

STATE OF NEVADA
OFFICE OF ENERGY



PROHIBITIONS AND PENALTIES
A GUIDE FOR EMPLOYEES OF THE OFFICE OF ENERGY

Approved by the Personnel Commission on March 19, 2021

FORWARD

This Prohibitions and Penalties document is intended as a guide to clarify existing statutes and regulations. It is meant as a supplement and does not attempt to cover all possible infractions and violations of the existing rules; however, it does cover the majority of situations that are important to the State of Nevada Office of Energy. All employees of the Office of Energy will be issued a copy of the "Prohibitions and Penalties" guide.

After receipt of this guide, please sign the "Acknowledgement Form," which is the last page of this handbook and return it to the Office of Energy's Agency HR Services or your Immediate Supervisor.

AUTHORITY

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC). The "Prohibitions and Offenses" section of NAC 284 provide that each appointing authority will determine and describe standards of conduct that are prohibited as inconsistent, incompatible or in conflict with their duties as an employee. These standards are in addition to prohibitions and penalties that are listed in statute and regulation that apply to all State employees. All employees of this agency will be issued a copy of the "Employee's Guide to Prohibitions and Penalties."

This guide has been approved by the Personnel Commission and thus has the same force and effect as other statutes 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.

COACHING

Coaching normally takes place prior to beginning the disciplinary process. The Letter of Instruction, and any other means of coaching are not part of the disciplinary process.

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 concerning a particular situation or set of circumstances.

THE PROGRESSIVE DISCIPLINE PROCESS

Progressive discipline normally follows the sequence outlined below. However, accelerated action may be taken when necessary.

1. Oral Warning. When instruction and training have not resulted in the change in behavior or performance that is desired, an "oral warning" is usually the first step in the progressive disciplinary process. This level of discipline may be skipped when the seriousness of the employee's behavior and/or performance warrants a higher level of discipline on a first offense and typically comes from the supervisor responsible for the employee's activities. The oral warning is documented and is maintained in the

supervisor's file. Oral warnings are not forwarded to the employee's departmental personnel file or the Division of Human Resource Management's Central Records section.

2. Written Reprimand. Typically the second level in the disciplinary process, a written reprimand is used when previous corrective and disciplinary action has not produced the appropriate change in behavior or performance or when the seriousness of a first offense warrants a higher level of discipline such as willful actions and/or threats. A copy of the Written Reprimand (form NPD-52) is maintained in the employee's permanent personnel file held by as the Division of Human Resource Management's Central Records section.
3. Suspension. When previous corrective and disciplinary action have not produced the appropriate change in behavior or performance or due to the serious of a first offense, a suspension leave without pay may not exceed 30 calendar days. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the suspension is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section. Additionally, an appointing authority may refuse to consider the appointment (promotion, transfer, etc.) of an otherwise eligible employee who has been subject to a suspension as a result of an upheld or uncontested disciplinary action.
4. Demotion. Typically, after other forms of discipline have not produced the appropriate change in behavior or when the employee's behavior is particularly egregious a demotion to a lower class may be used as a form of discipline. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the demotion is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section. Additionally, an appointing authority may refuse to consider the appointment (promotion, transfer, etc.) of an otherwise eligible employee who has been subject to a demotion as a result of an upheld or uncontested disciplinary action.
5. Dismissal. Typically, after other forms of discipline have not produced the appropriate change in behavior or when the employee's behavior is particularly egregious dismissal from the State may be warranted. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the dismissal is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section.

NOTE: The Division Administrator of the employee's assigned Division will review pending disciplinary steps and grievances and consult with Agency HR Services, and the Attorney General's Office as necessary, to ensure proper documentation, timely processing of disciplinary steps and grievances, and accuracy of employee files. Agency HR Services must consult with the Attorney General's Office prior to all disciplinary steps 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 or 5, described at the top of each chart are recommended for a permanent employee, the pre-disciplinary review 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>)

Disciplinary steps that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Disciplinary steps resulting in suspension, demotion or dismissal may be appealed before a Hearing Officer provided by the Personnel Commission.

