

LCB File No. R194-09

**PROPOSED REGULATION OF THE
PERSONNEL COMMISSION**

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

File 8

NAC 284.894 is hereby amended to read as follows:

Explanation of Proposed Change: This regulation allows for the removal from all relevant recruiting lists of an applicant who tests positive on a pre-employment drug screening test. Currently, the regulation states that the appointing authority must not consider the applicant for any position requiring pre-employment drug testing. This will insure that the employee will not be considered for any such position with the State.

NAC 284.894 Treatment of applicant who tests positive; treatment of employee who tests positive twice within 5-year period. (NRS 284.065, 284.155, 284.407)

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 will be removed from all recruitment lists requiring pre-employment drug testing* until:

(a) One year has passed from 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.