

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R194-09

January 26, 2010

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

AUTHORITY: §1, NRS 284.065 and 284.407.

A REGULATION relating to the State Personnel System; revising provisions governing the treatment of an applicant who tests positive for the use of a controlled substance; and providing other matters properly relating thereto.

Section 1. NAC 284.894 is hereby amended to read as follows:

284.894 1. An applicant who tests positive for the use of a controlled substance must not be considered by an appointing authority for employment in any position which requires such testing *and the applicant must be removed from all lists of eligible persons established from a recruitment that requires such testing* until:

- (a) One year ~~[has passed from]~~ *after* the time of the positive test; or
- (b) The applicant provides evidence that he has successfully completed a rehabilitation program for substance abuse.

2. An employee who tests positive for the use of a controlled substance or alcohol for the second time within a 5-year period is subject to disciplinary action by the appointing authority and may be terminated at the discretion of the appointing authority.