

LCB File No. R193-09

PROPOSED REGULATION OF THE
PERSONNEL COMMISSION

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

File 7

NAC 284.888 is hereby amended to read as follows:

Explanation of Proposed Change: This regulation change, proposed by the Office of Risk Management, adds workplace accidents to the list of reasons for testing employees for alcohol and drugs based on reasonable belief. Employees who are under the influence of alcohol or drugs on the job present a safety hazard to themselves and others and are in violation of State policy. Risk Management is also proposing lowering the definition of “substantial damage of property” because supervisors are typically underestimating the amount of damage involved with motor vehicle accidents and are failing to test employees who should be tested.

NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required form. (NRS 284.065, 284.155, 284.407)

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) 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) The odor of alcohol or other controlled substance on the breath of the employee;
- (d) Observation of the employee consuming alcohol; ~~or~~
- (e) Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source ~~or~~;

(f) A workplace accident that results in the employee receiving medical treatment.

2. Pursuant to 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 ~~[\$2,500]~~\$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.