

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Frank Richardson
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

209 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | <http://hr.nv.gov> | Fax: (775) 684-0122

PERSONNEL COMMISSION

Meeting Notice

DATE: Friday, September 24, 2021

TIME: 9:00 a.m.

LOCATION:	State Library and Archives Building	Grant Sawyer Building
	100 N. Stewart Street	555 E. Washington Avenue
	Room 110	Room 1400
	Carson City, Nevada 89701	Las Vegas, NV 89101

Effective June 1, 2021, the Governor’s Emergency Directive expired, and Open Meeting Law procedures were reinstated.

The sites will be connected by videoconference. The public is invited to attend at either location. As video conferencing gives the Commission, staff and others flexibility to attend meetings in either Northern or Southern Nevada, handouts to the Commission on the day of the meeting might not be transmitted to the distant locations.

Notice: The Personnel Commission may address agenda items out of sequence to accommodate persons appearing before the Commission or to aid the efficiency or effectiveness of the meeting at the Chair’s discretion. The Commission may combine two or more agenda items for consideration, and the Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Comments will be limited to three minutes per person and persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Commission Chair may elect to allow public comment on a specific agenda item when the item is being considered.

Agenda

- I. Call to Order, Welcome, Roll Call, Announcements.**
- II. Public Comment:** No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

FOR POSSIBLE ACTION

- III. Approval of Minutes of Previous Meetings:**
 - A. Held June 25, 2021 4-12
 - B. Held June 25, 2021, Emergency Regulations 13-17

FOR POSSIBLE ACTION **IV. Prohibitions and Penalties: Discussion and Approval of Specific Activities Considered Inconsistent, Incompatible, or in Conflict with Employee’s Duties and the Process of Progressive Discipline.....18-47**

- A. Cannabis Compliance Board
- B. Department of Education

FOR POSSIBLE ACTION **V. Discussion and Approval of Policy Authorizing the Appointment of Persons to a Position or Class of Positions pursuant to NAC 284.375.....48-50**

- A. Division of Forestry

FOR POSSIBLE ACTION **VI. Discussion and Approval of Proposed Class Specification Maintenance Review of Classes Recommended for Revisions and Abolishment.....51-59**

- A. Mechanical & Construction Trade
 - 1. Subgroup: Skilled Trades & Allied
 - a. 9.430 Welder Series
 - b. 9.495 Wastewater Treatment Operator Series

INFORMATIONAL ITEM **VII. Report of Uncontested Classification Plan Changes Not Requiring Personnel Commission Approval per NRS 284.160.....60-66**

The following items were posted for at least 20 working days. No written objections were received by the Administrator before the end of the posting period; therefore, the changes automatically went into effect.

- Posting #05-21
 - 6.766 Climate and Energy Specialist
- Posting #08-21
 - 12.619 Parole and Probation Specialist Series
- Posting #09-21
 - 7.100 Accountant Series (ACFR)
- Posting #10-21
 - 7.500 State Payroll Manager
- Posting #11-21
 - 9.477 Student Worker-Trades

VIII. Discussion and Announcement of Dates for Upcoming Meetings. Next Meeting Scheduled for December 10, 2021.

IX. Commission Comments

X. Public Comment: No vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

XI. Adjournment

Supporting material for this meeting is available at the Division of Human Resource Management at 209 E. Musser Street, Suite 101, Carson City, Nevada, 89701; 555 E. Washington Avenue, Suite 1400, Las Vegas, NV, 89101; or on our website http://hr.nv.gov/Boards/PersonnelCommission/Personnel_Commission_-_Meetings/. To obtain a copy of the supporting material, you may contact Jade Bonds at (775) 684-0130 or

jbonds@admin.nv.gov.

Inquiries regarding the items scheduled for this Commission meeting may be made to Michelle Garton at (775) 684-0136 or mgarton@admin.nv.gov.

We are pleased to make reasonable accommodations for individuals who wish to attend this meeting. If special arrangements or audiovisual equipment are necessary, please notify the Division of Human Resource Management in writing at 209 E. Musser Street, Suite 101, Carson City, NV, 89701, no less than (5) working days prior to the meeting.

Persons who wish to receive notice of meetings must subscribe to the Division of Human resource Management LISTSERV HR Memorandums, which can be found on the following webpage:

http://hr.nv.gov/Services/HRM_Email_Subscription_Management/. If you do not wish to subscribe to LISTSERV and wish to receive notice of meetings, you must request to receive meeting notices and renew the request every 6 months thereafter per NRS 241.020(3)(c), which states in part, "A request for notice lapses 6 months after it is made." Please contact Jade Bonds at (775) 684-0130 or jbonds@admin.nv.gov to make such requests.

Notice of this meeting has been posted at the following locations:

Carson City

Blasdel Building, 209 East Musser Street
Nevada State Library, Archives and Public Records, 100 North Stewart Street
Nevada State Capitol Building, 101 North Carson Street

Las Vegas

Grant Sawyer Building, 555 East Washington Avenue

Online

Nevada Public Notice website: <http://notice.nv.gov>
Division of Human Resource Management: www.hr.nv.gov

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held at the Nevada State Library and Archives Building, 100 N. Carson Street, Room 110, Carson City; and via video conference in Las Vegas at the Grant Sawyer Building, 555 E. Washington Avenue, Room 1400.

**MEETING MINUTES
June 25, 2021
(Subject to Commission Approval)**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Patricia Hurley, Commissioner
Ms. Priscilla Maloney, Commissioner

Ms. Dana Carvin, Alternate Commissioner, non-voting

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Ms. Katherine Fox, Chairperson
Mr. Mark Olson, Commissioner
Mr. Andreas Spurlock, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Frank Richardson, Administrator, Division of Human Resource Management (DHRM)
Ms. Michelle Garton, Deputy Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Denise Woo-Seymour, Supervisory Personnel Analyst, DHRM
Ms. Keisha Harris, Personnel Analyst, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Patty Kreymborg, Personnel Analyst, DHRM
Ms. Tori Sundheim, Deputy Attorney General, Office of the Attorney General

STAFF PRESENT IN LAS VEGAS:

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Fox: Called the meeting to order on Friday June 25, 2021, at approximately 9:00 a.m. She welcomed everyone and stated after roll call, she had an announcement.

Chairperson Fox: Announcement; Frank Richardson, who was the Interim Administrator for DHRM has now been named Division Administrator, congratulations.

Frank Richardson: Thank you, these are going to be big shoes to fill, after following Peter. He has been a real fixture in HR here for many, many years. Fortunately, I got to work with him for a few years and we'll keep that culture going. It's going to be a lot of fun and a lot of challenges going forward. Thank you.

Chairperson Fox: Speaking, I think for all the Commissioners, you have one heck of a staff. I have always been in awe of the level of professionalism and expertise from the State of Nevada's HR staff. I know they are going to want you to be successful.

Chairperson Fox: Before moving to public comment, there are no alternate Commissioners in the South, are there any in the North.

Michelle Garton: Yes, Dana Carvin is here.

II. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. She asked if there were any public comments; there was none.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED MARCH 19, 2021 – Action Item

Chairperson Fox: Asked if there were any corrections or changes to be made on the minutes from March 19, 2021. Commissioner Maloney stated she had corrections.

Commissioner Maloney: I do have a minor but clarifying correction on page 7 of your packet. Under agenda item #5, I made a statement pursuant to NRS, case law precedent and regulations on disclosure of potential conflict of interest I needed to disclose so I am reading from that first paragraph. ‘Self-employed, government affairs specialist contractor for AFSCME 4041, Retirees Chapter for the Legislative Session of the interim.’ Further, I said “I sit in a labor representative seat, so it would be understandable I would be employed in some capacity in a labor function in the State of Nevada.” The very next paragraph is where the changes come in. I said “the retirees’ chapter is a standalone subdivision of the classified part of AFSCME 4041, they have their own constitution and by-laws”, and here’s where the typo is; the next sentence says “my consultees”, and it should say “ my consultant fees comes from separate” and then I want to interject there “retiree chapter funds” not comingled with the funds of AFSCME 4041, and then the rest of my clarifying statement is my work is directed by a separate executive order, and I do not believe my work with the AFSCME Retirees chapter will affect the impartiality of my vote.

Chairperson Fox: So, Commissioner Maloney, could you go ahead and do that as a formal motion so it can be seconded and then discussed by the Commission.

Commissioner Maloney: I would like to make a motion that on page 7 of the minutes from the meeting on March 19, 2021, under agenda item #5, the third paragraph we’re making a correction of a typo; “my consultant fees” should be the start of the second sentence and interjecting from the word “separate”, “retiree chapter funds not comingled with the funds of AFSCME 4041.” That is my motion.

Commissioner Olson: Second.

Chairperson Fox: It’s been moved and seconded, any questions, any discussion, any public comment? Seeing and hearing none, I will entertain the item for a vote.

The vote was unanimous.

MOTION: Moved to approve minutes of the March 19, 2021 meeting with corrections noted by Commissioner Maloney.
BY: Commissioner Maloney
SECOND: Commissioner Olson
VOTE: The vote was unanimous in favor of the motion.

IV. PROHIBITIONS AND PENALTIES: DISCUSSION AND APPROVAL OF SPECIFIC ACTIVITIES CONSIDERED INCONSISTENT, INCOMPATIBLE, OR IN CONFLICT WITH EMPLOYEE’S DUTIES AND THE PROCESS OF PROGRESSIVE DISCIPLINE – Action Item

- A. Department of Taxation
- B. Silver State Health Insurance Exchange
- C. State Public Charter School Authority

Denise Woo-Seymour: Good morning Madame Chair and members of the Commission. I am Denise Woo-Seymour, a Supervisory Personnel Analyst for the Division of Human Resource Management, Consultation and Accountability Unit.

