

**STATE OF NEVADA  
PERSONNEL  
COMMISSION**

Held at the Nevada State Library and Archives Building, 100 N. Carson Street, Room 110, Carson City; and via video conference in Las Vegas at the Grant Sawyer Building, 555 E. Washington Avenue, Room 1400.

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Meeting Minutes  
August 9, 2022

**COMMISSIONERS PRESENT:** Katherine Fox, Chairperson  
Mark Olson, Commissioner  
Patricia Hurley, Commissioner  
Rick McCann, Commissioner  
Andreas Spurlock, Commissioner  
Angela Scurry, Alternate Commissioner  
Armen Asherian, Alternate Commissioner

**STAFF PRESENT:** Frank Richardson, Administrator, DHRM  
Beverly Ghan, Deputy Administrator, DHRM  
Mandee Bowsmith, Deputy Administrator, DHRM  
Michelle Garton, Deputy Administrator, DHRM  
Lisa Evans, Deputy Attorney General

**OTHERS PRESENT:** Heather DePice  
Jennifer Herrera

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**I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS**

**Chairperson Fox:** Called the meeting to order on Tuesday, August 9, 2022, at approximately 9:00 a.m. She welcomed everyone, called roll, and established quorum.

**II. PUBLIC COMMENT**

**Chairperson Fox:** Read that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020.

**Chairperson Fox:** Invited public comment.

**Chairperson Fox:** Indicated that there was no public comment.

**III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED TEMPORARY REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284**

**LCB FILE NO. T001-22**

- Sec. 1. NEW Succession plan; appointments.**
- Sec. 2. NEW Certification of employees who prepare succession plans.**
- Sec. 3. NAC 284.058 "Eligible person" defined.**
- Sec. 4. NAC 284.313 Limitation of competition in recruitment; applications.**

**Chairperson Fox:** The first item on the agenda is discussion and approval or denial of proposed temporary regulation changes to NAC Chapter 284, Sections 1, 2, 3, and 4.

**Jennifer Herrera:** Presented amendments proposed by the Division of Human Resource Management that will allow an agency to submit a request for the approval of a succession plan by the administrator. This process engages staff and encourages 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 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 places into regulation the requirements regarding the submission of succession plans for approval by the administrator. Section 2 includes a provision requiring completion of a training class provided by DHRM regarding succession plans prior to working on the creation of a succession plan. Section 3 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 incorporates the succession plan as an exception as it relates to the requirement to meet the minimum qualifications specified in a publicized job announcement. Thank you, and I would be happy to address any questions you may have.

**Commissioner Spurlock:** Could somebody at the state re-summarize the role of minimum qualifications and how this plays into that?

**Beverly Ghan:** Meeting the minimum qualifications in this instance would be if we were to go with the option with the succession plan that it's a hard-to-fill recruitment but there's a recruitment held anyways for us to see if there's an eligible list, the person can apply, would meet minimum qualifications, which is going to be per the specification of the position. If they meet the qualifications, then we could go through that process but what the succession plan is if they do not meet a minimum the qualification, there is the option to use the succession plan then to put them into the position and go that route and fill in the position.

**Commissioner McCann:** Section 1, Subsection 4, on page 13 says if a request is approved, the current state employee approved for appointment is not required to meet the minimum qualifications established for the position. Yet on page 14, under eligible person, it says that an eligible person must meet the required minimum qualifications. I think there's a patent discrepancy there, but I would offer the following: could we add a couple of words that simply say under NAC 284.058, which is on page 14, should it or could it say eligible person means any person, one, who applies, meets the required minimum qualifications for the succession plan, and then under Paragraph 2, meets the required minimum qualifications for the succession plan? Because I think there may be a discrepancy when we see under Section 1 that you do not need to meet minimum qualifications, yet under an eligible person, an eligible person must meet the minimum qualifications.

**Commissioner Spurlock:** On the top of page 14, there's no or between 1 and 2, but there's an or between 2 and 3, and number 3 says a current state employee who is approved for appointment pursuant to Section 1 of this regulation. So that kind of wipes out all the other considerations.

**Commissioner McCann:** If we could ask Ms. Evans to offer the AG's position.

**Michelle Garton:** If there's an A, B, and C and there's and/or between B and C, it means or any of those things, 1, 2, or 3. That's not 1 or 2 or 3, it's 1, 2, or 3. So that's just a drafting technicality. Eligible person is used throughout NAC 284 currently. This definition has traditionally applied to either they meet the minimum qualifications for the position or they will, and so in order to incorporate the succession plan into the rest of NAC 284 in such a way that it's reflected in different regulations throughout, we are grouping in individuals in three as a potential that they can be considered an eligible person if they are approved for appointment pursuant to Subsection 1, which is the new regulation establishing succession plans. So Subsection 3 of NAC 284.058 there is specific to succession plans and that's how it incorporates it into potentially being an eligible person for a position.

