these departures, the departments have been challenged in their efforts in recruiting police officers and dispatchers. This in turn creates liability and safety concerns for our campuses and officers and has lasting impacts on their mental and physical well-being, as well as, significant impact on morale due to increased workload and shift and special event overtime hours. Northern and Southern Commands compete for talented candidates from the same pool as other law enforcement agencies who have the flexibility to pay at a much higher starting salary with more competitive benefit programs. In this competitive environment, in order to recruit and retain talent, the departments need to be able to engage in innovative ways to hire and maintain critical positions using methods which set us apart from other agencies and increase our competitive edge. The inability to retain high quality and experienced police officers is costing the departments significantly. Since January 2019, 59 employees resigned or retired from both departments. Resignations were attributed to retirements, transfers to other state law enforcement positions, and separations from state service. Recruitments for law enforcement positions are open year round, drawing approximately 250-500 applicants annually. Since 2019, these recruitments have only produced a total of 34 new hires.

In a recent public safety dispatch recruitment, over 200 applications were submitted and thus far only two candidates were hired, and one has already voluntarily separated from the department. Further data presented in this summary provides evidence of the challenges and hurdles the departments are faced with in regards to recruitment and retention.

In light of the significant challenges to recruit and retain critical positions, this request seeks the following action:

1. Board adoption of the attached written findings that support designating a critical labor shortage for UPD sworn law enforcement and dispatch positions, based on the criteria set forth in NRS 286.523(5); and
2. Board approval to designate UPD sworn law enforcement and dispatch positions as critical labor shortage positions as defined in NRS 286.523.

This provision of NRS 286.523 allows the departments to:

- Deem certain positions as experiencing a critical labor shortage for up to two years.
- Waives individual penalties related to retirement and medical coverage for those retirees.
- Allows the departments to immediately onboard and integrate trained personnel into campus patrols.
- Will alleviate burnout and impacts to morale from staffing shortages.
- This will give the department the ability to expeditiously rehire retired law enforcement and public safety positions, without impacting their retirement benefits.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

In light of the significant challenges to recruit and retain critical positions, this request seeks the following action:

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4. IMPETUS (WHY NOW?):

Supporting information and data on current recruitment and retention practices is insufficient in the current climate. The gravity of the pandemic, societal changes, both cyclical and unplanned retiring of officers, and requirements related to the recruitment process have made retaining, hiring, and training officers more difficult.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

N/A

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Northern and Southern Commands are competing for talented candidates from the same pool as other law enforcement agencies who have the flexibility to pay at a much higher starting salary with more competitive benefit programs
- Since January 2019, between the Northern and Southern Commands, 59 law enforcement employees resigned. The resignations were attributed to retirements, transfers to other state law enforcement positions, and separations from state service or other reasons.
- Recruitments for law enforcement positions are open year round, drawing approximately 250-500 applicants annually. Since 2019, these recruitments have only produced a total of 34 new hires. In a recent public safety dispatch recruitment, over 200 applications were submitted and thus far only two candidates were hired, and one has already voluntarily separated from the department.
 - For police officer recruitments, there are a number of required steps by the State of Nevada and P.O.S.T., which significantly reduces the candidate pool at each step. Following a minimum qualification review, written examination, physical agility test, interviews, and background investigation; the candidate pool significantly reduces at each phase.
 - The same applies to dispatch recruitments. Following a minimum qualification review, interviews, and background investigation; the qualified candidate pool is dwindled down to only a few.
 - Additionally, candidates at the offer phase have rejected an offer partially due salary, benefits shift availability, or offers from other agencies.

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

There is the potential of push back from other departments across NSHE since this designation is only being sought for university police officer and public safety dispatcher positions.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

The alternative is to leave hiring the way it is and both northern and southern commands will continue to struggle with recruitment, hiring, and retention in these positions.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:


The Chancellor's Office supports designating university police officer and public safety dispatch positions as critical labor shortage positions as defined in NRS 286.523.

10. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No X _____
Explain: Designating these position as critical need will not have a fiscal impact on either department.



Adam Garcia
Vice President
Public Safety Services

To: Board of Regents, Nevada System of Higher Education
Through: Dale Erquiaga, Chancellor
From: Adam Garcia 
Date: August 16, 2022
Re: Critical Designation Request – Written Findings

University Police Services, (UPD), is seeking Board approval for the reemployment of retired public employees. Over the past year and a half, a significant number of University Police officers and dispatchers have retired or resigned from State service for a variety of reasons. According to Nevada Revised Statutes 286.510, 286.520, and more specifically NRS 286.523, an employer may re-employ a PERS retired employee to fill a position for which there is a critical labor shortage. The determination of reemployment is based upon the appropriate and necessary delivery of services to the public. The policy outlines that the Board of Regents has the authority to designate those positions employed by the Nevada System of Higher Education for which there are critical labor shortages and outlines the following criteria necessary to make that determination:

- a) The history of the rate of turnover for the position.
- b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted.
- c) The length of time the position has been vacant.
- d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position.
- e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

Included in this memorandum are the written findings for Board review.

