

**LCB File No. R195-09**

**PROPOSED REGULATION OF THE  
PERSONNEL COMMISSION**

**REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION**

**File 9**

**Section 1 of LCB file No. R066-09 is hereby amended to read as follows:**

**Explanation of Proposed Change:** This amendment, proposed by the Department of Health and Human Services and recommended by the Department of Personnel, clarifies that the employee not the employee's agency is responsible for the costs associated with the requirements of subsection 1 of this regulation to include counseling and documentation of that counseling.

**Section 1 of LCB File No. R066-09 (NRS 284.065, 284.155, 284.407)**

1. The appointing authority of an employee who tests positive for the presence of alcohol or a controlled substance while on duty and who, as a result, is subject to disciplinary action pursuant to NAC 284.646 or NAC 284.650 but is not terminated shall require the employee to:

(a) Provide to the appointing authority documentation from a counselor who is licensed or certified pursuant to chapter 641C of NRS or another health care provider who has training or experience in substance abuse counseling, which verifies that the employee is able to return to duty and perform the essential functions of his or her job.

(b) Submit to a screening test.

2. The employee is responsible for the cost of any *counseling, documentation or* screening test required pursuant to subsection 1.

3. An employee who fails or refuses to submit to a screening test required pursuant to subsection 1 is subject to disciplinary action, including, without limitation, termination, at the discretion of the employee's appointing authority.