

Steve Sisolak
Governor



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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
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MEMORANDUM

HR#38-22

July 6, 2022

TO: DHRM Listserv Recipients

FROM: Frank Richardson, Administrator *Frank Richardson*
Division of Human Resource Management

SUBJECT: NOTICE OF INTENT TO ACT UPON A REGULATION – Temporary Adoption or Amendment of Regulations that Pertain to NAC 284

The regulation changes included with this memorandum are being proposed for adoption or amendment at the August 9, 2022, meeting of the Personnel Commission. This meeting will be held at 9:00 a.m. at the Nevada State Library and Archives Building, Room 110, 100 N. Stewart Street, Carson City, Nevada with videoconferencing to the Grant Sawyer Building, Room 1400, 555 E. Washington Avenue, Las Vegas, Nevada.

Please circulate and post the attached *Notice of Intent to Act Upon A Regulation* along with the text of the proposed regulations.

FR:mg

Attachments

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Temporary Adoption and Amendment of
Regulations of the Personnel Commission

The Personnel Commission will hold a public hearing at 9:00 a.m. on August 9, 2022, at the Nevada State Library and Archives Building, Room 110, 100 N. Stewart Street, Carson City, Nevada with videoconferencing to the Grant Sawyer Building, Room 1400, 555 E. Washington Avenue, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the temporary adoption and amendment of regulations that pertain to Chapter 284 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations will not result in an increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other State or local governmental agencies.
- These regulations do not establish any new fee or increase an existing fee.

<u>LCB File:</u>	<u>Section:</u>	<u>NAC:</u>	<u>Leadline or Description</u>
T001-22	Sec. 1	NEW	Succession plan; appointments.
	Sec. 2	NEW	Certification of employees who prepare succession plans.
	Sec. 3	284.058	“Eligible person” defined.
	Sec. 4	284.313	Limitation of competition in recruitment; applications.

Persons wishing to comment upon the proposed action of the Personnel Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Administration, Division of Human Resource Management, 209 East Musser Street, Suite 101, Carson City, Nevada 89701, Attention: Michelle Garton. Written submissions must be received by the Division of Human Resource Management on or before August 9, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Personnel Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted or amended will be on file at the Nevada State Library, Archives and Public Records, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additionally, copies of this notice and the regulations to be adopted or amended will be available at the Division of Human Resource Management, 100 North Stewart Street, Suite 200, Carson City, Nevada, and 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public

during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption or amendment of any regulation, the agency, if requested to do so by an interested person, either before adoption or amendment, or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or amendment, and incorporate therein its reason for overruling the consideration urged against its adoption or amendment.

This notice of hearing has been posted at the following locations:

Carson City

Blasdel Building, 209 East Musser Street
Nevada State Library & Archives Building, 100 North Stewart Street
Nevada State Capitol Building, 101 North Stewart Street
Legislative Counsel Bureau, 401 South Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Websites

Legislative Counsel Bureau website: www.leg.state.nv.us
Nevada Public Notice website: <http://notice.nv.gov>
Division of Human Resource Management website: www.hr.nv.gov

EXPLANATION OF PROPOSED CHANGES

Temporary Regulations

The following amendments, proposed by the Division of Human Resource Management (DHRM), will allow an agency to submit a request for the approval of a succession plan by the Administrator. Employees and the State of Nevada find value in identifying solid career paths for all employees. This process will engage staff and encourage them to stay with the State of Nevada by identifying goals and obtainable objectives. Succession planning provides agencies with the opportunity to develop career progression, without requiring employees to move to different agencies to gain experience. The succession plan program is intended to be used to hire for positions that have historically been difficult to fill, as well as for positions where outside candidates have not been successful.

Agencies that have identified an employee as exceedingly engaged and high achieving may submit a request for a succession plan to the Administrator for approval. The Administrator will ensure that succession plans include safeguards to maintain fairness and equity and are not discriminatory. The establishment of a succession plan will be a collaborative exercise between an agency and DHRM. The intent of these regulations is to develop and retain talent to make sure the State has the very best staff working in crucial roles, while ensuring the continuous operations of State functions and a high level of service to the community.

