

LCB File No. R169-06

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

**(Note that the text of this regulation was previously sections 5 and 12 of R147-06;
they have been removed from that regulation for separate consideration)**

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

AUTHORITY: §1, NRS 284.065, 284.155, 284.383 and 284.385; §2, NRS 284.065, 284.155 and 284.407.

A REGULATION relating to the State Personnel System; requiring employees to report certain arrests and convictions to appointing authorities; and providing other matters properly relating thereto.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new provision to read as follows:

1. If an employee has been arrested for or convicted of a criminal offense which is a misdemeanor, gross misdemeanor or felony, including, without limitation, a violation of a traffic law pursuant to chapter 484 of NRS or any equivalent law of any other jurisdiction that prohibits the same or similar conduct, the employee must report the arrest or conviction to his appointing authority within 5 working days after the first working day that the employee is regularly scheduled to work after the arrest or conviction.

2. The appointing authority shall determine whether the continued employment of an employee as the result of a conviction reported pursuant to subsection 1 has an adverse impact on the State of Nevada.

3. The appointing authority may immediately dismiss an employee if the appointing authority determines pursuant to subsection 2 that the continued employment of the employee has an adverse impact on the State of Nevada.

4. The rights and procedures set forth in NAC 284.656 apply to any dismissal made pursuant to this section.

5. Nothing in this section precludes an appointing authority from initiating disciplinary action against an employee which is authorized pursuant to this chapter.

Sec. 2. NAC 284.884 is hereby amended to read as follows:

284.884 1. An employee must not have a concentration of alcohol in his blood or breath greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty. Disciplinary action may be taken by the appointing authority in accordance with the provisions of NAC 284.638 to 284.656, inclusive, *and section 1 of this regulation*, if a screening test indicates that the concentration of alcohol in the blood or breath of the employee is greater than .01 gram by weight of alcohol per 100 milliliters of his blood or per 210 liters of his breath while on duty.

2. A positive result on a screening test of a person's breath must be confirmed by a second screening test. The second screening test must be conducted immediately after receipt of the positive result of the first screening test.