(a) The history of the rate of turnover for the position

Turnover Breakdown Southern Command:

Since January 2019, 46 total employees have separated, 79% (41) classified as sworn law enforcement.

- Turnover is approximately 61.3% (46/75) since 2019.
- Vacancy rate 42.6% (32/75).

A breakdown of each year is below:

Central Division, Headquarters
University of Nevada, Las Vegas
4505 S. Maryland Pkwy.
Las Vegas, NV 89154-2007

Regional Division
College of Southern Nevada
3200 East Cheyenne Ave., Bldg. P
North Las Vegas, NV 89030-4228



- **2019**
 - Nine (9) law enforcement employees separated.
 - Three (3) transferred to another state agency.
 - Three (4) retired.
 - Two (2) separated for other reasons.
- **2020**
 - Seven (7) law enforcement employees separated.
 - One (1) transferred to another state agency.
 - Three (3) retired.
 - Three (3) separated for other reasons.
- **2021**
 - Twenty-one (21) employees separated.
 - Nineteen (19) law enforcement employees separated.
 - Five (5) transferred to another state agency.
 - Eight (8) retired.
 - Six (6) separated for other reasons.
 - Two (2) dispatch employees separated.
- **2022 – As of June 30, 2022**
 - Nine (9) law enforcement employees separated.
 - Three (3) transferred to another state agency.
 - Two (2) retired.
 - Four (4) separated for other reasons.

Turnover Breakdown Northern Command:

Since January 2019, 13 total employees have separated.

- Turnover is approximately 39% (13/33) since 2019.
- Vacancy rate 18% (6/33).

A breakdown of each year is below:

- **2019**
 - Four (4) law enforcement employees separated.
 - Two (2) transferred to another state agency.
 - Two (2) separated for other reasons.
- **2020**
 - One (1) law enforcement employee separated.
 - One (1) transferred to another state agency.
- **2021**
 - Six (6) employees separated.
 - Five (5) transferred to another state agency.
 - One (1) separated for other reasons.
- **2022 – As of June 30, 2022**
 - Two (2) law enforcement employees separated.
 - Two (2) transferred to another state agency.

Since January 2019, a combined 59 employees resigned or retired from both departments. Since 2019, these recruitments have only produced a total of 35 new hires.

- Turnover is approximately 54.6% (59/108) since 2019.

· Vacancy rate 35.2% (38/108).

(b)The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted

There are currently 38 vacant positions for sworn law enforcement and dispatch between Northern and Southern commands, 6 in northern command and 32 in southern command. Recruitments for law enforcement and dispatch positions are open year round, drawing approximately 250-500 applicants annually. During each round or recruitment cycle, hundreds of applications are reviewed. At the conclusion of each recruitment process/cycle, 1-10 applicants remain viable for hire.

(c)The length of time the position has been vacant

Due to the turnover rate, the number of vacant positions, 6 in northern command and 32 in southern command, have been consistently vacant for more than three years.

(d)The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position

The requirements for successful completion of the hiring process are:

- Meeting minimum qualifications
 - Police Officer I - Graduation from high school or equivalent education and one year of experience in public contact work which included application of rules, regulations or established procedures.
 - Graduation from high school or equivalent education and one year of law enforcement experience; OR Associate of Arts degree or equivalent coursework in criminal justice, police science, psychology, or closely related field and six months of law enforcement experience; OR one year of experience as a University Police Officer I in Nevada State service.
 - Applicants must meet minimum standards for appointment as a peace officer as established in the Nevada Revised Statutes and Nevada Administrative Code.
 - A valid driver's license is required at the time of appointment and as a condition of continuing employment.
- Written examination (University Police Officer I applicants only)
 - In the recruitment process, 50-75% of candidates do not pass or choose not to take the written exam.
- Physical agility test
 - Of the remaining candidates, an additional 50-75% of the pool are disqualified for either failure to pass the physical fitness exam or choosing not to take the exam.
 - Candidates are afforded two opportunities to take the physical fitness tests.
- Candidate Interview/Oral Boards
 - Candidates are moved to the oral board phase of the hiring process upon successful completion of the written exam and the physical fitness exam.