Section 1: NEW Succession plan; appointments.

This new amendment places into regulation the requirements regarding the submission of succession plans for approval by the Administrator. The exception in subsection 3 is meant to clarify that priority lists, such as reemployment lists, reassignments lists, and 700-hour lists, must be exhausted prior to an appointment through a succession plan.

Section 2: NEW Certification of employees who prepare succession plans.

This new amendment includes a provision requiring the completion of a training class provided by DHRM regarding succession plans prior to working on the creation of a succession plan.

Section 3: NAC 284.058 “Eligible person” defined.

This amendment expands the definition of eligible person to encompass those employees who are approved for appointment because they are in an approved succession plan.

Section 4: NAC 284.313 Limitation of competition in recruitment; applications.

This amendment incorporates the succession plan as an exception as it relates to the requirement to meet the minimum qualifications specified in a publicized job announcement.

Temporary Regulations

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

NEW Succession plan; appointments.

1. An appointing authority may submit a request for the approval of a succession plan to the Administrator.

2. The succession plan must be prepared on the form prescribed by the Division of Human Resource Management.

3. Except as provided in subsection 3 of NAC 284.358 and subsections 1, 2 and 3 of NAC 284.360, upon approval of a succession plan, an appointing authority may request in writing, and the Administrator may approve, the appointment of a current state employee who meets the requirements of the succession plan.

4. If such a request is approved, the current state employee approved for appointment is not required to meet the minimum qualifications established for the position.

Sec. 2. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

NEW Certification of employees who prepare succession plans.

1. An employee of the State who performs the work involving the preparation of succession plans must be certified in the preparation of such plans. The certification must be obtained before the employee may prepare and submit such plans and is accomplished by the employee's attendance at the appropriate training class which is offered by the Division of Human Resource Management.

2. The appointing authority and the supervisor of an employee described in subsection 1 are responsible for ensuring that the employee complies with the provisions of subsection 1.

Sec. 3. NAC 284.058 is hereby amended to read as follows:

NAC 284.058 "Eligible person" defined. (NRS 284.065) "Eligible person" means any person who ~~meets the required minimum qualifications and:~~ :

*1. Applies, **meets the required minimum qualifications**, successfully passes all phases of an examination, when required, and is placed on an appropriate eligible list; ~~for~~*

~~2. Is~~ **2. Meets the required minimum qualifications and is** eligible to be placed on a list described in paragraphs (a) to (d), inclusive, of subsection 1 of NAC 284.358 ~~H~~; **or**

3. Is a current state employee who is approved for appointment pursuant to section 1 of this regulation.

[Personnel Div., Rule I § D subsec. 12, eff. 8-11-73]—(NAC A by Personnel Comm'n by R163- 18, 1-30-2019)

Sec. 4. NAC 284.313 is hereby amended to read as follows:

NAC 284.313 Limitation of competition in recruitment; applications. (NRS 284.065, 284.155, 284.295)

1. Except as otherwise provided in this subsection **and section 1 of this regulation**, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.

2. It is the responsibility of an applicant to apply for any recruitment for which he or she is interested. Future vacancies may be filled from the results of appropriate prior recruitments.

3. Each applicant must submit an application as specified in the publicized job announcement.

The application must be received not later than 5 p.m. on the closing date, as determined by the Division of Human Resource Management.

4. The incomplete or improper completion of an application that affects the ability of the Division of Human Resource Management to determine the qualifications of the applicant,

including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

5. If a recruitment produces a sufficient number of applicants, the Division of Human Resource Management may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his or her qualifications if the publicized job announcement includes notice that such supplemental information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:

(a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.

(b) Are working in the division, department or state service which is specified in the publicized job announcement.

7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he or she is not currently employed. The prior appointment must have

been in the division, department or state service which is specified in the publicized job announcement.

9. Applications and accompanying documents are the property of the Division of Human Resource Management.

[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004; R144-05, 12-29-2005)

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Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Personnel Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Frank Richardson
Frank Richardson, Administrator

7/6/2022

Date