

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R118-17

1. A clear and concise explanation of the need for the adopted regulation.

The amendments to Chapter 284 of the Nevada Administrative Code (NAC) outlined in Sections 1 through 6 of this LCB File are necessary due to a State of Nevada agency having to address a public incident with an employee who committed offenses while off-duty, and the importance of such a notification to the employer.

First, a new regulation is proposed which requires an employee to report the suspension, revocation or cancellation of a required professional or occupational license, certificate or permit or a driver's license to his or her appointing authority. This regulation also includes a timeframe of 5 working days to report such a suspension, revocation or cancellation, and the consequences of not making a report.

Next, a new regulation is proposed which requires an employee to report being arrested for, charged with or convicted of any offense to his or her appointing authority, also within a 5 working day time frame, if the arrest, charge or conviction makes the employee temporarily or permanently unable to perform his or her duties. Consequences of failing to make this type of report are included in this new regulation as well.

Conforming changes to disciplinary regulations are necessary as a result of the two newly proposed regulations are included in this LCB File.

The proposed amendment in Section 6, NAC 284.653, expands the requirement that an employee report a conviction related to driving under the influence or unlawful acts involving controlled substances, to also require that an employee report such an arrest, charge or conviction during working or nonworking hours. A timeframe of 5 working days remains a requirement in this proposed amendment. The consequences of failing to make this type of report is also included in this amendment.

Finally, the amendment outlined in Section 7, NAC 284.890, is necessary based on concerns from a State of Nevada agency after it was needed to address an employee's medical need following a reasonable suspicion test. The amendment will allow an appointing authority additional options regarding next steps for an employee after he or she has submitted to a screening test. In addition to providing transportation home, an appointing authority may also assist the employee in arranging transportation by a person of his or her choosing, or arrange for medical assistance, as appropriate.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On August 7, 2018, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation

changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

Blasdel Building
209 E. Musser Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Nevada State Library and Archives
100 N. Stewart Street
Carson City, NV

Grant Sawyer Office Building
555 E. Washington Avenue
Las Vegas, NV

Two regulation workshops related to amendments in this LCB File were conducted by the Division of Human Resource Management on August 30, 2017 and March 7, 2018. A public hearing was held by the Nevada Personnel Commission on September 7, 2018.

At the regulation workshops, the amendments were generally supported.

At the public hearing, staff provided information regarding the intent and need for the regulations and amendments.

Written minutes and comments from the regulation workshops and public hearing can be obtained from the Division of Human Resource Management by contacting Michelle Garton at mgarton@admin.nv.gov or by calling (775) 684-0136.

3. The number of persons who:

- (a) Attended each hearing: 33**
- (b) Testified at each hearing: 1**
- (c) Submitted written comments: 0**

4. Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):

Carrie Hughes, Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
100 N. Stewart Street
Carson City, NV 89701
(775) 684-0111
cphughes@admin.nv.gov

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There was no opposition to the regulation at the Personnel Commission hearing.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

This regulation does not have a direct economic effect on either a regulated business or the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not overlap or duplicate any State or federal regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include any provisions that are covered by any federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with this regulation.