

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

PERSONNEL COMMISSION

Meeting Notice

DATE: Tuesday, August 9, 2022

TIME: 9:00 a.m.

LOCATION:	State Library and Archives Building	Grant Sawyer Building
	100 N. Stewart Street	555 E. Washington Avenue
	Room 110	Room 1400
	Carson City, Nevada 89701	Las Vegas, NV 89101

The sites will be connected by videoconference. The public is invited to attend at either location. As video conferencing gives the Commission, staff, and others flexibility to attend meetings in either Northern or Southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

Notice: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair’s discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Comments will be limited to three minutes per person and persons making comments will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow public comment on a specific agenda item when the item is being considered.

Agenda

- I. Call to Order, Welcome, Roll Call, Announcements**
- II. Public Comment:** 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).
- FOR POSSIBLE ACTION III. Discussion and Approval or Denial of Proposed Temporary Regulation Changes to Nevada Administrative Code, Chapter 284.....3-16**

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.

IV. Discussion of Dates for Upcoming Meetings

V. Commission Comments

VI. Public Comment: 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).

VII. Adjournment

Supporting material for this meeting is available at the Division of Human Resource Management at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, NV, 89101; or on our website http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/. To obtain a copy of the supporting material, you may contact Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Suite 101, Carson City, NV, 89701, no less than (5) working days before the meeting.

Persons who wish to receive notice of meetings must subscribe to the Division of Human resource Management LISTSERV HR Memorandums, which can be found on the following webpage:

http://hr.nv.gov/Services/HRM_Email_Subscription_Management/. If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c), which states in part, “A request for notice lapses 6 months after it is made.” Please contact Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov to make such requests.

Notice of this meeting has been posted at the following locations:

Carson City

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

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Websites:

Nevada Public Notice website: <http://notice.nv.gov>
Division of Human Resource Management: www.hr.nv.gov

ITEM III

Personnel Commission Meeting
August 9, 2022

FOR INFORMATION ONLY

Attached are the minutes of the April 11, 2022, regulation workshop are included, as they are associated with the temporary regulations related to succession plans. The Small Business Impact Statement is also included.

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REGULATIONS WORKSHOP

DATE: April 11, 2022
TIME: 9:00 a.m.
PLACE: Nevada State Library and Archives Grant Sawyer Building
Room 110 Room 1400
100 N. Stewart St. 555 E. Washington Avenue
Carson City, Nevada Las Vegas, Nevada

Draft Workshop Minutes

Staff present in Carson City:

Frank Richardson, Administrator, Department of Administration
Michelle Garton, Deputy Administrator, Division of Human Resource Management, (DHRM)
Beverly Ghan, Deputy Administrator, DHRM
Mandee Bowsmith, Deputy Administrator, DHRM

Others present in Carson City:

Carrie Hughes, DHRM
Sarv Long, DHRM
Tammy Smith– DHRM EEO
Kristen Anderson – DHRM Supervisory Personnel Analyst
Matthew Lee – DHRM Supervisory Personnel Analyst
Lisa Friend – DHRM
Gina Mick – DHRM
Nicole Peek – DHRM
Darrell Morlan – DHRM
Kara Sullivan– DHRM
Lisa Culp – DHRM
David Johnson – DHRM

Others present in Las Vegas:

Rob Horgan – DHRM

Rhonda Vivor, Agency Human Resource Services (AHRM)

Subject: Review of proposed change to NAC 284 – TO SOLICIT COMMENTS ON PROPOSED PERMANENT REGULATIONS

1. Call to Order:

a. Garton described the proposed amendments related to Succession Planning that were adopted on an emergency basis by the Personnel Commission at the March 25, 2022, meeting.

(1) Garton stated that the purpose of the Regulation workshop was to solicit comments about the Succession Planning Regulation as part of the process to potentially make the regulation permanent.

(2) Garton described the intent for the Succession Planning regulation to move to the LCB for a pre-adoption review where the regulation could stand as-is or change per public comments received today.

b. Garton described the emergency regulations that was provided and pointed out that the emergency regulation would be in effect on an emergency basis for 120 days from the date it was adopted.

(1) Garton stated that the intent of the regulation was to engage staff and encourage them to stay with the State of Nevada by identifying goals and obtainable objectives.

(2) Garton described the intent of the regulation as an opportunity to develop career progression and support agencies that have identified high achieving/engaged employees that may not qualify for positions at a certain progression in their career with the state.

