

**PROPOSED REGULATION OF
THE PERSONNEL COMMISSION**

LCB File No. R195-09

January 26, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 284.065 and 284.407.

A REGULATION relating to the State Personnel System; providing that an employee who tests positive for the presence of alcohol or drugs while on duty is responsible for the cost of certain counseling services; and providing other matters properly relating thereto.

Section 1. Section 1 of LCB File No. R066-09, which was adopted by the Personnel Commission and was filed with the Secretary of State on October 27, 2009, is hereby amended to read as follows:

Section 1. 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 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 ~~[screening]~~ :

(a) Counseling services the employee receives to verify that the employee is able to return to duty and perform the essential functions of his or her job and any documentation of those services; and

(b) 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.