

**ADOPTED TEMPORARY  
REGULATION OF THE  
PERSONNEL COMMISSION  
LCB FILE NO. T001-22A**

**The following document is the adopted temporary regulation  
submitted by the agency on 01/31/2023**

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Agency Department of Administration  
Division of  
Human Resource  
Management  
LCB File No T001-22

Governor's signature

Classification:  PROPOSED  ADOPTED BY AGENCY  EMERGENCY

Brief description of action Adoption of temporary regulation LCB File No. T001-22. The regulation will remain in effect upon filing with the Secretary of State until November 1<sup>st</sup>, 2023.

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

Notice date July 7, 2022

Date of Adoption by Agency

Hearing date August 9, 2022

August 9, 2022

**ACTION – ADOPTION OF PERMANENT REGULATION**

**NAC REGULATION**

Section 1. Succession plan; appointments.

New

Section 2. Certification of employees who prepare succession plans.

New

Section 3. “Eligible person” defined.

284.058

Section 4. Limitation of competition in recruitment; applications.

284.313

Personnel Commission Meeting  
August 9, 2022

**INFORMATIONAL**

The following regulations were adopted by the Personnel Commission on a temporary basis at the August 9, 2022, meeting. The regulations will be in effect upon filing with the Secretary of State until November 1<sup>st</sup>, 2023.

## 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 ~~+~~; *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