

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R063-18

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

The amendment to Chapter 284 of the Nevada Administrative Code (NAC) outlined in Section 1 is necessary based on concerns raised by a 2017 appeal of disciplinary action and a need to address what constitutes a refusal to submit to an alcohol test. The new regulation proposed will set forth the circumstances under which an employment applicant or employee is deemed to have refused to submit to a requested or required screening test for alcohol or drugs. Also included in this new regulation are the consequences for certain applicants who are deemed to have refused to submit to such a screening test. Definitions of terms utilized in the regulation are also included in this new regulation.

The amendment outlined in Section 2, NAC 284.578, is necessary to bring the regulation related to leave without pay into alignment with the sick leave, annual leave, and compensatory time regulations, which are the other leave regulations that require such leave for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator.

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

A regulation workshop was conducted by the Division of Human Resource Management on March 7, 2018, and a public hearing was held by the Nevada Personnel Commission on September 7, 2018.

At the regulation workshop, the amendments were generally supported.

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

regulation and amendment.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michell 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: 1**

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):**

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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.