

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R069-19

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

The amendments to NAC 284.892 and NAC 284.893 in Sections 1 and 2 of the regulation are necessary to allow an employee assistance program (EAP) provider to provide an agency documentation required when an employee is referred to an EAP and when an employee returns to work after testing positive for alcohol or controlled substances while on duty. Currently, the employee is solely responsible for submitting such documentation, however in practice, it may be more efficient for an EAP provider to submit the documentation in certain circumstances. Also included in Section 1 of the regulation is a provision to ensure that an employee will only be subject to disciplinary action if the failure to submit required documentation is determined to be the fault of the employee.

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 January 28, 2020, 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 August 28, 2019 and a public hearing was held by the Nevada Personnel Commission on March 6, 2020.

No comments opposing the changes included in the LCB Draft of Proposed Regulation R069-19 were received at the workshop.

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

No comments were received at the public hearing regarding the changes included in the LCB Draft of Proposed Regulation R069-19.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Denise Woo-Seymour at dseymour@admin.nv.gov or by calling (775) 684-0149.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 38
 - (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 III
State of Nevada
Department of Administration
Division of Human Resource Management
100 N. Stewart Street, Suite 200
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.**

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and 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.