

**PROPOSED REGULATION OF THE COMMISSION  
ON POSTSECONDARY EDUCATION**

**LCB File No. R104-03**

September 23, 2003

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

AUTHORITY: §1, NRS 394.411.

**Section 1.** NAC 394.685 is hereby amended to read as follows:

394.685 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.~~

~~—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.]~~

*If the Administrator receives evidence that a person employed by an institution who is subject to the provisions of NRS 394.465 may have been convicted of a felony or crime involving moral turpitude, the Administrator shall request from the employee verification of the conviction and an explanation. If the employee verifies the conviction, the Administrator shall direct the employee to:*

*(a) Notify the institution of the conviction; and*

*(b) Request the institution to submit to the Administrator a request for continued employment of the employee accompanied by a letter of support for continued employment.*

*3. If the Administrator receives a request for continued employment pursuant to subsection 2 and the conviction of the employee on whose behalf the request is made occurred within the immediately preceding 10 years, the Commission will consider the request for continued employment at its next regularly scheduled meeting during a closed session of that meeting. The Commission will vote upon the request during an open meeting.*

*4. If the Administrator receives a request for continued employment pursuant to subsection 2 and the conviction of the employee on whose behalf the request is made occurred more than 10 years before the date on which the request is received, the Administrator shall approve or disapprove of the request for continued employment. If the Administrator denies a request, the institution may request a hearing before the Commission.*