Director Interviews

- o Following the oral boards, another 20-30% are disqualified based on their interview.
- Background investigation
 - o Polygraph examination
 - o Medical examination
 - o Psychological evaluation
 - o Drug screening test
 - o Candidates are disqualified in the background process
- Offer
 - o When candidates are offered positions, the department has experienced candidates who rebuff positions because of salary, schedule, or they've accepted an offer somewhere else.

Once hired candidates must attend a 22-week Peace Officer Standards and Training (P.O.S.T) academy, followed by an additional 18 weeks of classroom and field training during their first year of employment. It is nearly a year before a newly hired officer can be on patrol from the date they are hired.

For dispatch recruitments, a review of candidates is conducted to ensure they meet minimum qualifications. After this review approximately 25-35% of applicants are disqualified. Following the first review, the candidate's resume is evaluated for applicable and transferable skills. This review reduces the pool by 40-50%. Candidates take part in a virtual interview process (CVirtual). 50% of candidates submit an interview for review and another 25-35% are disqualified based on their interview submission. The remaining candidates are invited for in-person interviews. Following the interviews, a background review is conducted and successful candidates receive a verbal offer. Below is a breakdown of the data and outcomes for each recruitment since 2019.

Dispatch Recruitments	Total # of Candidates	Met Minimum Standards	Resume Review	Interviewed	Background	Offer	Hire
August 2019	154	109	62	14	4	1	1
August 2019 - All 62 applicants were sent an invitation for a virtual interview and 14 responded to the virtual interview. Four candidates were interviewed in person and with the Director. Following the Director's interview, four were reviewed for background and 1 was hired.							
*Note: From 2019 until 2021, dispatch recruitments resulted in one hire per recruitment.							
December 2019	88	67	21	11	1	1	1
December 2019 - All 21 applicants were sent an invitation for a virtual interview and 11 responded to the virtual interview. From there, 1 candidate was interviewed in person and with the Director, then was reviewed for background and was hired.							

November 2020	84	30	13	12	2	1	1
<p>November 2020 - This recruitment was for a Public Safety Dispatch 4 position, all other recruitments listed are for Public Safety Dispatch 1 positions.</p> <p>All 21 applicants were sent an invitation for a virtual interview and 12 responded to the virtual interview. Two candidates were interviewed in person and with the Director. One was reviewed for background and was hired.</p>							
August 2021	208	99	59	37	2	2	2
<p>August 2021 - This recruitment drew more applicants because it was open for approximately 6 additional months prior to the review of applicants.</p> <p>All 59 applicants were sent an invitation for a virtual interview and 37 responded to the virtual interview. Two candidates were interviewed in person and with the Director. Two were reviewed for background and were hired.</p> <p>One employee from this recruitment resigned.</p>							
May 2022	90	59	29	14	In Progress	-	-
<p>May 2022 - All 29 applicants were sent an invitation for a virtual interview and 14 responded to the virtual interview. UPD is currently in the process of finalizing the interview process.</p>							

(e)The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made

University Police Services has and continues to exhaust all available recruitment efforts. This includes but is not limited to, attending multiple job fairs, advertising through billboards, social media and other avenues and hosting events such as work out with a cop to help engage with the community and seek success in passing the required physical fitness tests for the position.

Over the past three years, numerous efforts have been made to recruit and retain these critical positions. In 2021, the department hired a Sr. Human Resources Business Partner to focus on recruitment and talent acquisition. The department also advertised our recruitments in a variety of places such as:

- Chronicle of Higher Education
- Indeed
- Las Vegas Review Journal
- LinkedIn
- DHRM/DETR/Nevada Job Connect
- University/UPD Website
- Career Builder

In 2021, the department purchased billboard space in highly trafficked areas to assist with marketing and recruitment efforts as well as other advertisements on radio and other news outlets. Recruitment took place at job fairs, law enforcement conferences, campus presentations, training and forums, and engaged in numerous networking opportunities with a focus of attracting a larger applicant pool and getting the word out about University Police Services.

The department uses a Cadet program to engage with our university student population and they receive on the job training in various aspects of security and law enforcement. This effort is a bridge to connect with the student population as well as a way to market and attract criminal justice, social work, and other degree majors into the law enforcement field.

In 2022, the department surpassed previous years' recruitment numbers and hired 8 new officers. However, as outlined in this document, the requirements to be hired as a police officer I/II are extensive and because of these requirements, the pool narrows very quickly and ultimately results in approximately 1-4 hires for each recruitment, which is the impetus of this request.