



**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
*Division of Human Resource Management*  
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**MEMORANDUM**

**HR#64-17**

December 26, 2017

**TO:** DHRM Listserv Recipients

**FROM:** Peter Long, Administrator *Peter Long*  
Division of Human Resource Management

**SUBJECT:** STATE OF NEVADA ALCOHOL & DRUG PROGRAM AND FORM CHANGES

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Revisions and clarifications have been made to the [State of Nevada Alcohol and Drug Program](#) and associated forms.

**State of Nevada Alcohol and Drug Program**

An employee who is a candidate for a position requiring pre-employment screening for controlled substances who commits the prohibited conduct below will have the conditional offer of employment revoked and may be subject to disciplinary action.

An employee who is subject to a reasonable suspicion test for controlled substances who commits the prohibited conduct below may be subject to disciplinary action.

*Neither situation requires a mandatory referral to an employee assistance program.*

The prohibited conduct is:

- a. Adulterates or dilutes the test specimen;
- b. Substitutes the test specimen;
- c. Sends an imposter;
- d. Refuses to sign the required forms;
- e. Absent unusual circumstances, does not appear for the testing appointment;
- f. Refuses to test; or
- g. Refuses to cooperate with the testing process in such a way that prevents completion of the test.

Testing due to having or being involved “in a work-related accident, motor vehicle crash or injury” or the discharge of a weapon other than by accident, if the employee is a law enforcement officer during the performance of his or her duties, requires meeting the criteria outlined in subsection 1 of [NRS 284.4065](#) based on subsection 3 of [NAC 284.888](#). The criteria includes informing the employee (and preparing a written record) of the specific facts supporting a reasonable belief that the employee is under the influence of alcohol or drugs which are impairing the employee’s ability to perform the employee’s duties safely and efficiently, and informing the employee in writing:

- a. Whether the test will be for alcohol or drugs, or both;
- b. That the results are not admissible in a criminal proceeding against the employee; and
- c. That the employee may refuse to take the test but that refusal may result in disciplinary action up to and including termination.

Completing and providing an employee with an [Alcohol/Drug Test Consent Form \(TS-76\)](#) will meet these requirements.

Both the [Alcohol and Drugs](#) webpage in HR 1-2-3 and the online class, Alcohol and Drug Testing Procedures for Supervisors, have been revised to conform to the above [State of Nevada Alcohol and Drug Program](#) revisions.

#### **Report Form for Suspected Alcohol/Drug Impairment (TS-77) form**

On a case-by-case basis and justified in writing at the time of a request, reasonable suspicion and post-accident controlled substance tests can be tested for additional controlled substances. The [Report Form for Suspected Alcohol/Drug Impairment \(TS-77\) form](#) has been revised to provide a location for a written justification for testing for an additional controlled substance(s).

#### **Employee Breath Test for Alcohol (TS-69) form**

The Employee Breath Test for Alcohol (TS-69) form is used by law enforcement when administering a breath alcohol test. The chair of the [Nevada Committee on Testing for Intoxication](#) has indicated that officers who administer a breath alcohol test provide the current version of the Employee Breath Test for Alcohol form at the time of the test. As it is not necessary for an agency to provide this form when requesting that law enforcement perform a breath alcohol test on an employee, the form has been removed from the Division of Human Resource Management’s website. References to the form in the [State’s Alcohol and Drug Program](#), the Alcohol and Drug Testing Procedures for Supervisors online class, and other Division publications have been removed.

If you have any questions, please contact Carrie Hughes at [cphughes@admin.nv.gov](mailto:cphughes@admin.nv.gov) or (775) 684-0111.