Office of Energy Prohibitions and Penalties

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
A.	Fraud in Securing an 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 an 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 State Executive Branch Sexual Harassment and Discrimination Policy and/or the Governor's Alcohol and Drug Free Workplace Policy.	5					
B.	Performance on the Job						
1	Failure of the 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	Soliciting or accepting a bribe.	5					
6	Embezzlement or misappropriation of State funds or other funds that come into the employee's possession because of their official position for personal gain.	5					
7	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not resulting in personal financial gain; b. Resulting in personal financial gain.	1 3	3 5	4 5	5	5	
8	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not resulting in personal financial gain; b. Resulting in personal financial gain.	2 5	5	3	5	5	
9	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	
10	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5			
11	Willful concealment of material facts by omission from records.	2	3	4	5	5	
12	Unauthorized taking or using property belonging to the Federal or State government or other employees.	1	3	2	5	5	
13	Making unauthorized agency transactions for personal profit.	5					

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
14	Disregard and/or deliberate failure to comply with or enforce statewide, agency, or office regulations and policies.	2	5	3	5	4	5
15	Unauthorized removal of secure or personal records, correspondence or documents from agency files.	2	5	3	5	4	5
16	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
17	Theft of property belonging to Federal or State government or fellow employees.	5					
18	Misconduct of supervisor because of prejudice, anger or other unjustifiable reason, including the unequal or disparate exercise of authority toward an employee.	1	4	2	5	4	5
19	Unauthorized and/or willful destruction, removal, concealing, stealing, tampering, mutilation, damage to and/or alteration of State or Federal property, agency records, public record, book, paper report or document, including but not limited to incident reports, financial records such as travel, payroll, purchase vouchers, and supporting documents, time and attendance records to include leave requests, overtime, compensatory time, or other leave records.	2	5	3	5	4	5
20	The suspension, revocation, cancellation or lapsing of any valid license, certificate or permit when the possession of a valid license, certificate, or permit is required as an essential function of the job.	2	5	3	5	5	
21	Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job.	2	5	3	5	5	
22	Failure to notify the appointing authority within 5 days of the suspension, revocation or cancellation of a professional or occupational license or certification when such possession is a job requirement.	1	5	2	5	3	5
23	Failure of an employee, who is designated as a supervisor to fulfill their supervisory responsibilities, including but not limited to ensuring that employees adhere to the policies and procedures of the agency and the actions of all personnel comply with all laws and taking corrective disciplinary action where such action is needed, preparing timely reports of performance, and accounting for employees' time and leave.	1	3	2	4	4	5
24	Negligent failure to disclose information related to job duties from official records or from supervisors or other persons having the necessity for the information.	1	3	3	5	5	
25	Willful falsification of any public record that involves the misuse of state or federal funds.	2	5	3	5	5	
26	Knowingly making personal profit from state transactions or sales.	2	5	5			
27	Negligent falsification of any public record, including biweekly timesheets, leave requests, overtime, compensatory time, travel vouchers, and/or information in client or agency files.	2	4	3	5	5	
28	Failure to follow agency positions when representing the agency of failure to identify that an employee's opinion is being expressed and does not represent the position of the agency or the Governor when participating in an advocacy situation related to their job.	1	3	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		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	5	3	5
6	Failure to notify the 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 the work area or at the job.	1	4	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	3	3	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 workdays without permission or justification.	5					
11	"Loafing" on the job; wasting time; failure to put in a full day's work.	1	3	2	5	3	5
12	Repeated extension of designated lunch periods, or rest periods beyond the prescribed 15 minutes in NAC 284.524 without supervisor approval.	1	3	2	5	3	5
13	Use of sick leave for a reason not authorized by NAC 284.554.	2	4	3	5	5	
14	Failure to report to duty as ordered during public safety emergencies.	2	5	3	5	4	5
15	Failure to appear and provide testimony for court or a hearing when duly notified or subpoenaed. Only the court, prosecutor, or other hearing official may grant the authorization to waive court or hearing appearances.	2	3	3	4	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 the employee's chain of command.	2	5	3	5	5	
2	Discourteous treatment of the public, supervisor or a fellow employee.	1	5	2	5	3	5
3	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
4	Inappropriate gesture or touching.	2	5	3	5	5	
5	Knowingly providing false or misleading statement, either verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statement in response to any question or request for information in any official investigation, interview, hearing or judicial proceeding.	5					
6	Misuse and/or abuse of supervisory authority or privilege.	2	3	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
7	Engaging in a romantic/sexual relationship with supervisor or subordinate.	5					