(3) Garton explained that the regulation is focused on hard to fill positions that agencies have difficulties in finding qualified applicants to fill those positions.

(4) Garton said that the appointing authority may submit a request for a succession plan for the Administrator of DHRM to approve. She noted that priority lists will still be considered first.

(5) Garton stated that the Office of Employee Development has already created a training for succession planning.

(6) Garton described NRS 284.058 as making conforming changes to enable state employees who are in a succession plan the ability to be considered an eligible person and work around the minimum required qualifications.

c. Public Comments about the Succession Planning Regulations

(1) Julie Knight said that although the intent is helpful, there is a perception that this can lead to cronyism that can erode the public trust. Also, in an internal setting, you could get a chilling effect from employees that would not apply for positions because they know that another employee has a succession plan in effect. Knight also commented that there is not a labor shortage but a wage issue, and they realize that cannot be solved in this workshop.

(2) Brian Boughter expressed a couple of concerns with the Succession Plan, the first being the cronyism already discussed. He also is concerned with the workload involved to include who will be monitoring the plan. Boughter asked why we would be creating succession planning in lieu of staff professional trainees and systems that we currently have? Or could we create a management trainee program? This could be perceived as another opportunity for management to select who they want to fill positions.

(3) Marni Whalen from Welfare said that although she can see both sides, she believes that Agency HR staff will have to spend time and resources defending the decisions. Boughter added that he sees this as a grievable event that could go all the way to the EMC.

(4) Emily Coleman commented that the intent of the plan is good and that these are steps in the right direction, she described how a CFO can handle budgets on a daily basis but doesn't qualify under current regulations for an Account Tech position.

(5) Frank Richardson commented on the narrow focus that is the intent of the plan, he used an example of a position that had no candidates on multiple occasions, Richardson said that is when he would feel it was warranted to approve a succession plan that had been filed. There will still be a competitive process in place when addressing this issue. Richardson said that this is a part of an overall plan that DHRM is looking at and referenced the previous IFC meeting where a grant was approved for a study of the state's HR processes, NRSs, NACs and policies in place so we can streamline the HR system. We want to develop career pathways for our employees, develop strict on-boarding programs so we can carry our new employees through and providing some kind of training for career planning. This succession plan is only a part of that overall change that the State would benefit from. Richardson commented that although he understands there are current challenges with favoritism and discriminatory practices, we investigate those now, we investigate promotion processes because often times employees complain that it was not a fair process. Richardson said that we are going to try and make this equitable, it is designed for hard to fill, highly technical positions. You have current employees that have to take on the work of these unfilled positions and they would be a good candidate for succession planning. Richardson said that there will a lot of different factors that will have to be outlined in a succession plan for it to be approved. That candidate will have to show they warrant the position and may have to test to be considered. Richardson also expanded on the use of under-fills that are not truly fair to the person doing that work for a period of time without being compensated for it. Richardson pointed out that we cannot make changes to wages and benefits without legislative action, but this is something we can do

to try and improve the staffing at the State. What we can improve is our State culture, we want to progress employees up as fast as we can and develop people into the roles where we are experiencing talent loss as the “great resignation” continues. Richardson stated that in four years 23 percent of our staff are eligible for retirement, in nine years that number is 40 percent. Richardson concluded that succession planning is narrow in scope and it’s an optional program for hard to fill specific roles.

(6) Boughter asked what the criteria will be for hard to fill positions? Richardson said that there has to be enough need and failure to fill a position, specifically at least seven days of recruitment without qualified applicants. Richardson said that he also wants to see a track record, he used an example of the Cost Containment Manager that requires vast knowledge in Medicaid/Medicare. Those skill sets are only usually found in Government roles and a MAIII that may work there and fills the role does not qualify for the position where they are currently doing the job.

(7) Heather Dapice asked if non-permanent employees in their probationary position will qualify for Succession Planning? Garton answered yes, as of now.

2. Adjournment: Ms. Garton thanked the attendees for participating and adjourned the workshop at 9:32 a.m.

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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

Personnel Commission Meeting
August 9, 2022

FOR POSSIBLE ACTION

The following regulations are proposed for adoption by the Personnel Commission on a temporary basis. If adopted, the regulations will be in effect upon filing with the Secretary of State until November 1st, 2023.

**PROPOSED TEMPORARY REGULATION OF THE
PERSONNEL COMMISSION**

LCB FILE NO. T001-22P

**The following document is a proposed temporary regulation submitted
by the agency on 07/01/2022**

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.

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.

REGULATIONS
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)