

**PROPOSED REGULATION OF  
THE PERSONNEL COMMISSION**

**LCB File No. R010-11**

July 19, 2011

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

AUTHORITY: §1, NRS 284.065, 284.155, 284.4065 and 284.407.

A REGULATION relating to state personnel; revising provisions governing screening tests for the use of alcohol and drugs by state employees; and providing other matters properly relating thereto.

**Section 1.** NAC 284.888 is hereby amended to read as follows:

284.888 1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his duties safely and efficiently include, but are not limited to:

- (a) ~~[(b)]~~ ~~The operation of a motor vehicle by the employee in any manner that causes bodily harm;~~
- ~~[(b)]~~ Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;
- ~~[(c)]~~ (b) The odor of alcohol or a controlled substance on the breath of the employee;
- ~~[(d)]~~ (c) Observation of the employee consuming alcohol;
- ~~[(e)]~~ (d) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source; or
- ~~[(f)]~~ (e) The occurrence of any accident while the employee is on the premises of the workplace for which the employee receives medical treatment.

2. ~~[Pursuant]~~ *Except as otherwise provided in subsection 3, before requiring an employee to submit to a screening test, the supervisor of the employee must complete a form provided by the Department of Personnel*

3. *The provisions of subsection 2 do not apply if an appointing authority requests an employee to submit to a screening test pursuant to paragraph (b) of subsection 2 of NRS 284.4065 .* ~~[.]~~ *As used in subsection 2 of NRS 284.4065, “substantial damage to property” includes, but is not limited to:*

(a) The operation of a motor vehicle in such a manner as to cause more than \$500 worth of property damage; or

(b) The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

~~[3.— Before requiring an employee to submit to a screening test, a supervisor must complete a form provided by the Department of Personnel.]~~