



# WHISTLEBLOWER PROTECTIONS – WHAT, WHEN, & HOW

Written Guide for State of Nevada  
Officers and Employees

Developed by the Division of Human Resource Management's Consultation & Accountability Unit as required by [NRS 281.661](#).

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***IMPORTANT – This guide does not include information on local government requirements.***

## PURPOSE

The purpose of this guide is to educate State of Nevada officers and employees, and local governmental officers and employees, regarding the disclosure of improper governmental action. This guide addresses prohibited actions, provided protections and the prevention of reprisal or retaliatory action due to disclosure of improper governmental action.

## PUBLIC POLICY

“It is hereby declared to be the public policy of this state that a state officer or employee and a local governmental officer or employee are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action, and it is the intent of the Legislature to protect the rights of a state officer or employee and a local governmental officer or employee who makes such a disclosure.”

[NRS 281.621](#)

## DEFINITIONS

### STATE OFFICER

“State officer” means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

- The expenditure of state money
- The enforcement of laws and regulations of the State
- Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy

[NRS 281.611](#)

### STATE EMPLOYEE

“State employee” means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.

[NRS 281.611](#)

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## OFFICIAL AUTHORITY OR INFLUENCE

Includes taking, directing others to take, recommending, processing or approving any personnel action. Personnel actions include:

- Appointment
- Promotion
- Transfer
- Assignment
- Reinstatement, restoration, reemployment
- Evaluation; or
- Other disciplinary action

### [NRS 281.631](#)

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## IMPROPER GOVERNMENTAL ACTION

Any action taken by a State officer or employee in the performance of his or her official duties, whether or not the action is within the scope of employment, which is:

- In violation of any State law or regulation
- Of substantial and significant danger to the public health or safety
- An abuse of authority
- A gross waste of public money

### [NRS 281.611](#)

## REPRISAL OR RETALIATORY ACTION

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### WHAT DOES IT INCLUDE?

If taken, in whole or in part, because the State officer or employee disclosed information concerning improper governmental action:

- Denial of adequate personnel to perform duties;
- Frequent replacement of members of staff;
- Frequent and undesirable changes in the location of an office;
- Refusal to assign meaningful work;

- Letters of reprimand or evaluations of poor performance;
- A demotion;
- A reduction in pay;
- Denial of a promotion;
- A suspension;
- A dismissal;
- A transfer;
- Frequent changes to working hours or workdays; or
- Filing a complaint with an occupational license board; or
- Knowingly placing false information, including a false complaint, in the personnel file.

[NRS 281.611](#)

## HOW TO REPORT IMPROPER GOVERNMENTAL ACTION

To report concerns about improper governmental action, you may contact the [Nevada Attorney General's office](#), [Nevada Commission on Ethics](#), [Division of Internal Audits Fraud Hotline](#), or the relevant agency's management.

## PROHIBITED ACTIONS

### RETALIATION

Reprisal or retaliatory action against a State officer or employee who discloses improper governmental action.

[NRS 281.631](#)

### USING AUTHORITY OR INFLUENCE TO PREVENT THE DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION

A State officer or employee shall not directly or indirectly use or attempt to use the official authority or influence of the officer or employee to or attempt to:

- Intimidate
- Threaten

- Coerce
- Command
- Influence

in an effort to interfere with or prevent the disclosure of information concerning improper governmental action.

Additionally, this would include intimidating, threatening, coercing, commanding, influencing or attempting to intimidate, threaten, coerce, command or influence another State officer or employee to take reprisal or retaliatory action.

#### [NRS 281.631](#)

### USE OF PROVISIONS FOR HARASSMENT

A State officer or employee shall not use these provisions to harass another State officer or employee.

Additionally, a State officer or employee may initiate disciplinary procedures against another State officer or employee who discloses untruthful information concerning improper governmental action.

#### [NRS 281.651](#)

### REMEDY

A State officer or employee shall use their official authority or influence to remedy any reprisal or retaliatory action of which they become aware.

#### [NRS 281.631](#)

### APPEALS

Certain actions taken against a State officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed may file a written appeal with a hearing officer of the Human Resources Commission for a determination of whether the action taken was a reprisal or retaliatory action.

#### [NRS 281.641](#)

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## WHAT CAN BE APPEALED?

Certain actions taken against a State officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed may file a written appeal with a hearing officer of the Human Resources Commission for a determination of whether the action taken was a reprisal or retaliatory action. Review these appealable actions below.

### [NRS 281.641](#)

#### INTIMIDATE, THREATEN...

Directly or indirectly use or attempt to use the official authority or influence of the State officer or employee to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another State officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action.

#### INTIMIDATE... ANOTHER...

Directly or indirectly use or attempt to use the official authority or influence of the State officer or employee to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another State officer or employee to take reprisal or retaliatory action.

#### FAIL TO REMEDY

Fail to use the official authority or influence of the State officer or employee to remedy any reprisal or retaliatory action of which the State officer or employee becomes aware.

#### REPRISAL OR RETALIATORY ACTION

Any alleged 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.

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## WRITTEN APPEAL ([HR-53 APPEAL OF WHISTLEBLOWER RETALIATION UNDER THE PROVISIONS OF NRS 281.641](#))

The written appeal must be submitted not later than **60 working days** after the alleged reprisal or retaliatory action took place.

[NRS 281.641](#); [NAC 284.305](#)

#### WHERE CAN YOU FIND THE FORM?

The written appeal must be submitted on the [HR-53 Appeal of Whistleblower Retaliation Under](#)

[the Provisions of NRS 281.641 form](#). The form is available for downloading on the Division of Human Resource Management's website (hr.nv.gov).

## REQUIRED INFORMATION

The written appeal must include:

- The facts and circumstances relating to the alleged violation; and
- The facts and circumstances that is alleged to have happened.

## WHERE DO YOU SEND THE FORM?

The completed form must be filed with the Administrator, Division of Human Resource Management, c/o Employee & Management Services.

## HEARING

If the hearing officer determines that there was a violation, the hearing officer may issue an order directing:

- The proper person desist and refrain from engaging in such a violation or action; or
- The termination of the employment of the proper person.

Additionally, the hearing officer will file a copy of the decision with the Governor or any other elected official who is responsible for the actions of that person.

[NRS 281.641](#)

## IF YOU HAVE QUESTIONS

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