

**APPEAL OF
“WHISTLEBLOWER” RETALIATION
UNDER THE PROVISIONS OF NRS 281.641**

This form is required for a state officer or employee or former state officer or employee to request a hearing to appeal action which he or she believes was reprisal or retaliation due to his or her disclosure of improper governmental action. This form is not to be used to report improper governmental action.

I. Appellant Information (required section)

Name:

Mailing Address:

Contact Phone:

Email:

Employee I.D. #:

Department/Agency at time of Action:

II. Whistleblowing Activity (required section)

Please attach a summary which identifies or describes the improper governmental action, as described in NRS.281.611, that you allege was carried out by a state officer or employee, including the date of the disclosure, to whom the disclosure was made, and any state laws or regulations that you believe were violated.

III. Appealed Action (required section)

What was the alleged reprisal or retaliatory action you are appealing and the date or effective date of the action?

Please attach a summary which explains why you believe the action you are appealing was reprisal or retaliation for your disclosure of improper governmental action. Please include:

- a) A chronology of events and facts which support your allegation that the action you are appealing was based on reprisal or retaliation for your disclosure of improper governmental action.
- b) Documentary evidence which supports your statements.

Is the date of the alleged reprisal or retaliatory action you are appealing within two years of the date you disclosed information concerning improper governmental action? Yes No

Note: The appealed action must be within two years of the date of disclosure of improper governmental action.

The remedy I seek is:

- To have an order issued directing the proper person to desist and refrain from engaging in the reprisal or retaliatory action.
- Other: _____

Note: “Other” remedies may not be within the jurisdiction of the hearing officer to grant.

IV. Appellant Representation (required section)

You may represent yourself or be represented by an attorney or other person of your choosing. A representative may be designated at a later date. I choose to:

Represent myself

Designate the following representative to act on my behalf during the course of this appeal:

Name:	Phone:
Address:	Fax:
	Email:

V. Signature (required section)

I hereby request a hearing to determine whether the action described was reprisal or retaliation for disclosing information of improper governmental action and I affirm that the information provided is true and correct.

Appellant Signature: _____ Date: _____

Appeal Instructions

General: A state officer or employee or former state officer or employee is eligible to file an appeal. Attachments to this form may be provided however, all evidence and back-up documents need not be provided at this time; prior to the hearing, you will receive a request for any supporting material. If you have received a Specificity of Charges or written notice of involuntary transfer, please attach it to this request. Notification of a hearing will be sent to you or your designated representative by regular mail. The appeal procedures and statements made on this form do not include all of the rights available to an appellant. It is advisable to review NRS 281 and NAC 281 prior to filing an appeal. Appeal hearings are open to the public and decisions by a hearing officer are public information.

When to File an Appeal: Nevada law NRS 281.641 states, "If any reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the Personnel Commission for a determination of whether the action taken was a reprisal or retaliatory action."

Your appeal must be filed within 10 working days after the date the alleged reprisal or retaliatory action took place. If your appeal is filed late, the hearing officer may dismiss it as untimely. The date of filing will be the date the appeal is postmarked, or the date of the fax, email, or date of receipt, if you personally deliver it to the Division of Human Resource Management.

Where to File an Appeal: The request may be submitted by mail, email, fax or hand delivery. Please submit the appeal to:

Administrator, Division of Human Resource Management
c/o Employee and Management Services
100 N. Stewart St., Suite 200
Carson City, Nevada 89701-4204
Fax (775) 684-0118 Phone (775) 684-0135
Email: HearingClerk@admin.nv.gov

NRS 281.641 states, “Reprisal or retaliatory action against state officer or employee who discloses improper governmental action: Written appeal; hearing; order; negative ruling may not be based on identity of persons to whom disclosure was made; rules of procedure.

1. If any reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the Personnel Commission for a determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances under which the disclosure of improper governmental action was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.
↳ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 4.

2. If the hearing officer determines that the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

3. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

4. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

5. As used in this section, “Personnel Commission” means the Personnel Commission created by NRS 284.030.”

NAC 281.305 states, “Written appeal by officer or employee who claims retaliatory action was taken against him or her.

1. A state officer or employee who claims a reprisal or retaliatory action was taken against him or her for disclosing information concerning improper governmental action may file a written appeal pursuant to NRS 281.641 with a hearing officer of the Personnel Commission. The appeal must be:

(a) Filed within 10 workdays after the date the alleged reprisal or retaliatory action took place.

(b) Submitted on a form provided by the Division of Human Resource Management of the Department of Administration.

2. The hearing officer may reject a form that is incomplete or otherwise deficient as insufficient to commence the appeal.”

NRS 281.611 states in part, “Definitions. As used in NRS 281.611 to 281.671, inclusive, unless the context otherwise requires:

1. “Improper governmental action” means any action taken by a state officer or employee or local governmental officer or employee in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of employment of the officer or employee, which is:

(a) In violation of any state law or regulation;

(b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;

(c) An abuse of authority;

(d) Of substantial and specific danger to the public health or safety; or

(e) A gross waste of public money.”