

Chapter 284 of NAC

ADOPTED TEMPORARY REGULATION OF
THE PERSONNEL COMMISSION

LCB File No. T014-11

Filed with the Secretary of State on June 10, 2011

NAC 284.882 is hereby amended to read as follows:

Explanation of Proposed Change: This temporary amendment, proposed by the Department of Personnel, would allow the Personnel Commission to adopt supplemental drug testing standards and procedures in addition to the adopted federal standards.

NAC 284.882 Administration of screening tests. (NRS 284.065, 284.155, 284.407) A screening test to detect the general presence of:

1. A controlled substance must comply with the standards ~~[and procedures]~~ established by the United States Department of Health and Human Services which are hereby adopted by reference. A copy of the standards ~~[and procedures]~~ is available, without charge, from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace Programs, 1 Choke Cherry Road, Rockville, Maryland, 20857. *The Commission may adopt supplementary standards and procedures.*

2. Alcohol by testing a person's breath must be conducted using a breath-testing device certified in accordance with the "Conforming Products List of Evidential Breath Alcohol Measurement Devices" published in the Federal Register for the National Highway Traffic Safety Administration of the United States Department of Transportation.

(Added to NAC by Dep't of Personnel, eff. 12-26-91; A 10-27-97; R082-00, 8-2-2000; R066-09, 10-27-2009)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
NAC 284.882**

The following statement is submitted for amendments to Nevada Administrative Code (NAC) 284.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop, and notices of intent to act upon a regulation 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. These documents were also made available on the website of the Department of Personnel (DOP), <http://dop.nv.gov/>, mailed to all county libraries in Nevada and posted at the following locations:

Department of Personnel Blasdel Building 209 E. Musser St Carson City, NV 89701	Grant Sawyer State Office Bldg. 555 E. Washington Blvd Suite 4401 Las Vegas, NV 89101
Nevada State Library and Archives 100 Stewart St Carson City, NV 89701	Capitol Building Main Floor Carson City, NV 89701
Legislative Building 401 S. Carson St Carson City, NV 89701	Gaming Control Board 1919 College Parkway Carson City, NV 89701

Attached are excerpts from the minutes from the workshop that apply to this regulation.

A Regulation Workshop was conducted by the Department of Personnel on March 17, 2011 and a public hearing was held by the Nevada Personnel Commission on May 6, 2011. There were no comments received from the public regarding this regulation.

2. The number of persons who:

- (a) **Attended each hearing:** March 17, 2011 – 21; May 6, 2011 – 40
- (b) **Testified at each hearing:** March 17, 2011 – 1; May 6, 2011 – 1
- (c) **Submitted written comments:** None

3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were not solicited, as the regulation does not affect businesses.

- 4. 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 were no comments or opposition to the proposed language.

- 5. 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.

This regulation does not have a direct economic effect on either a regulated business or the public.

- 6. The estimated cost to the agency for enforcement of the adopted regulation:**

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other State or governmental agencies which the 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.**

There are no other state or government agency regulations that the proposed amendment duplicates.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation does not include any provisions that are more stringent than any federal regulation.

- 9. 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.

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

This regulation is specific to State government agencies and has no impact on small businesses.

**SUMMARY OF THE WORKSHOP TO SOLICIT COMMENTS ON THE PROPOSED
REGULATIONS OF THE STATE DEPARTMENT OF PERSONNEL
March 17, 2011**

CARSON CITY, NEVADA
And via Video Conferencing in
LAS VEGAS, NEVADA

Attendees in Carson City:

Shelley Blotter, Division Administrator, Department of Personnel
Mark Evans, Supervisory Personnel Analyst, Department of Personnel
Peter Long, Division Administrator, Department of Personnel
Adam Drost, Central Payroll Manager, Department of Personnel
Kimberley King, Personnel Officer III, Department of Transportation
Denise Woo-Seymour, Personnel Analyst II, Department of Personnel
Carrie Hughes, Personnel Analyst, Department of Personnel
Norma Mallett, Personnel Officer III, Department of Health & Human Services-MHDS
Valerie Kneefel, Executive Assistant, Department of Personnel
Vicky Cummins, Division of Mortgage Lending
Kirsten Hettrick, State Parks
Jamie Pruneser, Rural Services
Sue Dunt, NSHE
Tracy Walters, Health Division
Kate Hinton-Burnette, DHCFP
Susie Bargmann, NDOC
Karen Caterino, Risk Management

Attendees in Las Vegas:

Mark Anastas, Division Administrator, Department of Personnel
J. C. Scarborough, Director-Administrative Operations, College of Southern Nevada
Tracy Townsend, Administrative Assistant, Department of Personnel
Rudy Lednicky, Office of the Military

Shelley Blotter:

Opened the meeting at 9:00 a.m. and welcomed everyone. She asked everyone in attendance to sign the sign in sheet and stated the purpose of the workshop was to solicit comments from affected parties with regard to a newly proposed temporary regulation. These regulations will be considered for adoption by the Personnel Commission at their May 6, 2011 meeting.

Carrie Hughes:

Presented Section 6, the Department of Personnel is proposing a temporary amendment to NAC 284.882.

The U.S. Department of Health and Human Services guidelines provide standards on issues to include, for example, cutoff testing levels and laboratories. However, also adopting the procedures does not allow for flexibility in the State's drug and alcohol testing program. This amendment will allow the Personnel Commission to adopt procedures and supplementary

standards that reflect the State's unique testing challenges while maintaining a basis for the testing program with the federal standards.

Shelley Blotter:

Asked for comments on Section 6 NAC 284.882. There were no comments.

Shelley Blotter: Closed the workshop.