

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R193-09

January 26, 2010

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

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

A REGULATION relating to the State Personnel System; revising provisions governing screening tests to detect the presence of alcohol or drugs; 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) 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 a 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 ~~[and]~~; *or*
- (f) *The occurrence of any accident while the employee is on the premises of the workplace for which the employee receives 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.