

LCB File No. R104-03

PROPOSED REGULATION OF THE COMMISSION  
ON POSTSECONDARY EDUCATION

Proposed Amendment to NAC 394.685

Note: Sections in brackets and lined out are to be deleted. Sections in italics are to be added.

NAC 394.685 ~~[Confidentiality of sheriffs' investigations;]~~ Allowance or termination of employment.

1. If an institution employs a person in violation of NRS 394.465, the administrator shall order the institution to terminate immediately the employment of that person.
  2. ~~[All sheriffs' investigations are confidential. If the administrator finds that a person who is required to be certified or investigated has been convicted within the last 10 years of a felony or a crime involving moral turpitude or has ever been denied a work permit, the administrator shall notify the institution and applicant. If the institution still desires to employ the person, the application will be reviewed by the commission in a closed meeting to determine whether the person may be employed by the institution. The commission will vote on the determination in an open meeting.]~~ *Upon receipt of evidence that an employee subject to the provisions of NRS 394.465 may have been convicted of a felony or crime of moral turpitude, the administrator shall request from the employee an explanation of the conviction. Upon receipt of verification from the employee that he has been convicted of a felony or crime of moral turpitude, the administrator shall direct the employee to:*
    - (a) *Notify the employing institution of the conviction, and*
    - (b) *Request the employing institution to submit to the administrator a letter of support for continued employment.*
  3. *Upon receipt of the letter of support for continued employment for a conviction that occurred:*
    - (a) *Within the past ten years, the commission shall at its next regularly scheduled meeting conduct a closed session to approve or disapprove the application for continued employment and vote on the determination in an open meeting, or,*
    - (b) *More than ten years ago, the administrator shall approve or disapprove the application for continued employment. If the administrator denies the application for continued employment, the institution may request a hearing before the commission.*
- ~~[3.If the administrator finds that a person who is required to be certified or investigated was convicted more than 10 years ago of a felony or a crime involving moral turpitude, the administrator shall notify the institution and applicant. If the institution still desires to employ the applicant and the applicant is able to demonstrate to the satisfaction of the administrator that he is qualified for that employment, the administrator may allow the institution to employ the applicant.~~
4. ~~Before an institution:~~
    - ~~—(a) Employs a person; or~~
    - ~~—(b) Reemploys a person who has been discharged or voluntarily left employment for 1 year, who is required to be certified or investigated, the institution shall furnish the~~

~~administrator with his name, social security number and, if applicable, the number of his certificate and its date of expiration. If the person does not have a valid certificate or if the sheriff's investigation has not been received by the administrator within 90 days after the institution furnishes the administrator with the required information and the applicant has not requested a certificate or investigation, the administrator shall order the institution to terminate immediately the person's employment.]~~