In accordance with NAC 284.742, an agency shall identify specific activities considered inconsistent, incompatible or in conflict with employees' duties, and identify the penalties for such activities. These Prohibitions and Penalties are subject to the approval of the Personnel Commission.

The Department of Taxation has updated their Prohibitions and Penalties previously approved by the Personnel Commission and in effect since December 10, 2010. Prior to the submitted revised version, department employees and employee associations were requested to submit comments and suggestions.

Prohibition #I-1 on page 26, contains additional language which was adopted by the Commission this last December. The proposed amended penalty range is consistent with other agencies whose penalty range was approved by the Commission for this prohibition. Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission. Revisions have been tracked with new matter in blue font and deletions as red strikethroughs. Prohibitions that were relocated from a section to a more appropriate section were not noted since language had already been previously approved by the Commission.

Representatives from the Department of Taxation and Agency HR Services are available to answer any questions.

Chairperson Fox: Are there any comments or questions from the Commissioners or the public? There were none.

MOTION: Moved to approve Item IV-A.
BY: Commissioner Olson
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

Denise Woo-Seymour: Again, for the record, Denise Woo-Seymour from the Division of Human Resource Management.

The State of Nevada Silver State Health Insurance Exchange (SSHIE) is a new agency, therefore the Prohibitions and Penalties before you for approval are newly created. Input was requested from the department employees and the employee associations. Prohibition #H-7 on page 43, contains additional language which was adopted by the Commission this last December. The proposed amended penalty range is consistent with other agencies whose penalty range was approved by the Commission for this prohibition.

Otherwise, these new Prohibitions and Penalties have been reviewed by the Division and are consistent with those already approved by the Commission.

Representatives from the Silver State Health Insurance Exchange and Agency HR Services are available to answer any questions.

Chairperson Fox: Asked if there were any comments or questions from the Commissioners or the public. There were none.

MOTION: Moved to approve Item IV-B.
BY: Commissioner Maloney
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

Denise Woo-Seymour: For the record, Denise Woo-Seymour from the Division of Human Resource Management.

The State Public Charter School Association has updated their Prohibitions and Penalties previously approved by the Personnel Commission and in effect since May 10, 2013. Prior to the submitted revised version, department employees and employee associations were requested to submit comments and suggestions.

Prohibition #L-5 on page 58, contains additional language which was adopted by the Commission this last December. The penalty range is consistent with other agencies whose penalty range was approved by the Commission for this prohibition.

Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission. Revisions have been tracked with new matter in blue font and deletions as red strikethroughs. Prohibitions that were relocated from a section to a more appropriate section were not noted since language had already been previously approved by the Commission.

Representatives from the State Public Charter School Association and Agency HR Services are available to answer any questions.

Chairperson Fox: I do have a question, in some of the documents, it's called and "association" and in some, it's called an "authority". Is it "association" or "authority" or are the terms interchangeable?

Jennifer Bauer: I'm the Director of Finance and Operations for the State Public Charter School Authority. I believe that was an inadvertent error and the statute creates a State Public Charter School "Authority".

Chairperson Fox: Asked if there were any comments or questions from the Commissioners or the public. There were none.

Chairperson Fox: I'll make the motion here and, in my motion,, I am going to move to correct the record for all the documents to reflect "authority".

MOTION: Moved to approve Item IV-C, the Prohibitions and Penalties for the State Public Charter School Authority to include, in the necessary documents, changing the word "association" to "authority".
BY: Chairperson Fox
SECOND: Commissioner Spurlock
VOTE: The vote was unanimous in favor of the motion.

V. DISCUSSION AND APPROVAL OF ADDITION OF CLASSES OR POSITIONS FOR PRE-EMPLOYMENT SCREENING FOR CONTROLLED SUBSTANCES– Action Item

A. The Department of Administration, State Public Works Division requests the addition of the following positions to the list approved for pre-employment screening for controlled substances:

1. Classes and positions requested for approval of preemployment screening for controlled substances:

- a. 09.612 Facility Supervisor I, PCN 0119
- 09.609 Facility Supervisor II, PCN 0202

Carrie Hughes: Good morning Madam Chair and Members of the Commission. My name is Carrie Hughes and I am a Personnel Analyst with the Division of Human Resource Management.

The Department of Administration, State Public Works Division is requesting the addition of the requirement of pre-employment screening for controlled substances for the positions listed in agenda item 5(A).

The Federal Motor Carrier Safety Administration requires pre-employment screening for controlled substances of positions that operate commercial motor vehicles and are subject to the requirement of a commercial driver's license. Public Works has indicated that these positions are required to obtain and maintain a commercial driver's license due to driving commercial motor vehicles.

Thank you for your consideration of this item. A representative for Public Works has been requested to be available to answer questions you may have.

Chairperson Fox: Asked if there were any further comments or questions from Commissioners or the public. There were none.

MOTION: Moved to approve Agenda Item VI A item 1a.
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

VI. DISCUSSION AND APPROVAL OF PROPOSED CLASS SPECIFICATION MAINTENANCE REVIEW OF CLASSES RECOMMENDED FOR REVISIONS AND ABOLISHMENT – Action Item

A. Mechanical & Construction Trade

- 1. Subgroup: Equipment Operators
 - a. 9.212 Driver Warehouse Supervisor/Worker Series
- 2. Subgroup: Trades & Allied
 - a. 9.465 Craft Worker-In-Training Series

Patty Kreymborg: Good morning Madam Chair and members of the Commission. For the record, my name is Patricia Kreymborg, Personnel Analyst with the Division of Human Resource Management, Classification Unit.

As part of the Biennial Class Specification Review Process, I am here to present for your approval, this date, recommended changes to Item 6A,1A, Driver Warehouse Supervisor/Worker Series.

In consultation with Subject Matter Experts from the Nevada Department of Corrections, the Nevada Department of Motor Vehicles, the Nevada Department of Agriculture, and Analysts within the Division of Human Resource Management, it was determined that the Series Concept be amended to clarify duties and to update other types of equipment used by these positions. Additional recommendations include the following:

The class concept for Driver Warehouse Supervisor be revised to include additional oversight responsibilities pertaining to orders and/or materials received or disbursed.

Within the class concept for Driver Warehouse Worker Trainee, language to be added to clarify requirements to progress to the next level in the series.

Special requirements within the Minimum Qualifications section should stipulate the condition for possession of a valid commercial driver's license and also that certification to operate a forklift and/or other equipment may be required of both Driver Warehouse Supervisors and Workers.

Within the Minimum Qualifications at the Driver Warehouse Supervisor Level, working knowledge of computer systems to track and manage inventory to be added to the Full Performance Knowledge, Skills and Abilities.

Lastly, it is recommended that minor revisions be made to the Minimum Qualifications at the Driver Warehouse Supervisor, Worker II and Worker I levels to maintain consistency with verbiage, formatting and structure.

Personnel Analyst Keisha Harris will now present Item 6A, 2A on the agenda.

Keisha Harris: Good morning Madam Chair and members of the commission. For the record, my name is Keisha Harris, Personnel Analyst with the Division of Human Resource Management, Classification Unit.

As part of the Biennial Class Specification Maintenance Review Process, I am here to present for your approval this date, Item 6A 2a on the agenda, the Craft Worker-in-Training class specifications.

In consultation with subject matter experts from the Nevada System of Higher Education and analysts within the Division of Human Resource Management, it is recommended that revisions be made to the Series and Class concepts, and the Minimum Qualifications to update occupational language, clarify respective duties, reflect current methods and practices being used, and to maintain consistency with verbiage, formatting, and structure.

Additionally, it is recommended that a change be made to the class title of option D to accurately reflect the craft being performed.

We respectfully request your approval of these class specifications effective today. Thank you. We will be happy to answer any questions you may have.

MOTION: Moved to approve Agenda Item VI A item 1a and item 2a.
BY: Commissioner Maloney
SECOND: Commissioner Hurley
VOTE: The vote was unanimous in favor of the motion.

VII. 2021 LEGISLATION AFFECTING STATE EMPLOYEES AND DHRM BUDGET– Informational Item

Chairperson Fox: The next item is a non-action item, it's informational only and it is a presentation regarding the 2021 legislation affecting State employees also includes a presentation of the Division's budget.

Michelle Garton: Good morning Madame Chair and members of the Commission, I'm Michelle Garton, Deputy Administrator for DHRM there are handouts available for this presentation in the back as well as on our website. There are a few bills we wanted to highlight on this report. The first one is SB51, and this was one of the big bills DHRM had in session this time. This bill, SB51 results from the task force the Governor put together and they released a report in June of 2019 with the vast majority of the recommendations that are in this bill, almost completely.

Some of the statutory additions to 284 as well as the regulations were recommended by the task force.

First, a great part about this bill is the allowance of statutory authorities for what we now, currently call the Sexual Harassment and Discrimination Unit, which has been around for a long time but has not had statutory authority.

It also changes the name of that unit to Sex or Gender-based Harassment and Discrimination Unit, so many of the regulations we'll talk about in the next meeting will be about that name change throughout, that phrase.

This is one I want people to really be aware of. It requires now that once that unit has completed an investigation and submits a report to the appointing authority of an agency, that appointing authority is now required to inform the Division of Human Resource Management of any actions taken as a result of that report. That's a requirement now, we can finally close that loop. On number 5, the section of the bill is allowing if the Administrator ever feels it necessary to release confidential information related to an investigation, it is confidential unless the Administrator determines otherwise. So, for whatever reason it comes about that that is in the best interest any of the affected parties, complainant, witness has 10 days to file an appeal. So we have to notify them the information will be released, they have 10 days to file an appeal that they don't want that information released. That appeal will be to the Personnel Commission. The appeal comes to DHRM to be heard by the Personnel Commission and it is a closed-door meeting as well.

