

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

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

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:

Horgan, Robert – 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.