



STATE OF NEVADA DEPARTMENT OF ADMINISTRATION

**Steve Sisolak**  
*Governor*

**Laura E. Freed**  
*Director*

**Matthew Tuma**  
*Deputy Director*

**Rob Boehmer**  
*Executive Officer*

**PUBLIC EMPLOYEES' DEFERRED COMPENSATION PROGRAM**

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**DEFERRED COMPENSATION COMMITTEE  
WORKSHOP MINUTES**

Tuesday, October 25, 2022

The Workshop discussing proposed regulation changes as a recommendation in Internal Audit Report (DIA No. 21-05) of the State of Nevada Public Employees' Deferred Compensation Program (NDC) was held on Tuesday, October 25, 2022, at 10:00 a.m. in person and by teleconference.

A copy of meeting material including this set of meeting minutes, the agenda, and other supporting material, is available on the Nevada Deferred Compensation (NDC) website at:

[https://defcomp.nv.gov/Meetings/2022/2022\\_Meetings/](https://defcomp.nv.gov/Meetings/2022/2022_Meetings/)

**COMMITTEE MEMBERS**

Matt Kruse, Chair

**OTHERS PRESENT**

Rob Boehmer, NDC Executive Officer  
Peter Keegan, Board of Pharmacy  
Yenh Long, Board of Pharmacy

Loretta Ponton, Board of Occupational Therapy  
Micah Salerno, NDC Admin. Assistant  
Sarette Wolfe, Central Payroll

1. **Call to Order/Roll Call**

Nevada Deferred Compensation (NDC) Executive Officer, Rob Boehmer, called the workshop to order at 10:00 a.m. on Tuesday, October 25, 2022. Mr. Boehmer recognized those calling in to the workshop and then explained the purpose of the workshop was to solicit comments from interested persons and receive public comment on proposed Regulation Changes as a recommendation in Internal Audit Report of the Governor's Division of Internal Audits (DIA) No. 21-05.

2. **Public Comment**

Mr. Boehmer stated that written public comment was received by:

- Loretta Ponton, Executive Director of the Board of Occupational Therapy with some recommendation language in NAC 287.700 replacing the term and definition of "Authorized Employer Contributions" with "Non-Elective Employer Contributions" as well as adjusting the language in the definitions of "Deferred Compensation" and "Employer Matching Contributions". She also suggested a title change to NAC 287.740 from "Authorized Employer Contributions" to "Non-Voluntary Employer Contributions" and language following that section. NAC 287.745 change from "Employer Matching Contributions" to "Non-Voluntary Employer Matching Contributions" and following language.

- Dr. Kent Ervin, member of the NDC Committee, submitting public comment as a participant of the NDC Program. Section NAC 287.700 definition of “Deferred Compensation” asked the purpose of the last phrase of the definition “NRS 287.270 and 287.320 inclusive” should be appended as it was not part of a sentence. He also asked on NAC 287.740 Authorized Employer Contributions: Was it NDC’s or the employer’s responsibility to ensure compliance with that provision? NAC 287.745 Employer Matching Contributions, Section 2, he believed it was unclear how a “classification of employee” could make an Employer Matching Contribution. The wording and punctuation were problematic. A question was also asked on Section 2b: Was it NDC’s or the employer’s responsibility to ensure compliance with the provision?

By phone, Peter Keegan with Board of Pharmacy offered public comment and was interested in getting a little more information on how NAC 287.745 Section 1 would benefit the State of Nevada. He asked what the exact intention was as it seemed a bit targeted, offering to other entities throughout the State, but specifically precluding the Executive Branch entities and employees. Mr. Keegan expressed that he felt this language was targeted at a particular entity or set of employees and inquired as to the “Why” of the language and how it would benefit employees throughout the State of Nevada especially given that local and political subdivisions who qualify to participate in the NDC Program and entities like Nevada system of Higher Education (NSHE) would be able to take advantage of making Employer contributions, but not Executive Branch Employees. Mr. Boehmer noted that the draft language was as a result of and to satisfy recommendations made in DIA 21-05.

Mr. Boehmer remarked that the public comments from the workshop would be noted and included in a formal memorandum to Legislative Counsel Bureau’s Legal division for consideration in drafting the final regulation.

3. Workshop to solicit comments for proposed amendments to the following regulation: NAC 287 – Review and discuss potential amendments to the regulations pertaining to Chapter 287 of the Nevada Administrative Code – Deferred Compensation as a result of the recommendation in Internal Audit Report (DIA No. 21-05).

The proposed addition, amendment and/or repeal of regulations pertaining to Chapter 287 of the Nevada Administrative Code was reviewed and no additional recommendations outside the public comment made in the first public comment period were made.

4. Public Comment

No additional public comments.

5. Conclusion of Workshop: adjournment

The workshop was concluded and adjourned at 10:25 am.

Respectfully submitted,

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Micah Salerno  
NDC Administrative Assistant