Frank Richardson: I would like to add instances when it comes to confidentiality are pretty rare, we don't get many requests for the documents, typically they come from the party's attorneys and will often arrive with some type of subpoena, so we don't envision this being something that happens all the time.

Chairperson Fox: Thank you for that and speaking for probably every HR representative on the Commission, who I think would agree with me, the concern is that individuals who won't come forward as a witness to the complaint, may hesitate to do so if they believe that there's going to be some way their name and information will be released. I'm concerned about protecting the integrity of confidential investigations like that and I think the Division echoes that concern.

Frank Richardson: It would have a chilling effect on the amount of reporting, and we want to make sure we're out in the community trying to get everybody to report anything that's going on with sexual harassment, discrimination and we don't want to limit that, we want to increase that reporting level. I think it would be a pretty rare circumstance where we would agree to release confidential information.

Chairperson Fox: Thank you.

Frank Richardson: Assembly bill 493 is the employee pay and this year, the bill establishes the maximum allowed salaries for employees in the classified and unclassified service of the State with appropriations for payment of salaries and grants at 1% Cost of Living Adjustment (COLA) increase on July 1, 2022. The bill also establishes additional increases in salaries for certain employees who are represented by various bargaining units. Some of those employees who are represented by Collective Bargaining Agreements (CBA) the salary increase was approved at 3%. I will answer any questions you may have now.

Chairperson Fox: I do have a question. So, if I understand correctly, is the 3% and the 1% increase, are they both effective July 1, 2022.

Frank Richardson: Yes, that is correct, July 1, 2022 there is nothing this year.

Chairperson Fox: And the distinction is, if you are not represented by a bargaining unit, you're 1% and if you are, it's 3%, is that correct?

Frank Richardson: Tori (Sundheim, DAG) is telling me that's not correct.

Tori Sundheim: The distinction just depends on what was in the pay bill, so each bargaining unit got a different amount than what it says in the pay bill so it's not necessarily that some were represented, some that were represented didn't get that amount.

Chairperson Fox: So, the max amount was 3%?

Frank Richardson: The bill specifically says if they have a collective bargaining agreement in place and they negotiated, it turned out this year that all the units that negotiated had a collective bargaining agreement in place and received the 3% COLA. There are others who are represented that don't have a collective bargaining agreement negotiated yet and they did not receive the 3% COLA.

Chairperson Fox: Thank you. Are there questions related to this from the Commissioners? There may be additional Commissioner questions as we go through the bills.

Frank Richardson: The next bill we have is Senate bill 409 which requires DHRM and the Department of Administration to charge an annual fee to the Executive Department for each employee position in the Executive Department that falls within a designated bargaining unit to carry out the duties of the Division, to support the Executive Department and Collective Bargaining negotiations.

Many of you may not know we do have a new Labor Relations Unit (LRU) and that is currently staffed with a Deputy Administrator, a Supervisory Analyst, four Personnel Analyst III's and a Personnel Technician III. Last year we funded this with reserves, this year we have placed a request for an assessment and the bill has passed and been signed so now the Labor Relations Unit will have an assessment team to support their actions and programs.

Michelle Garton: Madame Chair, those are the three bills that the Division wanted to highlight, and we'd be happy to answer any questions the Commission may have.

Commissioner Spurlock: I have a question on, this is kind of a personal issue of mine that I've been following for a long time. SB267, on the workplace diversity, I tracked that legislation, not this legislature but the last one, I didn't really think it would go anywhere. I've spoken at multiple HR conferences on gender pay and how to improve it, but more importantly how to correct it and how to calculate it so you're on the right track to begin with in differentiating between gender pay equity versus gender staffing equity because they are two distinct things.

I have actually talked with and gone to a function of the Women's Resource Center at University Nevada, Las Vegas (UNLV) who I think is the one mentioned in this paragraph that will actually be doing this study.

I have expressed my concerns to them because what they often do is take national data and just array all the salaries in the country to the best they can gather them and they look at median to median, and then say that females are getting paid 72 to 75 percent what men are. That's looking at all salaries across all levels. But if you look at it just by level, the number shoots up to the high 90's (%).

I'll give you an extremely simple example; let's say you have a casino, but it only has two jobs: executives and housekeepers. Executives are 50 percent men and 50 percent women and they're paid equally. Then you have housekeepers and they're paid equally but 85 percent of them are women. If you pool all of that data together, you will have a horrible gender pay ratio, yet you have paid your executives equally and you have paid your housekeepers equally. This is one of the biggest fallacies in the gender pay environment. That's my soapbox but I have a couple questions.

In following this, I was kind of curious because it's the Secretary of State working with UNLV with what I can assume to be the Women's Resource Center. Does State HR have any role in this whatsoever or in proofing the data or is it funneling through you at the front end, or the backend because I'm very concerned about that, in leaving it solely up to the interpretation of UNLV.

The bill, sometimes this happens, we get into very vague language, so I hear terms like 'equity' and things being thrown out, I'm just curious maybe the more detailed language is in the bill, if anyone has seen it; are they looking at staffing equity like in Nevada, are they looking at pay equity or both?

If anybody has any personal knowledge up there, I would appreciate it, but to Mr. Richardson, I really hope that State HR at some point is involved in this process.

Frank Richardson: Thank you for that and thank you for those questions. Tammy Smith, our Equal Opportunity Employer (EEO) Administrator is following this bill, was assigned to it and has been following it from the beginning. She is here and can speak to her involvement in the process.

Tammy Smith: Good morning, Tammy Smith, EEO Administrator. With this bill, what I was reading was that they're looking at top level, executive positions with the businesses that are licensed with them. It looks like the Department of Taxation is reporting to UNLV at UNLV's request when this bill becomes effective as to the business that are sometimes overlooked out there and they can reach out to these businesses to determine as to what level positions the women and the minorities are in. They can request from us, we do have a job classifications and minority and gender report that shows those positions that is available to them. It is a that high level of positions and it is something that they will be working with when they create those reports.

Frank Richardson: I would like to add, Tammy uses this data to drive our policy and how we adjust to these bills. Tammy will continue to monitor this through the data that we pulled, monthly?

Tammy Smith: It's a quarterly report with a bi-annual report to the federal government, to the EEOC, so they are watching this data. Again, it's something I monitor on a quarterly basis but then I will reach out to the agencies.

Frank Richardson: So in that way, we will be involved in this process.

Commissioner Spurlock: That's my biggest concern, I mean the law is the law so, the Legislature told the Secretary of State go out and collect data so now it has to be collected, I get that part. I think I'm more concerned about how the data is interpreted and again, that might be above all of our pay grades. What it will be is, the data will be collected and then the Legislature will choose to act on it what I'm concerned about in the future is if Nevada law is based on just aggregate data that really wasn't picked apart. The most simplistic example is the Secretary of State through all their surveys through the Women's Resource Center, they collect a million female salaries in Nevada and then collect a million male salaries in Nevada then just array it, low to high and get the median of the females and the median of the males and then compare that and that's completely the wrong way to establish a gender pay ratio. Again, go back to the housekeepers and the executives, the number of people you have a given level of pay will affect your pay ratio. So gender staffing, I believe is completely different than gender pay equity. I'm just concerned we're collecting a lot of data through this process, but I don't think we're going to be collecting good data if it's not interpreted right. As Chairperson Fox just said, we have a ton of bright people at State HR and I admire them too, I'm just concerned they won't be included in this process, it'll be the Secretary of State that doesn't know what they're doing in this area, contacting UNLV who I'm not anymore impressed with them, really because they have these interpretations of the more income data points you have, the better and more legitimate the outcome is with the ratios and it's like garbage in is garbage out, more data points don't make better data to me.

I'm just hoping, Mr. Richardson, it's not like you can forcibly insert yourself or your staff but it's more of a hope or wishful thinking that I hope State HR at some point is really able to weigh in on this and make sure that the information is properly calculated and interpreted.

Frank Richardson: Thank you for that. As Chair Fox said, we do have a great group of people and they're very good at collaborating with other groups. We often find a way to work ourselves into projects so we can be a part of the solution, especially where we have interests, and this is one of those areas where we have to take a look at that and see how we can participate in this process.

Chairperson Fox: The language they're using talks about gender equality in the workplace, and I wonder if they really mean that, or do they mean gender equity? Are they looking at job classifications and appropriate pay of males versus females or are they really looking at gender equality in the workplace which to me is something completely different. To me, when we talk about gender equality, the best example is to take a traditionally male dominated environment, such as firefighting, where females are beginning to be hired in greater numbers in that profession and to me that's kind of gender equality.

And so when I look at this language at a higher level, I wonder are they going to be collecting for an organization's EEO-4 information or is it EEO-4 information and certain data and as Commissioner Spurlock said, are they identifying by the various EEO codes so you have a real sense of what are more traditional male or female dominated professions or classifications so that you can make some inferences about the data based upon the nature of the work code. I wanted to put it on the record that equality to me is something different than equity.

Frank Richardson: I would like to make a suggestion, maybe agendaize this item for our next meeting, go into it a little bit more and maybe have some answers from our side of the table as to how to go forward.

Chairperson Fox: Thank you. I think we're moving on to item #8 unless, Ms. Garton, there are more bills you want to present.

Michelle Garton: No, but we would like to talk about the Legislative budget. Nothing really changed in this biennium, we just eliminated one position that hasn't been filled for probably 3 years, so it doesn't really impact, and we've been able to figure out ways to get that work done. We approved the reclassification for Central Payroll manager, it's a grade 39 and will be reclassified to a grade 40 to a new position to be established. The assessments for SB 409 that Frank Richardson went over just a few moments ago so those are really the only highlights that we have.

Chairperson Fox: Are there questions from the Commissioners?

