

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R151-17**

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

The proposed amendments to NAC 284.5385, 284.544 and 284.5775 are necessary to create consistency with the use of annual leave and sick leave by an employee who is eligible for temporary total disability benefits. The amendments are intended to clarify which type of leave may be used to supplement an employee's wages when receiving benefits for a workers' compensation temporary total disability. Also, these changes clarify that an employee also continues to accrue annual leave and sick leave if he or she elects to supplement his or her temporary total disability benefits using compensatory time or annual leave.

The proposed amendment to NAC 284.882 makes changes regarding the list of devices to be used to test the presence of alcohol by testing an employee's breath. Effective January 1, 2018, the list of Evidential Breath Testing Devices approved by the National Highway Traffic Safety Administration will no longer appear exclusively on a conforming products list published in the Federal Register. (82 Fed. Reg. 52240 (November 13, 2017)) Instead, federal regulations require that the Evidential Breath Testing Devices approved by the National Highway Traffic Safety Administration be listed on an Internet website page maintained by the Office of Drug and Alcohol Policy and Compliance of the United States Department of Transportation.

**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 May 4, 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

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

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

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

A regulation workshop was conducted by the Division of Human Resource Management on December 12, 2017, and a public hearing was held by the Nevada Personnel Commission on June 8, 2018.

At the workshop held on December 12, 2017, the regulations and amendments were generally supported.

At the public hearing, staff provided information regarding the intent and need for the regulations. No public comment was received at the hearing.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Shelley Blotter at [sblotter@admin.nv.gov](mailto:sblotter@admin.nv.gov) or by calling (775) 684-0105.

- 3. The number of persons who:**
  - (a) Attended each hearing: 28**
  - (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  
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- 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.