8	Engaging in a sexual relationship with any state employee while in the workplace. Any on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.	2	3	3	4	5	
9	Failure to work with fellow employees as a team to best reach the goals of the agency and create an environment that promotes group work cohesiveness.	1	3	2	5	3	5
10	Refusal to comply with reasonable or proper instruction from a supervisor and disobeying or refusing to abide to a statute or regulation.	2	5	3	5	5	
11	Any willful or reckless act of aggression directed towards a person, including but not limited to, misuse of physical or other restraints in violation of state or federal law. Threatening, stalking, intimidating, attempting, or doing bodily harm to a supervisor, public, or fellow employee; or using insulting, intimidating or abusive language or conduct to supervisor, public or fellow employee.	2	5	4	5	5	
12	Improper disclosure of protected health information as identified by the Privacy Act of the Health Insurance Portability and Accountability Act (HIPAA).	1	5	2	5	3	5
13	Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	2	3	3	4	4	5
14	Failure to represent the agency in a professional manner during any court and/or administrative proceeding.	2	3	3	4	4	5
15	Failure to cooperate in work-related projects with other employees and/or supervisors.	1	3	2	5	5	
16	Creating an atmosphere or discord among employees not conducive to a professional workplace or is detrimental to morale.	1	4	2	5	5	
E.	Use of Alcohol, Controlled Substance or Drugs						
1	Consuming or being under the influence of alcohol, 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 a 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 to include those mandated by Federal or State law.	2	5	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
7	Inability to perform the duties of the position because of being under the influence of alcohol, drugs, or any other controlled substance, including prescription medication.	1	5	2	5	3	5
8	Failure to pass any drug and or alcohol test to include those mandated by Federal or State law.	3	5	5			
9	Damaging State property while under the influence of alcohol and/or controlled substances.	2	5	5			
10	Convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or while on state business.	5					
11	Unlawful manufacture, distribution, dispensing, possession, selling or use of any controlled substance, narcotic, and/or drug, or being under the influence of alcohol at place of work or on State business. Includes meal or break periods, or while in uniform off-duty.	3	5	5			
12	Bringing alcohol or controlled substances onto any agency grounds or any building occupied by clients (except employee's locked vehicle parked in a parking lot).	3	5	5			
13	Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his duties.	3	5	4	5	5	
14	Driving under the influence in violation of NRS 484C.110 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 on State business.	3	5	4	5	5	
15	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is a mandated referral to an employee assistance program.	5					
F.	Misuse of Agency or State Property						
1	Using State or agency owned or leased property without proper authorization following agency 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 the property.	1	5	2	5	5	
3	Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or injury to a person.	1	5	2	5	5	
4	Operating State vehicles or equipment without a valid or proper license: a. Without the knowledge that the license is no longer valid. b. With the 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	
6	Failure to safely operate motor vehicles while on duty when the failure results in minimal or significant damage, bodily injury, or death.	1	2	2	3	3	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
7	Speeding or committing other traffic violations while driving a State or federally owned vehicle, or reckless handling of other State equipment, including any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving actions in the course of or impacting employment.	1	3	2	5		
8	Operating State vehicles or equipment without proper authorization or credentials.	2	5	5			
9	Using or authorizing the use of state owned or leased property for other than official use, including state-issued credit cards without authorized permission.	1	4	3	5	5	
10	Willfully or negligently leaving State or federal equipment or machinery, which results in damage to equipment or other property.	1	5	3	5	5	
11	Releasing a paycheck before the appropriate time.	2	3	3	4	5	
12	Requesting, receiving and cashing a paycheck before the state's designated payday.	2	3	3	5	5	
13	Rendering of services or goods to recipients that is not in accordance with agency or divisional policies.	1	5	3	5	5	
14	Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy.	5					
15	Failure to disclose an arrest or a criminal conviction when disclosure is required by law, regulation, or agency policy.	3	5	4	5	5	
16	Failure to report an arrest or conviction or any misdemeanor, gross misdemeanor, or felony within 5 working days, when it is a requirement of the position.	3	5	5			
17	Misplacement of important documents or property.	1	3	3	5	5	
18	Removing State identification decals from vehicles without permission.	1	3	3	5	4	5
19	Personal use of agency/state/federal vehicle.	2	3	3	5	5	
20	Misuse of agency or federal gas card.	2	3	3	5	5	
21	Taking a vehicle home at any time (even for a few minutes) without permission.	2	3	3	5	5	
22	Negligent destruction or damage to state or federal property.	1	2	2	3	3	5
23	Willful or inexcusable destruction or damage to state or federal property.	3	5	3	5	5	
24	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreement including but not limited to office Technology Terms of Use Policy.	1	5	2	5	5	
25	Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.	1	2	2	3	3	5
27	Jeopardizing the security of agency property.	1	3	2	5	3	5
28	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
G.	Misuse of Information Technology						
1	Use that interferes with employee performance or agency 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

