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Regulations

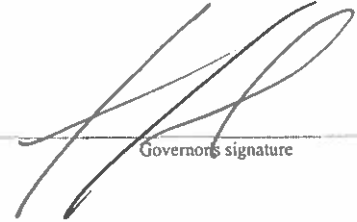
Agency

Department of
Administration
Division of
Human Resource
Management

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____



Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action Adoption of emergency regulation change to Chapter 284 of the Nevada Administrative Code to implement succession plans as an instrument of recruitment and retention of State of Nevada employees.

Authority citation other than 233B §1, NRS 284.065, 284.155.

Notice date March 14, 2022 (agenda and attachments)

Date of Adoption by Agency

Hearing date March 25, 2022

March 25, 2022

ACTION – ADOPTION OF EMERGENCY REGULATION

NAC REGULATION

Section 1. Succession plan; appointments.

NEW

Sec. 2. Certification of employees who prepare succession plans.

NEW

Sec. 3. "Eligible person" defined.

284.058

Sec. 4. Limitation of competition in recruitment; applications.

284.313

**NEVADA PERSONNEL COMMISSION'S
STATEMENT OF EMERGENCY**

WHEREAS, the Nevada Personnel Commission ("Commission") has convened this public meeting for the purpose of considering the adoption of the foregoing Emergency Regulations, which relate to the appointment of certain employees based on an approved succession plan;

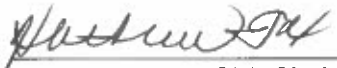
WHEREAS, the Commission finds that an emergency exists insofar as:

1. The need for swift action to implement new procedures to aid State of Nevada agencies in filling vacant positions with a larger pool of applicants, as well as encourage staff to stay with the State of Nevada, due to the unprecedented change in workforce dynamics caused by the COVID pandemic; and

2. The emerging staffing challenges and the need to support the State's mission does not leave adequate time for the Commission to use the procedures mandated by Chapter 233B of the NRS for amending a permanent regulation, therefore the following regulations are proposed as emergency amendments.

NOW THEREFORE, the Commission hereby adopts the following Emergency Regulation which shall be effective upon the endorsement by the Governor and filing with the Secretary of State.

FOR THE COMMISSION:



KATHERINE FOX, Chair
Nevada Personnel Commission

03/25/2022
Date

GOVERNOR'S ENDORSEMENT

I, Governor Steve Sisolak, endorse the Nevada Personnel Commission's foregoing Statement of Emergency.



STEVE SISOLAK
Governor of Nevada

03/28/2022
Date

[Text continues on next page]

EMERGENCY 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; ~~or~~*

~~—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 ~~+~~ ; 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)

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
Emergency Regulations

1. A clear and concise explanation of the need for the adopted regulation.

The following amendments are necessary to address recruiting issues related to recruiting and retention at the State of Nevada. In the past year and a half, changes to working at the State of Nevada have been unprecedented. The “Great Resignation,” in which personnel from every generation have decided to not return to work as a result of the pandemic, and the remote work possibilities and advantages offered by other industries due to the work-from-home requirements of the pandemic, have forever changed the way people view work and do business.

Employees and the State of Nevada find value in identifying solid career paths for all employees, while creating a “stay” work culture. 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 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.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

N/A pursuant to subsection 2 of NRS 233B.066.

3. The number of persons who:
(a) Attended each hearing:
(b) Testified at each hearing:
(c) Submitted written comments:

N/A pursuant to subsection 2 of NRS 233B.066.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):

N/A pursuant to subsection 2 of NRS 233B.066.

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

N/A pursuant to subsection 2 of NRS 233B.066.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

N/A pursuant to subsection 2 of NRS 233B.066.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

This regulation does not have a direct economic effect on either a regulated business or the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not overlap or duplicate any State or federal regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are covered by any federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.