There were none.

VIII. DISCUSSION AND ANNOUNCEMENT OF DATES FOR UPCOMING MEETINGS. NEXT MEETING SCHEDULED FOR SEPTEMBER 17, 2021.

Chairperson Fox: I do have a problem with September 17th, I need to be in Chicago that day so I was wondering if we can either do September 10th or September 24th?

Commissioner Spurlock: I believe we talked about September 24th because it was further away from Labor Day. See what the other Commissioners say.

There were no other issues with Commissioner availability for September 24, 2021, the Commission moved the meeting scheduled for September 17, 2021 to September 24, 2021.

IX. COMMISSION COMMENTS

There were none.

X. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. There were no public comments.

XI. ADJOURNMENT

Chairperson Fox: Thanked everyone and adjourned the meeting at approximately 9:50 am.

**STATE OF NEVADA
PERSONNEL COMMISSION**

Held at the Nevada State Library and Archives Building, 100 N. Carson Street, Room 110, Carson City; and via video conference in Las Vegas at the Grant Sawyer Building, 555 E. Washington Avenue, Room 1400.

**MEETING MINUTES
June 25, 2021
(Subject to Commission Approval)**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Patricia Hurley, Commissioner
Ms. Priscilla Maloney, Commissioner

Ms. Dana Carvin, Alternate Commissioner, non-voting

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Ms. Katherine Fox, Chairperson
Mr. Mark Olson, Commissioner
Mr. Andreas Spurlock, Commissioner

STAFF PRESENT IN CARSON CITY:

Mr. Frank Richardson, Administrator, Division of Human Resource Management (DHRM)
Ms. Michelle Garton, Deputy Administrator, DHRM
Ms. Beverly Ghan, Deputy Administrator, DHRM
Ms. Denise Woo-Seymour, Supervisory Personnel Analyst, DHRM
Ms. Keisha Harris, Personnel Analyst, DHRM
Ms. Carrie Hughes, Personnel Analyst, DHRM
Ms. Patty Kreymborg, Personnel Analyst, DHRM
Ms. Tori Sundheim, Deputy Attorney General, Office of the Attorney General

STAFF PRESENT IN LAS VEGAS:

Ms. Heather Dapice, Supervisory Personnel Analyst, DHRM

I. CALL TO ORDER, WELCOME, ROLL CALL, ANNOUNCEMENTS

Chairperson Fox: Called the meeting to order on Friday June 25, 2021, at approximately 10:00 a.m. She welcomed everyone and did roll call.

II. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. She asked if there were any public comments; there was none.

III. DISCUSSION AND APPROVAL OR DENIAL OF PROPOSED EMERGENCY REGULATIONS CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284 – Action Item

Sec. 1. NEW Appeal of determination to release confidential records.

Sec. 2. NAC 284.0995 “Sex- and gender-based harassment” defined.

Sec. 3. NAC 284.496 Classes and training concerning prevention of sex- and gender-based harassment.

Sec. 4. NAC 284.498 Training of supervisory and managerial employees.

Sec. 5. NAC 284.650 Causes for disciplinary or corrective action.

Sec. 6. NAC 284.696 Unlawful discrimination.

Sec. 7. NAC 284.718 Confidential records.

Sec. 8. NAC 284.726 Access to confidential records.

Sec. 9. NAC 284.771 Sex- and gender-based harassment.

Michelle Garton: Good morning Madame Chair and members of the Commission. I'm Michelle Garton, Deputy Administrator for the Division of Human Resource Management (DHRM) for the record. We would like to present for adoption on an emergency basis, regulations stemming from recently passed and approved Senate Bill 51 (SB51). The vast majority of the amendments to the regulations are due to changes in the name of the Sexual Harassment and Discrimination Investigations Unit to Sex or Gender-based Harassment and Discrimination Investigations Unit.

The first regulation noted as 'section 1' is to put into regulation provisions around the ability of an employee who is affected by an Administrator's determination, if they should determine, the release of confidential records related to such an investigation. The Division would be required to inform anybody who's affected; witness, complainant, or the accused that the decision to release confidential information has been made and they have 10 days to appeal this to the Commission through the Administrator.

So, generally we based this regulation on other appeal type regulations that we have currently in place and really just placed out how a person who is subject to this determination must submit an appeal; in writing, addressed to the Administrator and an outline of what points they disagree with and why we should not release the confidential information.

We haven't had any experience with this type of appeal yet so this is a regulation we are proposing for permanent adoption, I want to let the Commission know also, we are proposing these regulations are adopted on an emergency basis and on June 30th we will be holding a regulations workshop to work through them, receive comments and input from interested parties so we can submit to the Legislative Counsel Bureau for pre-adoption review and hopefully, adoption on a permanent basis at the September 24th Personnel Commission meeting.

Of course, if people cannot attend the regulations workshop, they can send me an email or call me.

Moving on to 'section 2', Madame Chair did you want me to present all of them or do questions from the Commission after each section?

Chairperson Fox: I'd like to entertain questions at this time and as you go through the regulations, maybe that will highlight something you want to be sure to address.

My question is, in seeing item #1, where it says disclose confidential information of sex and gender-based harassment, then item #2 of that, it says a person receives notice pursuant to subsection 1, within 10 days following written appeal decision of the Commission. It says it must be in writing, addressed to the Administrator.

In terms of attempting to maintain confidentiality, of a potential witness etc., will the name be redacted so the Commissioners don't see it? What would be our obligation in terms of confidentiality? It's ok if you don't have an answer for me today, I just wanted to raise that from the perspective of, I believe we are held to a higher obligation of the appeal submitted to us to keep it confidential.

Michelle Garton: Thank you for understanding the nature of this, but what I can relate it to is an appeal to the Hearings Officer, separation, suspension, demotion, involuntary transfer that it's a closed hearing so, yes, the Personnel Commission receives the names, but the Division and the Personnel Commission would be the only ones to know. We are working on how to handle it, would you say, just as reference now, prefer to not know the name of persons affected by appealing?

Chairperson Fox: That's my preference.

Michelle Garton: We can certainly keep that in mind.

Chairperson Fox: I'm just speaking for me, that's my preference.

Commissioner Hurley: I have a question; don't they have the right to an in-person hearing or is this a written appeal?

Michelle Garton: It is a written appeal and a closed hearing so, I would imagine that people would want face to face.

Commissioner Hurley: I guess that's my question, they'll be there, I guess if it were written, you could redact but if they come in-person, not knowing the name wouldn't work.

When given confidential information, I would think this Commission could keep that information confidential, given it is a closed session and no one is allowed in but the appellant.

Commissioner Maloney: Chair Fox, I have a couple of questions about this particular section of SB51 that's now going to be encapsulated in a new NAC and I think, with your permission, I'd like to ask the questions I have.

Chairperson Fox: Go ahead.

Commissioner Maloney: Thank you. Ms. Sundheim, our Deputy Attorney General (DAG) the question I have and I'm looking at the proposed language for the emergency regulation on page 2, I can tell you for the benefit of the entire body, the rest of the proposed regulations are not a concern to me.

This appears to expand if you will, the Personnel Commissions jurisdiction to hear an appeal. Do you think, in your professional opinion, that the outcome, one way or another from that appeal, say someone who files an appeal has counsel, would they be able under NRS 233B, to litigate that decision, our decision, to district court?

Tori Sundheim: Yes

Commissioner Maloney: Ok, so, it would be a contested appeal...ok. I just want us to be clear, that's what we're setting ourselves up for, if we approve this regulation today, that process is...

Tori Sundheim: Right, I would say anytime something comes before the Personnel Commission, Collective Bargaining will change it a little bit, for most employees, the way it's worked up until now is to go to the Personnel Commission or the Hearing Officer, both of those make decisions and already, those decisions are grievable to the district courts and so are the decisions of the Employee-Management Committee, they're grievable to the district courts.

Commissioner Maloney: So, I believe our jurisdiction is in fact 284.065, isn't that the statute that lays out our authority? I did look that statute up and I was wondering, are we authorized to hear these appeals? In other words, by the language of that statute, I think there's a catch-all phrase that says 'and other matters', do you think we'd have a problem there?

Tori Sundheim: Yes, I think it covers the power to do this. The Legislative Counsel Bureau, their counsel definitely reviews this to ensure there are no conflicts and they have already done that, they have said...

Commissioner Maloney: And they are satisfied that we have the authority?

Michelle Garton: If you're talking about the regulation, this is just emergency so they have not yet, but once we submit them for pre-adoption on July 1st, they will start to review it.

Tori Sundheim: So, my answer then is I'm not concerned with the authority, the Legislative Counsel Bureau will be reviewing it independently and if they have any concerns, they'll send it back.

Commissioner Maloney: Thank you.

Frank Richardson: Let me just add something, we don't submit anything without talking to our DAG and in my experience since I've been here with the State, I don't recall anything not being reviewed.

Tori Sundheim: We do take it very seriously.

Chairperson Fox: Thank you Commissioner Maloney, other Commissioners, do you have questions?

There were none.

Michelle Garton: Section 2 and really throughout, there is one other area that's different, the rest of the regulations are based on the Governor's task force on sexual harassment and discrimination that was released in June 2019. In that report they did suggest amendments to certain regulations currently in place. The overarching main theme again is changing the phrase 'sexual harassment' to 'sex and gender-based harassment' so this regulation notes those changes.

In additions to subsection 3, of section 2 of NAC 284.0995 this was also suggested by the task force.

As we move on to section 3, NAC 284.496 this is again changing it to 'sex and gender-based harassment' but also sets a time limit an employee or a supervisor has to and are required to take training related to sex and gender-based harassment. We currently have a training requirement in place, and it goes from 6 months to 30 days.

Moving on to section 5, 284.650, again it's the terminology.

