

PROPOSED REGULATION OF THE PERSONNEL COMMISSION

LCB File No. R010-11

(This regulation was previously adopted as LCB File No. T015-11)

NAC 284.888 is hereby amended to read as follows:

Explanation of Proposed Change: This temporary amendment, proposed by the Department of Personnel, brings NAC 284.888 into alignment with NRS 284.4065. It will allow an appointing authority to more easily test an employee who, while on duty, operates a motor vehicle in any manner that causes bodily injury to himself or another or substantial damage to property.

NAC 284.888 Request for employee to submit to screening test: Interpretation of grounds; completion of required forms. (NRS 284.065, 284.155, 284.407)

1. Objective facts upon which an appointing authority may base a reasonable belief that an employee is under the influence of alcohol or drugs which impair the ability of the employee to perform his duties safely and efficiently include, but are not limited to:

(a) ~~[The operation of a motor vehicle by the employee in any manner that causes bodily harm; —(b)]~~ Abnormal conduct or erratic behavior by the employee that is not otherwise normally explainable;

~~(e)~~^b The odor of alcohol or a controlled substance on the breath of the employee;

~~(d)~~^c Observation of the employee consuming alcohol; or

~~(e)~~^d Observation of the employee possessing a controlled substance or using a controlled substance that is reported by a credible source; or

~~(f)~~^e The occurrence of any accident while the employee is on the premises of the workplace for which the employee receives medical treatment.

2. Pursuant to subsection 2 of NRS 284.4065, *an appointing authority may request an employee to submit to a screening test if during the performance of his duties, the employee drives a motor vehicle in such a manner as to cause bodily injury to himself or another person or substantial damage to property.*

(a) ~~[s]~~^s Substantial damage to property” includes, but is not limited to:

~~(a)~~¹ The operation of a motor vehicle in such a manner as to cause more than \$500 worth of property damage; or

~~(b)~~² The operation of a motor vehicle in such a manner as to cause two property accidents within a 1-year period.

3. Before requiring an employee to submit to a screening test, a supervisor must complete forms provided by the Department of Personnel.

(a) *This subsection does not apply when testing is performed pursuant to subsection 2.*

(Added to NAC by Dep’t of Personnel, eff. 12-26-91; R066-09, 10-27-2009; R193-09, 4-20-10)