**Commissioner Hurley:** I just wanted to tell the Department of Human Resources that the state of Nevada, well done.

**Commissioner Olson:** Reading the regulation, the proposed regulations, the safeguards, and the oversight provided by the Division, I was very comfortable. In a program such as this, there are perceived winners and losers based on participation but I'm confident that the administrator there and the staff of the Division have their eyes on this, looking forward to be successful, and will see it through. So I certainly endorse this proposed regulation.

**Commissioner Spurlock:** Will the detailed information on the process and the applications forms be on the state website for employers who show interest in this.

**Frank Richardson:** Email me, Jennifer Herrera who put together much of this program, a lot of the guardrails, and the certified training.

**Jennifer Herrera:** People who've gone through this training have very much said they appreciate that DHRM is trying something out of the box. In our trainings we have said it is another tool in your toolkit, and they appreciate the fact that it may not necessarily be applicable to their immediate situations, but they are excited that everybody is willing to try something.

**Chairperson Fox:** Updates on implementation, use, successes, opportunities for improvement will be really helpful I think for the Commission to hear because some of us who are steeped in civil service and eligible lists and hiring individuals off the lists who meet the minimum qualifications and challenges around that would certainly appreciate that kind of feedback as far as how this has worked.

**Frank Richardson:** So far, we've only approved three succession plans, and those were for very hard-to-fill positions with unique requirements and unique set of skills that we can't find in many places. As part of that process we made sure that they went through the recruitment process and could provide proof that they couldn't get candidates or if they did receive applicants for those jobs, they weren't successful in that role. We have turned a few away because we have a very comprehensive training requirement that has to be supported by the department too and if that's not up to what we believe, we'll bring them to that next level for succession (inaudible), we'll reject that and send it back for more information on training.

**Jennifer Herrera:** We have 76 people who have gone through our certification classes from 20 different departments. Divisions of HHS have the highest number of participants followed by taxation, DPS, and a smattering of others. We acknowledge the risk that everybody is taking in the classes, in the discussions, people have really come to understand that while they are going through the class to be the certified planner, it is not a solo event. They have to dialogue with the hiring manager, with the employee to really develop why the position is so difficult to fill, why it should be considered for a succession plan, and then why that particular person. The certified planner is the one that can lead those meetings and help the rest of the team understand the parameters and requirements, and we make clear on the training that it's up to the departments and the divisions to determine if they want to take that risk of having another probationary employee, but likely one who's already been doing the job, at least in part, for some of the time.

**Chairperson Fox:** I will entertain a motion related to Item 3, discussion, approval or denial, proposed temporary regulation changes to Nevada Administrative Code, Chapter 284.

**Commissioner Olson:** Moved that the Commission approve Agenda Item 3, the proposed temporary regulation changes to NAC 284 as submitted.

**Chairperson Fox:** I will second that motion. Please let the record indicate that it includes LCB File Number T001-22, Sections 1, 2, 3, and 4.

**Chairperson Fox:** All those in favor signify by saying aye and for the record, introduce yourself with your yea or nay.

The motion passes unanimously.

MOTION: Moved to approve Agenda Item 3, the proposed temporary regulation changes to NAC 284 as submitted.  
BY: Commissioner Olson  
SECOND: Chairperson Fox  
VOTE: The vote was unanimous in favor of the motion.

#### IV. DISCUSSION OF DATES FOR UPCOMING MEETINGS

**Chairperson Fox:** Item IV, discussion of dates for upcoming meetings.

**Michelle Garton:** The next Personnel Commission meetings are set for September 16 and December 9.

#### V. COMMISSION COMMENTS

**Chairperson Fox:** Are there any Commissioners wishing to come forward with comments at this time?

**Commissioner Hurley:** I will not be able to make the September 16 meeting so my alternate would have to take over on that one.

**Chairperson Fox:** I'll leave it for the Division to manage that and update the other commissioners.

**Chairperson Fox:** Any other Commission comments at this time?

#### VI. PUBLIC COMMENT

**Chairperson Fox:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

**Chairperson Fox:** None heard or seen.

#### VII. Adjournment

**Chairperson Fox:** Seeing and hearing no further discussion, we are adjourned.