In 284.718, that's the same thing, just one change there and then in NAC 284.726 in section 8, it does make the change to 'sex and gender-based harassment' but also in subsection 6 it allows for the exception if the Administrator does determine to release confidential records it puts that exception in there.

The last one is NAC 284.771, section 9, and it's the change of phrase and recommends the sanctions be proportionate to the violation. While it seems nonspecific, I think it gives the ability to interpret that as necessary.

I'm happy to answer any questions from the Commission.

Chairperson Fox: Thank you. Commissioners do you have questions? For the Commissions understanding, we are going to adopt, if we approve them, we will adopt these emergency regulation changes that will go into effect today and that gives the opportunity for the Division to work with their employee groups with the proposed regulation changes, solicit feedback from them as well as send the regulations to the Legislative Counsel Bureau to be put in the proper language. So, we will see these again with changes potentially in September. From my perspective, I think you're probably going to get employee comments on the confidentiality piece.

With that said, I will entertain a motion.

Commissioner Olson: I move to approve the proposed emergency regulations, the changes as it pertains to the Nevada Administrative Code, chapter 284 as presented.

Chairperson Fox: I will second that motion, discussion? Public comment?

There was none.

Chairperson Fox: It's been moved and seconded that the Commission approve proposed emergency regulation changes to Nevada Administrative Code, chapter 284 as identified in the agenda item section 1 through 9.

The vote was unanimous.

MOTION: Moved to approve the proposed emergency regulations, the changes as it pertains to the Nevada Administrative Code, chapter 284 as presented.
BY: Commissioner Olson
SECOND: Chairperson Fox
VOTE: The vote was unanimous in favor of the motion.

IV. COMMISSION COMMENTS

Commissioner Spurlock: Ms. Garton down here after the prior meeting we just had the alternate, Armen Asherian, we were talking and he had no concerns about SB51 and potentially being in conflict with how he has to handle title 9, he had to run I don't think he was aware of the second meeting but when we started talking more about the second meeting, I think it's highly pertinent to him, as a favor, would you mind emailing him this second meeting packet with the agenda and packet.

Michelle Garton: Absolutely.

Commissioner Spurlock: Thank you so much.

Chairperson Fox: Any other Commission comments?

There were none.

V. PUBLIC COMMENT

Chairperson Fox: Advised that no vote or action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken under NRS 241.020. There were no public comments.

VI. ADJOURNMENT

Chairperson Fox: Thanked everyone and adjourned the meeting at approximately 10:25 am.

Personnel Commission Meeting
September 24, 2021

FOR DISCUSSION AND POSSIBLE ACTION

Prohibitions and Penalties

In accordance with NAC 284.742, an agency shall identify specific activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These Prohibitions and Penalties are subject to the approval of the Personnel Commission.

Cannabis Compliance Board (CCB) - DHRM Recommendation

The State of Nevada Cannabis Compliance Board (CCB) is a new agency, therefore the Prohibitions and Penalties before you for approval are newly created. Input was requested from the department employees and, if applicable, the employee unions.

Please note the discipline level in item # I-12 is a higher level than all other agencies due to a violation of this type by CCB personnel could compromise the agency's operations. Otherwise, these new Prohibitions and Penalties have been reviewed by the Division and are consistent with those already approved by the Commission.

STATE OF NEVADA
CANNABIS COMPLIANCE BOARD



PROHIBITIONS AND PENALTIES

**A GUIDE FOR EMPLOYEES OF THE
CANNABIS COMPLIANCE BOARD**

Approved by the Personnel Commission on [REDACTED]

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 Cannabis Compliance Board (CCB) management. All employees of the CCB 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 guide and return it to the CCB 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 and 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 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.

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 typically 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. The oral warning is documented and maintained in the supervisor's file. Oral warnings are not forwarded to the employee's department 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 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 seriousness 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 Human Resource Services (AHRS), and the Attorney General's Office as necessary, to ensure proper documentation, timely processing of disciplinary steps and grievances, and accuracy of employee files. According to NRS section 284.385 AHRS 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 steps 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.

Cannabis Compliance Board (CCB) 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 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 and/or Department and/or Division policies and procedures.	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 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 or negligently 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: a. Negligently withholding or concealing; b. Willfully withholding or concealing.	1 2	3 5	2 3	5 5	4 5	5
5	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary steps where such action is needed.	1	2	2	3	4	5
6	Unauthorized destruction or alteration of CCB records. a. Negligent destruction or alteration of CCB records. b. Willful destruction or alteration of CCB records.	2 2	5 5	3 5	5	5	
7	Soliciting or accepting a bribe or otherwise personally profiting from activities related to the employee's state employment.	5					
8	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					
9	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	
10	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	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
11	Negligent falsification of any public record, including time and attendance records, leave requests, overtime, compensatory time or any leave record and/or information in client or agency files.	1	4	3	5	5	
12	Willful falsification of any public record, including time and attendance records, leave requests, overtime, compensatory time or any leave record and/or information in client or agency files.	3	5	5			
13	Willful concealment of material facts by omission from records.	2	3	4	5	5	
14	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
15	Making unauthorized CCB transactions for personal profit.	3	5	5			
16	Disregard and/or deliberate failure to comply with or enforce statewide, CCB or office regulations and policies.	2	5	3	5	4	5
17	Unauthorized removal of secure or personal records, correspondence or documents from CCB files.	2	5	3	5	4	5
18	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
19	Theft or misappropriation of property belonging to Federal or State government or fellow employees.	1	5	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.	1	5	2	5	3	5
21	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
22	Converting found, recovered or seized property to personal use.	3	5	5			
23	Failure to handle property or evidence in a manner which preserves the integrity of its use in criminal and/or administrative proceedings.	1	4	3	5	5	
24	Engaging in any investigation or official action which is not part of their assigned duties without the authorization of a supervisor unless the circumstances demand immediate action, where it is a known requirement of the position.	2	3	3	5	4	5
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, and/or 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	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

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	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
7	Unauthorized absence from duty or abuse of leave privileges.	1	3	2	5	5	
8	Absence from duty without leave after having been denied permission to take such leave.	2	5	5			
9	Failure to report to work or call supervisor for three (3) consecutive workdays without permission or justification.	5					
10	"Loafing" on the job; wasting time; failure to put in a full day's work.	1	3	2	5	3	5
11	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	4	5
12	Repeated extension of designated lunch periods, or of rest periods beyond the prescribed 15 minutes in NAC 284.524, without supervisor approval.	1	3	2	3	3	5
13	Use of sick leave for a reason not authorized by NAC 284.554.	2	4	5			
14	Failure to properly account for hours worked in time and effort billing	1	3	2	5	3	5
15	Failure to bill an appropriate amount of time in time and effort billing pursuant to CCB policies and procedures.	1	3	2	5	3	5
D.	Relations with Licensees						
1	Willfully abridging or denying the rights of licensees as specified in NRS or CCB policy.	3	5	3	5	5	
2	Negligently abridging or denying the rights of licensees as specified in NRS or CCB policy.	1	4	3	5	5	
3	Borrowing items from a licensee, selling to or trading items with a licensee or entering into a transaction with a licensee involving the transfer of the licensee's property for personal gain.	2	5	3	5	5	
4	Entering into a romantic or sexual relationship with a licensee and/or conditioning their licensure on the relationship.	3	5	3	5	5	
5	Using insulting, intimidating or abusive language to licensees neglecting, threatening or causing bodily harm to licensees.	3	5	3	5	5	
6	Having personal or business relationships with licensees for the purpose of, or which results in, any program advantages, considerations or benefits to either party which exceeds normal entitlement.	3	5	3	5	5	
7	Soliciting licensees and/or agency contacts for the establishment or maintenance of a private professional practice similar to their work activities.	2	5	3	5	5	
8	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
E.	Relations with Supervisor, Fellow Employees, and the Public						

