

**PROPOSED REGULATION OF  
THE HUMAN RESOURCES COMMISSION**

**LCB File No. R046-22**

March 1, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 4, NRS 284.065, as amended by section 72 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3562; § 2, NRS 284.065, as amended by section 72 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3562, NRS 284.155, 284.250, as amended by section 88 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3569, and NRS 284.295, as amended by section 94 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3571; §§ 3 and 5, NRS 284.065, as amended by section 72 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3562, NRS 284.155 and 284.295, as amended by section 94 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3571.

A REGULATION relating to state personnel; authorizing an appointing authority to submit to the Administrator of the Division of Human Resource Management of the Department of Administration a written request for the approval of a succession plan; authorizing, under certain circumstances, an appointing authority to submit to the Administrator a written request for the appointment of a current state employee pursuant to an approved succession plan; requiring a state employee whose duties include the preparation of succession plans to obtain certain certification from the Division; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Human Resources Commission to adopt: (1) regulations to carry out the provisions governing the State’s Human Resources System; and (2) a code of regulations for the classified service. (NRS 284.065, as amended by section 72 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3562, NRS 284.155) Existing law additionally requires, in part, that, in compliance with regulations adopted by the Commission: (1) vacancies in positions within a department or agency be filled by the promotion of employees in the classified service; and (2) eligibility for promotion be determined by the recommendation and evaluation of an appointing authority that the employee meets certain qualifications. (NRS 284.295, as amended by section 94 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3571)

**Section 2** of this regulation authorizes an appointing authority to submit a written request to the Administrator of the Division of Human Resource Management of the Department of

Administration for: (1) the approval of a succession plan to prepare employees for promotion to particular positions; and (2) the appointment, under certain circumstances, of a current state employee to a position set forth in an approved succession plan. **Section 3** of this regulation requires a state employee whose duties include the preparation of succession plans to be certified by the Division in the preparation of succession plans before preparing any such plan.

Existing regulations provide that competition in recruitment is limited to applicants who meet the minimum qualifications and other criteria as specified in the publicized job announcement. (NAC 284.313) **Section 5** of this regulation provides an exception to this requirement to allow for the competition in a recruitment by a current state employee who meets the requirements of a succession plan.

Existing regulations define “eligible person” for purposes of the provisions of the Nevada Administrative Code relating to the State’s Human Resources System. (NAC 284.058) **Section 4** of this regulation amends the definition to include an employee who meets the requirements of an approved succession plan and who is approved for appointment by the Administrator.

**Section 1.** Chapter 284 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2. 1.** *An appointing authority may submit to the Administrator a written request for the approval of a succession plan to prepare employees for promotion to particular positions.*

*2. The succession plan must be prepared in the form prescribed by the Division of Human Resource Management.*

*3. Except as otherwise provided in NRS 284.305, as amended by section 2 of Senate Bill No. 87, chapter 59, Statutes of Nevada 2023, at page 285, and section 96 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3572, and NRS 284.327, as amended by section 100 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3573, if the Administrator has approved a succession plan submitted by the appointing authority pursuant to subsection 1, the appointing authority may submit to the Administrator a written request to appoint an employee to a position set forth in the succession plan. If an employee meets the requirements set forth in the succession plan, the Administrator may approve the appointment*

*of the employee, regardless of whether the employee meets the other minimum qualifications for the position.*

**Sec. 3.** *Before preparing a succession plan described in section 2 of this regulation, any employee whose duties include the preparation of succession plans must be certified in the preparation of succession plans by completing the appropriate training class offered by the Division of Human Resource Management. The appointing authority and the supervisor of an employee whose duties include the preparation of succession plans are responsible for ensuring that the employee is certified in the preparation of succession plans pursuant to subsection 1 before the employee prepares a succession plan described in section 2 of this regulation.*

**Sec. 4.** NAC 284.058 is hereby amended to read as follows:

284.058 “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;~~ *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;~~ *or*
3. *Is an employee who meets the requirements of a succession plan approved pursuant to section 2 of this regulation and who is approved for appointment by the Administrator pursuant to section 2 of this regulation.*

**Sec. 5.** NAC 284.313 is hereby amended to read as follows:

284.313 1. Except as otherwise provided in this subsection ~~or~~ *and section 2 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.