

State of Nevada
Department of Administration
Agency HR Services

**EMPLOYEE'S
GUIDE**

***TO PROHIBITIONS
AND PENALTIES***

June, 2012

INTRODUCTION

You are part of a dynamic public service agency, which provides services to other State agencies, State employees and the general public. This guide is to assist you by providing guidance so that you can be confident that your conduct in the work place reflects the quality of service and professionalism that our clients deserve.

Each member of your Agency team has the responsibility of understanding and following the rules of proper conduct and performance vital to carrying out the Agency's mission. Even though there are many situations you will encounter that are unfamiliar or unexpected requiring you to rely on your own discretion and judgment, it is important to have a clear understanding of the rules that govern your actions in performing your duties.

Although it would be impossible to address every infraction or violation that could conceivably develop, this manual should prove to be sufficiently comprehensive to cover the majority of situations that could be a source of concern. Since it covers a wide range of undesirable actions and behaviors, it should provide an excellent guide for supervisors and employees on what is expected in the area of proper conduct.

This guide provides reference to personnel rules and administrative procedures in the disciplinary process. It is often stated that the best discipline is self-discipline; however, in the absence of self-discipline there are times when it must come from another source. When it does, it may come with a disagreeable or negative connotation. There is a tendency to think of discipline entirely in its most limited sense as an action taken against an employee who has committed some violation of proper conduct or a rule infraction.

Discipline should be thought of in terms of instruction and training, rather than punishment. It should be recognized that the conduct of well-disciplined employees is the result of training that motivates employees to accept and work in accordance with established standards. Well-disciplined employees develop and maintain good working habits, which goes far in preventing situations from developing that require "corrective action."

After you have thoroughly reviewed this handbook please sign the "Memo to Personnel File," which is the last page of this handbook and return it to your supervisor.

AUTHORITY

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes and the Nevada Administrative Code. The "Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses" section of NAC 284 provides that each appointing authority will determine and describe in writing standards of conduct appropriate to the mission of the Agency. These standards are in addition to prohibitions and penalties that are listed in NAC 284 and are

applicable to all State employees. All employees of your Agency will be issued a copy of the "Prohibitions and Penalties" handbook.

This handbook has been approved by the Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree indicated depending on the circumstances.

TYPES OF CORRECTIVE ACTIONS

Letter of Instruction. A letter of instruction to the employee is typically written by the supervisor(s) responsible for the employee's activities. The letter is intended to provide the employee with information and instruction or training, and establishes documentation that the employee has been made aware of his or her responsibility with regard to a particular situation or set of circumstances. The Letter of Instruction is not intended to be a part of the disciplinary process and, therefore, is not included in the order of disciplinary actions that follow.

Progressive discipline normally follows this course, in sequence; however, accelerated action may be taken when extreme situations prevail. Formal steps in the disciplinary process include the following:

1. Oral Warning. The oral warning typically comes from the supervisor responsible for the employee's activities. The warning may actually be oral or written, or both. Oral warnings issued in writing are maintained in the supervisor's file. Oral warnings are not forwarded to the employee's departmental personnel file or to the Division of Human Resource Management's Records section.
2. Written Reprimand. The supervisor responsible for the employee's activities also issues written reprimands. This action should be both oral and written. The supervisor and employee must sign it. A copy is given to the employee and copies are sent to the employee's departmental personnel file as well as the Division of Human Resource Management's Records section. Written reprimands must be on the standardized form NPD-52. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-52 form.
3. Suspension. A suspension is without pay and may not exceed 30 working days. It requires an NPD-41 form-Specificity of Charges. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form.

4. Demotion. A demotion to a lower class also requires the NPD-41 form-Specificity of Charges. If the employee refuses to sign the supervisor will state this fact on the NPD-41 form.
5. Dismissal. Dismissal from services also requires NDP-41 form-Specificity of Charges. If the employee refuses to sign the supervisor will state this fact on the NPD-41 form.

NOTE: The Division Administrator of the employee's assigned division must review and discuss with the Attorney General's office all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal (5) of a permanent employee.

The attached chart shows recommended minimum and maximum penalties for the first, second, and additional offenses for a wide range of prohibited activities. If disciplinary actions 3, 4, and 5, described at the bottom of each page of the chart, are recommended for a permanent employee, the pre-disciplinary hearing guidelines found in NAC 284.656 must be followed.

NOTE: Appropriate disciplinary or corrective action may also be taken for any causes listed in Section 284.650 of the Nevada Administrative Code, "Causes for Disciplinary Action"
(<http://www.leg.state.nv.us/NAC/NAC-284.html#NAC284Sec650>)

If an employee should disagree with an action taken by a supervisor, he has several administrative review processes available to him. Actions that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion, or dismissal provide for a pre-disciplinary hearing process and a post disciplinary appeal before the Division of Human Resource Management Hearing Officer.