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
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	
4	Using insulting, abusive or profane language to a supervisor, the public or fellow employee.	2	5	3	5	5	5
5	Inappropriate gesture or touching.	2	5	3	5	5	
6	Discourteous treatment of the public, supervisor or a fellow employee.	1	5	2	5	3	5
7	Deliberately making false statements to or about supervisor, or fellow employee.	2	3	3	4	5	
8	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	5	
9	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					
10	Misuse and/or abuse of supervisory authority or privilege.	1	5	2	5	3	5
11	Any act of violence, unauthorized or unlawful fighting, threatening, stalking, intimidation, or attempting bodily harm, assault or battery, to a supervisor, subordinate, the public, or fellow employee.	2	5	3	5	5	
12	Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	2	3	3	4	4	5
13	Failure to represent the CCB in a professional manner during any court and/or administrative proceeding.	1	3	2	4	4	5
14	Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the CCB or members thereof.	3	5	5			
15	Failure to take a complaint from a person in a professional and courteous manner and/or failure to act promptly and judiciously upon receipt of complaint in compliance with CCB procedures.	1	2	2	3	3	5
16	The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.	3	5	5			
5	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	5	5	
6	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
F. 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 and their supervisor has been previously notified in writing.	3	5	5			
2	Convicted of driving under the influence or any other offense for which driving under the influence is an element	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
	of the offense, and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business.						
3	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is a mandated referral to an employee assistance program.	5					
4	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	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 allowed for by Federal or State law.	2	5	3	5	5	
7	Unlawful manufacture, distribution, dispensing, or possession of a controlled substance on the premises of the workplace or while on State 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 allowed for by Federal or State law.	3	5	5			
10	Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.	5					
G.	Misuse of CCB or State Property						
1	Using State or CCB owned or leased property without proper authorization.	1	3	2	5	5	
2	Operating State vehicle or equipment in an unsafe or negligent manner, or that results in injury to a person, damage to the equipment, or to the property.	1	5	2	5	5	
3	Failure to have State vehicles maintained and or serviced pursuant to Motor Pool Standards 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 knowledge that the license is no longer valid; b. With knowledge that the license is no longer valid	2 4	5 5	5 5	5		
5	Operating state vehicles or equipment without proper authorization or credentials.	2	5	5			
6	Failure to report accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
7	Removing property, equipment or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5	
8	Leaving state equipment or machinery, which results in damage to the equipment or other property.	1	5	3	5	5	
9	Rendering of services or goods to recipients that is not in accordance with CCB policies.	1	5	3	5	5	
10	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreements.	1	5	2	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
11	Negligent destruction of or damage to state or federal property.	1	3	2	5	4	5
12	Misuse of State issued charge card.	3	5	4	5	5	
13	Stealing or misappropriating any property owned by the state, whether it is located on state property or other such property where state activity is occurring.	5					
14	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
15	Negligent destruction of, or damage to, State or Federal property.	1	5	2	5	4	5
16	Willful destruction of, or damage to, State or Federal property.	2	5	3	5	5	
17	Jeopardizing the security of CCB property.	1	3	2	5	3	5
18	Completion of any CCB business transaction for self, friends, family members, or co-workers which may be inconsistent, incompatible, or a conflict of interest.	1	5	2	5	5	
H.	Misuse of Information Technology						
1	Use that interferes with employee performance or CCB functions to include 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 CCB.	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.	3	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	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	
8	Personal use that could slow down, delay or disrupt computer services such as chain letters, 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	
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	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
	devices, or devices that can cause damage or limit access to the equipment, software or data.						
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	Installing or using personal or unauthorized software on State information technology resources without proper authorization and approval.	2	4	3	4	5	
13	Misuse or abuse of the email system or other violations of the Computer Usage Policies regarding email.	1	3	2	4	3	5
14	Downloading, sharing, or duplicating confidential data either onto a laptop computer, Personal Digital Assistant (PDA), Compact Disc (CD), memory stick, thumb drive or similar, or any other portable device without proper authorization.	5					
15	Accessing or communicating data not pertaining to official job duties without authorization.	1	4	2	5	5	
16	Malicious and willful alteration, deletion or other destruction of documents, data, information or other materials stored on any CCB information technology system.	5					
17	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					
I. Other Acts of Misconduct or Incompatibility							
1	Engaging 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	
2	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	
3	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm or organization doing business with CCB or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
4	Misrepresentation of official capacity or authority.	2	5	4	5	5	
5	Bringing into State and/or CCB owned, leased or occupied buildings any firearm or implement considered to be a weapon, unless permitted by law and CCB policy to do so and the appointing authority receives prior notification.	3	5	4	5	5	
6	Accidental discharge of firearm because of negligence with no injury or substantial damage.	2	3	3	5	5	
7	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	
8	Conviction of any criminal act related to the employee's work activity or conviction of any criminal act involving	2	5	5			

Commented [DW1]: Language adopted 12/2020 by the Personnel Commission.

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
	moral turpitude when it is related to the employee's work activity.						
9	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation or CCB policy.	5					
10	Unauthorized or improper disclosure of confidential information or theft of sensitive or confidential information or of written material.	2	5	3	5	5	
11	Failure 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.	4	5	2	5	3	5
12	Concealing or covering up, attempting to conceal, removing or destroying evidence.	2	5	3	5	5	
13	Failure to meet Peace Officer Standards & Training (POST) requirements, where it is a requirement of the position.	4	5	5			
14	Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct or performance, criminal, or administrative investigation, arrest, or other administrative or enforcement action.	4	5	5			
15	Improperly identified self, displayed badge or identification, or made improper use of status as a CCB employee that could reasonably be perceived as an attempt to gain influence or authority for non-CCB business or activity.	3	5	4	5	5	
16	Any conduct whether on or off duty which negatively reflects upon the image of the State or the CCB.	1	5	2	5	5	
17	Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State.	3	5	4	5	5	
J.	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 CCB and who is a subordinate of the solicitor.	1	5	4	5	5	
2	Engaging 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	Engaging in political activity for the purpose of securing preference for promotion, transfer or salary advancement	1	5	2	5	5	
4	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	
5	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			
K.	Discrimination and Harassment						

Commented [DW2]: If referring to missing verbiage "of incompetent or defective workmanship" All agencies, 1st offense max =3, 2nd offense max =4

Commented [MM3R2]: Without missing verbiage, we thought this was a POST position requirement on tampering with evidence collected by the POST officer so we believed the penalty should be harsher for tampering with evidence collected by a POST officer.

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
1	Engaging in sexual -sex or gender-based harassment as defined in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or CCB 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	Failure of a supervisor to report instances of sexual -sex or gender-based harassment or discrimination as defined and required in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or CCB policy.	1	5	3	5	5	
4	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	
5	Making a negative or discriminatory remark based on any Federal or State law.	2	3	3	4	5	
L.	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	
4	Disregard of safety rules.	2	3	3	4	4	5
5	Creating a situation where force must be used unnecessarily.	3	5	4	5	5	
6	Failing to report any use of force either as a participant or a witness.	4	5	4	5	5	
7	Knowingly failing to appropriately and timely report any on-the-job or work-related accident or injury.	1	2	2	3	3	5
8	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

CANNABIS COMPLIANCE BOARD 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 Cannabis Compliance Board (CCB) employees.

The CCB 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 CCB management. 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 CCB 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 Cannabis Compliance Board Prohibitions and Penalties.

Print Employee Name Employee Signature Employee ID Date

Human Resources Management Representative or Immediate Supervisor Date

Personnel Commission Meeting
September 24, 2021

FOR DISCUSSION AND POSSIBLE ACTION

Prohibitions and Penalties

In accordance with NAC 284.742, an agency shall identify specific activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These Prohibitions and Penalties are subject to the approval of the Personnel Commission.

Department of Education (NDE) - DHRM Recommendation

The Department of Education has updated their Prohibitions and Penalties previously approved by the Personnel Commission and in effect since May 10, 2013. Prior to the submitted revised version, department employees and, if applicable, employee unions were requested to submit comments and suggestions.

Please note prohibitions #B-17, #D-5 and #G-16 - the penalty ranges are elevated higher than other agencies due to violations of these types could compromise the agency's operations. Prohibition #B-28, compared to all other agencies which list termination for a 1st offense, a lower penalty range is proposed to consider a misunderstanding or miscommunication of the approval process. Otherwise, the items submitted for approval have been reviewed by the Division and are consistent with those already approved by the Commission. Revisions have been tracked with new matter in blue font and deletions as red strikethroughs. Prohibitions that were relocated from a section to a more appropriate section were not noted since language had already been previously approved by the Commission.

STATE OF NEVADA
DEPARTMENT OF EDUCATION



PROHIBITIONS AND PENALTIES
A GUIDE FOR EMPLOYEES OF
THE DEPARTMENT OF EDUCATION

Approved by the Personnel Commission on

FORWARD

~~This Prohibitions and Penalties document is intended as a guide to clarify existing rules 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 Department of Education (NDE) management. All employees of the NDE will be issued a copy of the "Prohibitions and Penalties" handbook.~~

~~After receipt of this handbook, please sign the "Acknowledgement Form," which is the last page of this handbook and return it to Agency HR Services (AHRIS) or your Immediate Supervisor.~~

INTRODUCTION

The Nevada Department of Education (NDE) is a dynamic public service agency, serving students, educators, and communities throughout Nevada. Each member of NDE has the responsibility to follow the rules of proper conduct and performance vital to carrying out NDE's mission. While there may be situations you encounter that are unfamiliar or unexpected and require you to exercise your judgement, it is important to have a clear understanding of the rules that govern your actions in performing your duties.

This document is meant to assist you by outlining our expectations for not only your conduct, but the standard of conduct which must be upheld by all employees. The key purposes of the guide are as follows:

- Although it would be impossible to address every infraction or violation that could conceivably occur, this manual should be sufficiently comprehensive to cover most situations that would be a cause for concern.
- Provide a guide for supervisors and employees as to the general expectations for proper conduct.
- Clarify existing statutes and regulations.
- Supplement other State and NDE expectations, including rules of practice and Work Performance Standards (WPS).

As an educational institution, NDE encourages discourse, values growth, and maintains the view that the road to improvement is continuous, interactive, and responsive. Regular discussions about job duties, expectations, and performance not only ensure quality work and outcomes, but they also provide an opportunity for critical engagement and employee growth. Reports on performance and Letters of Instruction (LOIs) are opportunities to address struggles and gaps; they not only assist in preventing the need for progression through prohibitions and penalties, but they also can help create more positive work environment.

While NDE supports the resolution of concerns with supervisors prior to the escalation of a grievance, if at any time an employee feels his/her concerns are not being adequately addressed by his/her supervisor, he/she may raise their concern up their chain of command. While supervisors should make every effort to conscientiously resolve concerns raised by their subordinates, they should not discourage their subordinates from elevating concerns to their supervisor's supervisor, a Division Deputy Superintendent, or the Superintendent of Public Instruction.

As in our Statewide Plan for the Improvement of Pupils, which guides our work in policy for the improvement of educational outcomes, the Department prizes equity, access to quality, success, inclusivity, community, and transparency. Our prohibitions and penalties, as well as our WPS and our Department climate, strive to support and uphold these foundational values.

All employees of NDE will be issued a copy of the Prohibitions and Penalties guide, and they will be reviewed upon onboarding with all new employees. After receipt of this guide, please sign the "Acknowledgement Form," which is the last page of this handbook, and return it to Agency Human Resources Services or to 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 provides that each appointing authority will determine and describe standards of conduct that are prohibited as inconsistent, incompatible, or in conflict with the duties of an employee. These standards are in addition to prohibitions and penalties that are listed in statute and regulation that apply to all State employees.