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
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 based on 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 confidential records maintained by the agency.	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 workplace.	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	
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	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	
12	Using State or federal information technology resources to gain access, view, and/or download pornography from the internet or upload from other electronic devices.	3	5	5			
13	Excessive internet usage for personal or non-work-related purposes.	1	3	2	3	3	5
14	Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position.	5					
15	Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	2	5	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
16	The malicious and willful alteration, deletion or other destruction of documents, data, information or other materials stored on any agency information technology system.	5					
17	The unauthorized use, or manipulation of, production data or information outside the scope of one's job responsibilities, or for non-business or personal reasons (strictly prohibited and may be subject to prosecution under NRS 205.481).	2	3	3	4	3	5
18	Installation or use of computer monitoring devices, spy ware, reader software or devices, unauthorized data collection software or devices, blocking devices, or other hardware, software, servers, devices, or similar that restricts or limits access not specifically approved by the agency.	3	5	5			
19	Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	2	5	3	5	5	
20	Misuse or abuse of the email system; or other violations of the Computer Usage Policies regarding email.	1	3	3	5	5	
21	Completion of any business transaction for self, friends, family members or co-workers which may be inconsistent, incompatible, or a conflict of interest.	1	2	2	3	4	5
22	Revealing or sharing office access control or alarm combinations or keys with unauthorized persons.	2	5	3	5	5	
23	Use of agency email or internet system that violates any law.	3	5	3	5	5	
24	Downloading, sharing, or duplicating confidential data either onto a laptop computer, PDA, CD or any other portable device without proper authorization.	5					
25	Misrepresenting oneself on the Internet as another person without authorization.	3	5	3	5	5	
26	Forge a digital signature. Using electronic signature, graphic or otherwise, for any unauthorized purpose.	5					
27	Violation of any aspect of the Internet and Network Access section in the office Technology Terms of Use Policy.	3	5	5			
28	Use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection.	5					
29	Internet usage that conflicts with agency policy.	1	3	3	5	5	
H.	Other Acts of Misconduct or Incompatibility						
1	Engage in an outside employment activity or enterprise which the appointing authority considers being inconsistent, incompatible or a conflict of interest with employment without authorization.	1	3	2	4	5	
2	Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
3	Unauthorized or improper disclosure of confidential information.	2	5	3	5	5	
4	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
5	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with Office of Energy or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
6	Misrepresentation of official capacity or authority.	2	5	4	5	5	
7	Bringing into State owned, leased or occupied buildings any firearm, or implement considered to be a weapon, unless permitted by law to do so and the appointing authority receives prior notification.	3	5	4	5	5	
8	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation or divisional policy.	5					
9	Conviction of any criminal act related to their work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work.	2	5	3	5	5	
10	Sleeping on duty or failure to remain fully awake while on duty.	1	5	3	5	5	
11	Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State.	3	4	4	5	5	
12	Divulging confidential employer information obtained in the performance of official duties to any person outside the agency except as specified by law or policy. Making public any investigation or proposed action or business of the agency to any unauthorized person.	3	5	3	5	5	
13	Dishonesty.	2	5	4	5	5	
14	Failure to participate in any investigation of alleged discrimination, including without limitation, an investigation concerning sexual harassment.	3	5	4	5	5	
15	Performing an act in an unofficial capacity which is subject to the control, inspection, review, audit or enforcement by the employee or his agency.	1	5	2	5	5	
16	Failure to provide name, identification or display proper ID when requested, except when the withholding of such information is necessary for the performance of specific law enforcement duties or as otherwise authorized by a supervisor.	1	2	2	3	3	5
17	Disobeying the State of Nevada smoking statutes.	1	2	2	3	3	5
18	Improperly engage in secondary employment without an approved Request for Secondary Employment Form.	1	2	2	3	3	5
19	Allowing unauthorized personnel to enter work areas without approval of appointing authority.	1	2	2	3	5	
20	Failure, plus failure of a supervisor, to report promptly and fully misconduct including activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.	1	5	2	5	3	5
21	Concealing or covering up, attempting to conceal, removing or destroying evidence of incompetent or defective workmanship.	2	3	3	4	4	5