Department of Administration (DOA) Prohibitions and Penalties

		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
A.	Fraud in securing appointment						
1	Falsification of application for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for appointment.	5					
2	Taking, for another person, or permitting another person to take for you, an examination or a portion thereof.	5					
3	Refusal upon hire to sign the Acknowledgement of Receipt of Prohibitions and Penalties.	5					
4	Refusal, upon hire, to sign the Acknowledgement of the Governor's Policy Against Sexual Harassment and Discrimination.	5					
B.	Performance on the job						
1	Failure of employee to maintain proper work performance or personal appearance standards after a reasonable period of instruction.	1	3	2	3	3	5
2	Failure to prepare or maintain prescribed records or reports.	1	5	2	5	4	5
3	Willfully falsifying prescribed records or reports.	3	5	5			
4	Withholding or concealing information regarding the job from supervisors or other persons having the necessity for such information.	1	5	2	5	5	
5	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	5	5	
6	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary action where such action is needed.	1	2	2	3	4	5
7	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
8	Negligent destruction of, or damage to, State or Federal property.	1	5	2	5	4	5
9	Willful destruction of, or damage to, State or Federal property.	2	5	3	5	5	
10	Jeopardizing the security of departmental property.	1	3	2	5	3	5
11	Unauthorized and willful destruction or alteration of departmental records.	2	5	5			

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 days; 4=Demotion; 5=Dismissal

Rev: 06/01/12

		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
12	Soliciting or accepting a bribe.	5					
13	Embezzlement or misappropriation of State funds or other funds which come into the employee's possession by reason of their official position for personal gain.	5					
14	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	1 3	3 5	4 5	5	5	
15	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	2 5	5	3 5	5	5	
16	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	
17	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5			
18	Willful concealment of material facts by omission from records.	2	3	4	5	5	
19	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
20	Making unauthorized departmental transactions for personal profit.	5					
21	Disregard and/or deliberate failure to comply with or enforce statewide, Department, Division or office regulations and policies.	2	5	3	5	4	5
22	Unauthorized removal of secure or personal records, correspondence or documents from departmental files.	2	5	3	5	4	5
23	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
24	Theft of property belonging to Federal or State government or fellow employees.	5					
25	Endangering self, fellow employees, clients or public through careless or willful violation of agency policy as contained in performance standards, procedures and various federal and state laws, regulations and guidelines.	2	5	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 days; 4=Demotion; 5=Dismissal

Rev: 06/01/12

		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
C.	Neglect of, or inexcusable absence from the job						
1	Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3	5
2	Carelessness, indifference, inattention to duty that results in reduced productivity.	1	5	2	5	3	5
3	Failure to report to work at specified times and in the prescribed manner.	1	3	2	5	3	5
4	Conducting personal business during working hours.	1	3	2	4	3	5
5	Frequent or continual tardiness.	1	3	2	4	3	5
6	Failure to notify supervisor or designated representative promptly when unable to report for work. Notification must occur for each shift unless otherwise pre-arranged.	1	3	2	5	3	5
7	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job.	1	4	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	3	2	5	5	
9	Absence from duty without leave after having been denied permission to take such leave.	2	5	5			
10	Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification.	5					
11	"Loafing" on the job; wasting time; failure to put in a full days work.	1	3	2	5	3	5
D.	Relations with supervisor, fellow employees, and the public						
1	Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command.)	2	5	3	5	5	
2	Threatening or attempting bodily harm to supervisor, the public or fellow employee.	2	5	5			
3	Any act of violence in the course of duties, including stalking, threats, intimidation, assault or battery.	2	5	3	5	5	
4	Using insulting, abusive or profane language to a supervisor, the public or fellow employee.	1	5	2	5	3	5
5	Discourteous treatment of the public, supervisor or a fellow employee.	1	5	2	5	3	5
6	Deliberately making false statements to or about supervisor.	2	3	3	4	5	

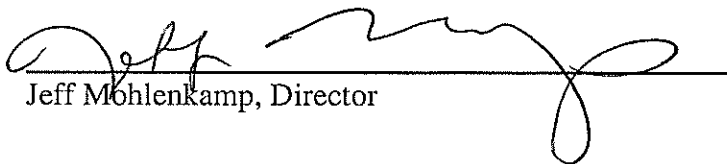
		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
7	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public; or intended to disrupt the work environment.	2	3	3	4	4	5
E.	Use of alcoholic beverages, narcotics, or habit forming drugs						
1	Consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a physician.	3	5	5			
2	Convicted of driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business.	5					
3	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	5					
4	Failure to report a conviction of any alcohol or drug related offense as described in 3 above to the appointing authority within five (5) working days after it occurs.	5					
5	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	5					
6	Refusal to submit to a screening test for any drug and/or alcohol test mandated by Federal or State law.	2	5	3	5	5	
7	Unlawful possession of a controlled substance at his work or while on departmental business.	5					
8	Inability to perform the duties of the position because of being under the influence of an alcoholic beverage, narcotics or drugs, or any other controlled substance (includes prescription medication).	1	5	2	5	3	5
9	Failure to pass any drug and or alcohol test mandated by Federal or State law.	3	5	5			
F.	Misuse of departmental or State property						
1	Using State or departmental owned or leased property without proper authorization in accordance with Department or Division policy.	1	3	2	5	5	
2	Operating State vehicle or equipment in an unsafe or negligent manner resulting in injury to a person or damage to the equipment or to the property.	1	5	2	5	5	