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.

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. As an Education Department, we recognize that learning is an iterative process. Supervisors should work with their employees to address the development of skills, including time management or prioritization, continuing education, team building exercises, or other assistive practices to support employee success in their position.

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.

~~**TYPES OF CORRECTIVE ACTIONS AND THE PROGRESSIVE DISCIPLINE 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 Letter of Instruction is intended as a coaching tool and is not part of the disciplinary process and, therefore, is not included in the order of disciplinary actions that follow.~~

Progressive discipline normally follows the sequence outlined below. 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.

1. Oral Warning. When instruction and training does not lead to a 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 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 seriousness of a first offense, a suspension leave without pay may be issued but not to 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 resulting in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion or dismissal may be appealed before a Hearing Officer provided by the Personnel Commission.

Nevada Department of Education (NDE) 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 and 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 State Executive Branch Policy Against Sexual Harassment and Discrimination and/or the Governor's Alcohol and Drug Free Workplace Policy.	5					
5	Refusal or willful failure to file oath or affirmation.	5					
6	Willfully withholding information which may appear when initial background check is completed, or agencies mandated 3-year background re-check is completed.	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 and/or negligently falsifying prescribed records or reports.	3	5	5	5	5	
4	Willfully 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 4	Failure of an employee who is designated as a supervisor and has supervisory authority ; to fulfill his/her supervisory responsibilities, including but not limited to ensuring that employees adhere to the policies and procedures of the Department and the actions of all personnel comply with all laws ; taking corrective disciplinary action where such action is needed, preparing timely reports of performance, accounting for employees time and leave, and maintaining current work performance standards.	1	2	2	3	4	5
1 5	Unauthorized and willful destruction, removal , alteration, including concealing, stealing, tampering, and mutilation of departmental records, including but not limited to public records.	2	5	5			
1 6	Soliciting or accepting a bribe and/or otherwise personally profiting from activities related to state employment.	5					

Commented [DW1]: Incorporated in #B-20

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
4 7	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					
4 8	Negligent falsification of financial records, such as travel, payroll, purchase vouchers, or their supporting documents: a. Resulting in personal financial gain; b. Not resulting in personal financial gain.	3 4 1	5 3	5 4 3	5 5	5	
4 9	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents. a. Resulting in personal financial gain; b. Not resulting in personal financial gain.	5 2	5	3 4	5	5	
4 610	Negligent falsification of any public record, including time and attendance records such as leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	
4 711	Willful falsification of any public record, including time and attendance records such as leave requests, overtime, compensatory time, or any leave record.	3	5	5			
4 812	Willful concealment of material facts by omission from records.	2	3	4	5	5	
4 913	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
2 014	Making unauthorized departmental transactions for personal profit.	3 5	5	5			
2 15	Disregard and/or deliberate failure to comply with or enforce Statewide, Department, Division, or Office regulations and policies.	2	5	3	5	4	5
2 216	Unauthorized removal of secure or personal records, correspondence or documents from Departmental files.	2	5	3	5	4	5
2 317	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3 4	5	5	
2 418	Theft of property belonging to Federal or State government or fellow employees.	1	5	5			
2 619	Failure to follow agency positions when representing the Department or failure to clearly identify that an employee's opinion is being expressed and does not represent the position of NDE, the Governor, or the State Board of Education when participating in an advocacy situation related to education activities not related to their job duties.	1	3	3	5	5	
20	Willfully failing to disclose information related to job duties from official records or from supervisors or other persons having necessity for the information.	1	3	2	4	5	
21	Negligently failing to disclose information related to job duties from official records or from supervisors or other persons having necessity for the information.	1	2	2	3	4	5

Commented [CC2]: Agency Justification:
Accounting for State and Federal funds is a critical and significant part of the day-to-day work of many NDE staff across all Divisions. If it has occurred a second time after the individual has already been provided with redirection, the person holding the position requiring the accounting of these funds should be removed from the position. A failure to properly account for State and Federal funds can also have significant negative consequences for the Department with monitoring and oversight bodies including the State Controller and the U.S. Department of Education. It can also cause harm to the students, educators, and districts we serve.

Commented [DW3R2]: All agencies, 2nd offense min= 2 or 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
22	Misconduct of supervisor because of prejudice, anger, or other unjustifiable reason (including the unequal or disparate exercise of authority toward an employee).	1	5	2	5	4	5
23	Negligent destruction of State or Department records, including but not limited to public records.	2	4	4	5	5	
24	Willful falsification of public record that involves misuse of State or Federal funds.	5					
25	Willful misuse of State or Federal funds for reasons other than personal gain.	2	5	5			
26	Negligent misuse of State or Federal funds for reasons other than personal gain.	1	3	5			
27	Knowingly making personal profit from State transactions or sales.	5					
28	Forging a signature.	3	5	5			
29	The suspension, revocation, or cancellation 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.	1	5	2	5	5	
30	Failure to notify the appointing authority within 5 days of the suspension, revocation, or cancellation of a required license, certificate, or permit, including professional or occupational licenses or certifications, when such possession is a job requirement.	2	5	3	5	5	
C.	Neglect of, or Inexcusable Absence from the Job						
1	Negligence in performing official duties including failure to follow instructions or regulations after a reasonable period of instruction.	1	3 2	2	5	3 4	5
2	Carelessness, indifference, and/or inattention to duty that results in reduced productivity after a reasonable period of instruction.	1	5	2	5	3 4	5
3	Failure to report to work at specified times and in the prescribed manner.	1	3 2	2	5	3 4	5
4	Conducting personal business, volunteer duties, or work not related to NDE during working hours.	1	3 2	2	4 3	3	5
5	Frequent or continual tardiness.	1	3 2	2	4 3	3 4	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	2	5 3	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	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	3 2	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 workdays without permission or justification.	5					
11	Loafing on the job, wasting time, failure to put in a full day's work, and/or consistent failure to demonstrate work productivity.	1	3 2	2	5	3	5
D.	Relations with Clients/Vendors, Licensees, or Grantees						

Commented [CC4]: Agency Justification:
 In the event of misuse/miscommunication of the use of an e-signature, 1st offense has a range of 3-5. The 3 minimum is for situations where there may have been no malintent in the use of a signature, e.g., that there was a misunderstanding or miscommunication of approval processes.

Commented [DW5R4]: All agencies, 1st offense=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
1	Willfully abridging or denying the rights of clients, licensees, or grantees as specified in NRS or agency policy or practice.	3	5	3 4	5	5	
2	Negligently abridging or denying the rights of clients, licensees, or grantees as specified in NRS or agency policy or practice.	1	4	3	5	5	
3	Borrowing items from a client, licensee, or grantee; selling to or trading items with a client, licensee, or grantee; or, entering into a transaction with a client, licensee, or grantee involving the transfer of the client's, licensee's, or grantee's property for personal gain.	2 3	5	3 4	5	5	
4	Improper disclosure of protected information as identified by the Family Educational Rights and Privacy Act (FERPA)	1	5	2	5	4	5
5	Entering into a romantic or sexual relationship with any client of the employee's agency or program when said employee is involved in the delivery of service to the client; or entering into a romantic or sexual relationship with a licensee or grantee and conditioning their licensure on the relationship.	3	5	3 4	5	5	
6	Using insulting, intimidating, or abusive language to clients, licensees, or grantees; neglecting, threatening, or causing bodily harm to clients, licensees, or grantees.	3	5	3 5	5	5	
7	Having personal or business relationships with clients, licensees, or grantees for the purpose of, or which results in, any program advantages, considerations, or benefits to either party which exceeds normal entitlement.	3	5	3	5	5	
8	Soliciting clients, licensees, grantees, and/or agency contacts for the establishment or maintenance of a private professional practice similar to an employee's work activities.	2	5	3	5	5	
9	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
E. 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	Any act of violence, fighting, threatening, including stalking and intimidation, or attempting bodily harm to a supervisor, subordinate, 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 3	Using insulting, abusive, intimidating, or profane language to a supervisor, subordinate, the public, or fellow employee.	1	5	2	5	3	5
5 4	Discourteous treatment or bullying of the public, supervisor, or a fellow employee.	1	5	2	3	5	
6 5	Deliberately making false statements to or about supervisor or fellow employee or knowingly providing misleading statements to a supervisor at any time.	2	3 5	3	4 5	5 4	<u>5</u>

Commented [CC6]: Agency Justification: This is an unprofessional practice/act and it is something that is done with intention (rather than as an accident); a second offense is an indication of unprofessionalism unfit for the level of responsibility of the employee's current position. In particular, the inclusion of "conditioning their license on the relationship" makes this a serious offense.