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
22	Gambling or betting on State property or while on duty or in uniform; while using any agency equipment or systems; any on- line gambling while on duty. Unlawful gambling or betting at any time or any place. Gambling activity undertaken as part of an employee's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.	3	5	3	5	5	
23	Improperly identifying self, displaying badge or identification, or making improper use of status as a Dept. employee that could reasonably be perceived as an attempt to gain influence or authority.	3	5	3	5	5	
24	Any conduct whether on or off duty which negatively reflects upon the image of the State or the agency.	2	3	3	4	5	
25	Refusal to undergo a search of person or property on institutional property.	2	3	3	4	5	
26	Failure to report contact with law enforcement other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee.	2	3	3	4	3	5
27	Not following proper chain of command by contacting other state administrators, officers, board members or elected officials without first expressing concerns and intended purpose to supervisors, excluding contacts made by employees under the provisions of NRS 281.611.	1	2	2	4	5	
28	Associating socially with any member of a criminal gang, organized crime and/or criminal syndicate when a agency member knew or reasonably should have known of the criminal nature of the person or organization. This includes any organization involved in a definable criminal activity or enterprise except where specifically directed and authorized by the agency.	3	5	3	5	5	
29	Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the agency.	3	5	3	5	5	
30	Any act which is incompatible with an employee's condition of employment established by law or which violates a provision of NAC 284.738 to NAC 284.771, inclusive NAC 284.650.	1	5	2	3	3	5
31	The unauthorized use of any badge, uniform, identification card or other agency equipment or property for personal gain or any other improper purpose.	3	5	3	5	5	
32	Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Director of such action.	2	3	3	4	3	5

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
33	Using agency resources in association with any portion of an employee's independent civil action. These resources include, but are not limited to personnel, vehicles, equipment and non- subpoenaed records.	2	4	3	5	4	5
I.	Improper Political Activity						
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, a monetary, or non-monetary contribution for a political purpose from anyone who is in the same agency and who is a subordinate of the solicitor.	1	5	4	5	5	
2	Engage in political activity during the hours of employment to improve the chance of a political party or individual seeking office.	1	3	2	4	3	5
3	Engage in political activity to secure preference for promotion, transfer or salary advancement.	1	5	2	5	5	
4	As an employee in an agency administering federally aided programs, engage in political activities at any time, which are forbidden by federal law.	1	3	2	5	3	5
5	Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration.	2	3	3	4	5	
6	Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform or at public expense event.	2	4	3	4	5	
7	Soliciting and/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of benefit, reward, promotion, advancement or compensation.	3	5	5			
J.	Discrimination and Harassment						
1	Engaging in sexual harassment as defined in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or agency policy against an employee, an applicant for employment or any other another person in the workplace.	3	5	4	5	5	
2	Creating or endorsing a hostile work environment.	2	5	3	5	5	
3	Discrimination based on race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity and expression or other violations of Title VII of the Civil Rights Act, or any other state or federal anti-discrimination laws.	3	5	4	5	5	
4	Failure of a supervisor to report instances of sexual harassment or discrimination as defined and required in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or the agency's policy.	1	5	3	5	5	
5	Making a negative discriminatory remark based on any Federal or State law.	2	3	3	4	5	

1=Oral Warning; 2=Written Reprimand; 3=Suspension, without pay, of no more than 30 calendar days; 4=Demotion; 5=Dismissal		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
6	Retaliation. Taking adverse action against an employee for: 1) complaining about harassment and/or discrimination; 2) for supporting another employee's complaint about harassment and/or discrimination; 3) for disclosing improper governmental action; 4) for filing a grievance or appeal; or exercising any employment right protected under State or Federal law.	2	5	3	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, the threat of workplace violence, harassment, or intimidation.	2	5	3	5	5	
4	Endangering self, fellow employees, clients or public through negligent 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	

ACKNOWLEDGMENT FORM
OFFICE OF ENERGY
PROHIBITIONS AND PENALTIES

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes 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 State of Nevada Office of Energy employees.

The Office of Energy’s Prohibitions and Penalties document is a guide that intends to clarify existing statutes and regulations but does not cover all infractions and violations that could conceivably occur. It does, however, cover the majority of situations that are important to the Office of Energy. As a tool, which describes behavior that is subject to discipline, the guide will serve the needs of both supervisory personnel and employees. Additions, deletions or changes to the guide as they are approved by The State Personnel Commission, will be communicated to employees in the same manner as other Office of Energy policies and procedures.

The State Personnel Commission approved this guide; thus, it has the same force and effect as other statutes 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 the Office of Energy’s Prohibitions and Penalties.

Print Employee Name	Employee Signature	Employee ID	Date
---------------------	--------------------	-------------	------

Human Resources Management Representative or Immediate Supervisor	Date
--	------