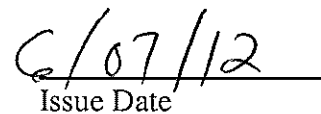
		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
3	Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or personal injury.	1	5	2	5	5	
4	Operating State vehicles or equipment without a valid or proper license: a. Without knowledge that the license is no longer valid. b. With knowledge that the license is no longer valid.	2	5	5			
5	Removing property, equipment or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5	
G.	Misuse of information technology						
1	Use that interferes with employee performance or departmental functions to include the downloading and using entertainment software such as games or other non-work related materials, or on-line gambling.	1	5	2	5	3	5
2	Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public such as harassment or hate speech to include language that discriminates against others on the basis of race, religion, gender, disability, national origin, sexual orientation, genetic information or gender identity and expression, or any other state or federal anti-discrimination laws.	1	5	2	5	5	
3	Obtaining unauthorized access to another's e-mail or data files or to confidential records maintained by the Department.	2	4	3	4	5	
4	Accessing, displaying and/or printing material or images that are sexually explicit and serve to create a hostile environment in the work place.	1	4	2	5	5	
5	Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws.	1	5	3	5	5	
6	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5	
7	Personal use that could slow down, delay, or disrupt computer services such as chain letter, greeting cards, and streaming of radio or TV broadcasts or other audio or video material. Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	1	2	3	4	5	
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	

		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
9	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1	5	2	5	4	5
10	Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or devices that can cause damage or limit access to the equipment, software, or data.	5					
11	Using state information technology resources, including but not limited to computing and communications equipment, services or facilities for soliciting business, selling products or otherwise engaging in commercial activities.	2	5	3	5	5	
H.	Other acts of misconduct or incompatibility						
1	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
2	Engage in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with employment without authorization.	1	3	2	4	5	
3	Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
4	Unauthorized or improper disclosure of confidential information.	2	5	3	5	5	
5	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	
6	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with DOA or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
7	Misrepresentation of official capacity or authority.	2	5	4	5	5	
8	Bringing into State and/or DOA owned, lease or occupied buildings any firearm, or implement considered to be a weapon, unless permitted by law to do so.	3	5	4	5	5	
9	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation or divisional policy.	5					

I. Improper political activity						
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone who is in the same Department and who is a subordinate of the solicitor.	1	5	4	5	5
2	Engage in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	3	2	4	3 5
3	Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	5	2	5	5
J. Discrimination and harassment						
1	Engaging in sexual harassment as defined in Federal and State law, the Governor's policy, or DOA policy against employee, an applicant for employment, or any other another person in the workplace.	2	5	4	5	5
2	Creating or endorsing a hostile work environment.	2	5	3	5	5
3	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity and expression or other violations of the Title VII of the Civil Rights Act, or any other state or federal anti-discrimination laws.	3	5	4	5	5
K. Safety and health						
1	Willful removal or interference with a safety device or safeguard.	2	3	2	4	3 5
2	Dangerous horseplay or inattention that threatens the life of an individual.	2	5	3	5	5
3	Workplace violence, threat of workplace violence, harassment, or intimidation.	2	5	3	5	5

DIRECTOR'S POLICY AUTHORIZATION:


 Jeff Mohlenkamp, Director


 Issue Date

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MEMO TO THE PERSONNEL FILE OF _____
Print Employee Name

The authority to prescribe behavior and performance standards derives from the Nevada Revised Statute Chapter 284 and the "Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses" sections of the State of Nevada Rules for State Personnel Administration. These regulations provide that each appointing authority shall determine and describe in writing activities that are inconsistent, incompatible, or in conflict with the duties and responsibilities of the Department of Administration (DOA).

The DOA Prohibitions and Penalties document is a guide intending to clarify existing rules and regulations and does not cover all infractions and violations that could conceivably occur. It does however cover the majority of situations that are a source of concern to supervisors and DOA. As a tool, which describes behavior that is subject to discipline, the handbook will serve the needs of both supervisory personnel and employees. Additions, deletions or changes to the Guide as they are approved by the Personnel Commission will be communicated to employees and supervisors similarly to other Department Policies and Procedures.

The State Personnel Commission approved this guide, thus it has the same force and effect as other rules and regulations covering classified employees.

Once signed, this acknowledgment will be placed in the employee's personnel file.

Acknowledgment of Receipt

I acknowledge receipt of a copy of the DOA document entitled Prohibitions and Penalties:

Employee Printed Name: _____

Employee Signature: _____

Date: _____