Commented [DW7R6]: All agencies, 2nd offense min.=3

Commented [DW8]: Incorporated in #E-2

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 6	Making statements, false or otherwise, intended to demean or disparage a supervisor, fellow employees, or the public, or intended to disrupt the work environment.	2	3 5	3	4 5	4	5
7	Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	1	3	3	4	4	5
8	Failure to work with fellow employees as a team to best reach the goals of the agency and create an environment which promotes group work cohesiveness.	1	2	2	4	4	5
9	Inappropriate gesture or touching.	1	5	2	5	5	
10	Misuse and/or abuse of supervisory authority or privilege.	2	3	3	5	5	
11	Refusal to comply with reasonable or proper instruction from a supervisor in such a way that simultaneously involves disobeying or refusing to abide to a statute or regulation.	2	3	3	4	5	
12	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
F.	Use of Alcoholic Beverages, Controlled Substance or Habit-Forming 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.	3	5	5			
3	Convicted of violating any State or Federal law prohibiting the sale, manufacture, distribution, dispensing, and/or possession of a controlled substance.	5					
4	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	3	5	5			
5	Refusal to submit to a screening test for any drug and/or alcohol to include those mandated by Federal or State law.	2	5	3	5	5	
6	Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance or drug, or being under the influence of alcohol while at the premises of the workplace or while on Departmental State business.	3	5	5			
7	Inability to perform the duties of the position because of being under the influence of alcohol, drugs, or any other controlled substance (includes 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	Driving under the influence of alcohol or drugs while on duty and/or appearing for duty under the influence of alcohol or drugs.	3	5	5			
10	Failure to report a conviction of any alcohol or drug-related offense as described in item 3 above to the appointing authority within five (5) working days after it occurs.	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
G.	Misuse of State Property						
1	Using State or Department-owned or leased property without proper authorization.	1	3	2	5	5	
2	Operating State vehicle or equipment in an unsafe or negligent manner, or which results in injury to a person, damage to the equipment, or to the property.	1 2	5	2 3	5	5	
3	Failure to have State vehicles maintained and or serviced pursuant to Motor Pool Fleet Service's Standards resulting in damage to equipment or personal injury to a person.	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 3 4	5 5	5 5			
5	Failure to report accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
6	Removing property, equipment, or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5	
7	Negligently leaving State equipment or machinery which results in damage to the equipment or other property.	1	5	3	5	5	
8	Rendering of services or goods to recipients that are not in accordance with Department or Division policies and practices.	1	5	3	5	5	
9	Knowingly making unauthorized copies of materials such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreements.	1	5	2	5	5	
10	Cashing or releasing a paycheck before the State's designated payday.	2	3	3	5	5	
11	All Using a State-issued charge card for travel purposes <i>not</i> in accordance with the guidelines provided in the State Administrative Manual; willfully charging personal expenses on this card.	3	5	4	5	5	
7 12	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
8 13	Negligent destruction of, or damage to, State or Federal property.	1	5	2	5	4	5
9 14	Willful destruction of, or damage to, State or Federal property.	2	5	3	5	5	
10 15	Jeopardizing the security of Department property and/or records.	1 2	3 3	2 3	5	4 5	5
16	Using or authorizing the use of State-owned or leased property for other than official use including State-issued credit cards.	1 2	5	3	5	5	
H.	Misuse of Information Technology						
1	Use that interferes with employee performance or Department functions to include downloading and using entertainment software such as games or other non-work-related materials or online gambling.	1	5	2	5	3 5	
2	Participation in 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,	1	5	2	5	5	

Commented [DW9]: All agencies, 1st offense min = 1.

Commented [ACT10R9]: Accounting for State and Federal funds is a critical and significant part of the day-to-day work of many NDE staff across all Divisions, and each employee is keenly aware of the underfunded status of education. To utilize State funds, such as a State-issued credit card, for anything other than official use is a flagrant abuse which will not only impact Department and the State, it will also cause harm to the students, educators, and districts we serve. Anything less than a written warning is unacceptable.

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
	gender, disability, national origin, sexual orientation, genetic information or gender identity and expression, or any other State or Federal anti-discrimination laws.						
3	Obtaining unauthorized access to another's e-mail, data files, or to confidential records maintained by the Department.	2	45	3	45	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	45	23	5	5	
5	Use that knowingly violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws.	1	5	32	5	5	
6	Willfully accessing a website that results in a fee being charged to the State without prior authorization.	1	2	32	4	5	
7	Personal use that could slow down, delay, or disrupt computer services such as chain letters, greeting cards, and streaming of radio or TV broadcasts or other audio or video material. Installing or using personal or unauthorized software on state IT resources without proper authorization and approval.	1	2	32	4	53	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	52	2	54	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.	21	52	32	53	53	5
12	Willfully using State or Federal information technology resources to gain access and/or download from the internet information not pertaining to official job duties without authorization including, but not limited to, games, pornography, personal account information, and unauthorized software.	1	4	2	5	5	
13	Installing or using personal or unauthorized software on State IT resources without proper authorization and approval.	1	2	2	4	3	5
14	Downloading, sharing, or duplicating confidential data either onto a laptop, phone, external hard drive, or any other portable device without proper authorization.	3	5	4	5	5	
15	Misrepresenting oneself on the internet as another person without authorization in the course of one's duties or while using State or Department IT.	3	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	Revealing or sharing office access control or alarm combinations or keys with unauthorized persons.	1	5	2	5	4	5
I. Other Acts of Misconduct or Incompatibility							
1	Engaging 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	
2	Disgraceful personal conduct which impairs job performance.	2	4	3	5	5	
3	Accepting or soliciting gifts, service, favor, employment, engagement, or economic opportunity from any individual, firm, or organization doing business with NDE or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	2	5	2	5	3	5
4	Misrepresentation of official capacity or authority.	2	5	4	5	5	
5	Bringing into State and/or NDE owned, leased, or occupied buildings any firearm or implement considered to be a weapon, unless permitted by law to do so and with prior notification to the appointing authority.	3	5	4	5	5	
6	Unauthorized or improper disclosure of confidential information.	3	5	4	5	5	
7	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation, or divisional policy.	5					
8	Failure or refusal of an accused party to participate in any investigation of alleged discrimination including, without limitation, an investigation concerning sexual harassment.	3	5	4	5	5	
9	Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 5 working days.	3	5	5			
J. Improper Political Activity							
1	Directly or indirectly soliciting 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	3	4	5	5	
2	Engaging 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	Engaging in political activity for the purpose of securing preference for promotion, transfer, or salary advancement.	1	5	2	5	5	
K. Discrimination and Harassment							
1	Engaging in sexual sex or gender-based harassment as defined in Federal and State law, the -State Executive Branch Sexual Harassment & Discrimination Policy, or NDE policy against an employee, an applicant for employment, or any other another person in the workplace including, without limitation, clients, licensees, grantees, or vendors.	2	5	4	5	5	

Commented [DW11]: NAC verbiage adopted and apprvd by Dec. PC.

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	Creating or endorsing a hostile work environment.	2	5	3 4	5	5	
3	Failure of a supervisor to report instances of sexual <u>sex or gender-based</u> harassment or discrimination within their supervisory capacity as defined and required in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or NDE policy.	1 2	5	3	5	5	
4	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity and expression, other violations of the Title VII of the Civil Rights Act, or any other State or Federal anti-discrimination laws, State Executive Branch Sexual Harassment & Discrimination <u>Policy, or NDE policy.</u>	3 2	5	4	5	5	
5	<u>Retaliation: taking an adverse action against an employee for complaining about sex or gender-based harassment and/or discrimination; supporting another employee's complaint about sex or gender-based harassment and/or discrimination; disclosing improper governmental action; for filing a grievance or appeal; or for exercising any employment right protected under State or Federal law.</u>	2	5	3	5	5	
6	<u>Making a discriminatory remark.</u>	2	5	3	5	5	
L.	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	
2 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
DEPARTMENT OF EDUCATION
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 Department of Education employees.

The Department of Education’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 Nevada Department of Education. 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 Department of Education policies and procedures.

The State Personnel Commission approved this guide, thus giving it 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 Department of Education’s Prohibitions and Penalties.

Print Employee Name	Employee Signature	Employee ID	Date

Human Resources Management Representative or Immediate Supervisor	Date

FOR DISCUSSION AND POSSIBLE ACTION

Pursuant to NAC 284.375:

1. Except as otherwise provided in subsection 2 and NRS 281.210, an appointing authority shall not appoint a person to a position in the classified service on or after:
 - (a) October 1, 1996, if, upon his or her appointment, the person will be in the direct line of authority of:
 - (1) A spouse, child, parent or sibling of the person;
 - (2) The spouse of a child, parent or sibling of the person; or
 - (3) An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.
 - (b) September 6, 2001, if, upon his or her appointment, the person will be in the direct line of authority of a person with whom he or she is in a dating relationship.
2. An appointing authority may adopt a written policy authorizing the appointment of persons to a position or class of positions that would otherwise be prohibited by the provisions of subsection 1 if the appointing authority determines that, for the positions for which the policy applies, the enforcement of the provisions of subsection 1 will be impracticable and cause an undue hardship to the appointing authority. In making this determination, the appointing authority may consider, among other factors, the difficulty in recruiting applicants for the positions for which the policy applies.
3. A written policy adopted pursuant to subsection 2:
 - (a) Must comply with the provisions of NRS 281.210; and
 - (b) Is effective upon approval by the Commission.

Division of Forestry, Department of Conservation and Natural Resources Policy on Nepotism - DHRM Recommendation

In accordance with NAC 284.375 (2)(3), the Division of Forestry is proposing the following Policy on Nepotism for the division that would otherwise be prohibited by the provisions of subsection 1.

The Division of Human Resource Management has no objection or concerns with the proposed policy.

**NEVADA DIVISION OF FORESTRY (NDF)
NEPOTISM/FRATERNIZATION
POLICY**

AUTHORITY

NRS 281.210; NAC 284.375; NAC 284.377; NAC 284.374; NAC 284.0533; State of Nevada, Department of Administration Division of Human Resource Management Employee Handbook

PURPOSE

The purpose of this policy is to provide a productive and healthy work environment by prohibiting improper favoritism or undue influence that is based upon family or close personal relationships. It is also to ensure a uniform and equitable basis for employer/employee relations by ensuring that employees that have close personal relationships do not work in a program, section, or unit within proximity of each other.

Furthermore, its purpose is to prevent relationships from negatively influencing policy, operational procedures and the safety, security, or morale of employees within the NDF and to provide the fair and impartial supervision and evaluation of employees.

For purposes of this policy, relationships include, but are not limited to, an association with another individual by blood, adoption, foster arrangement, cohabitation, current or previous marriages (including in-laws, stepparent, stepchildren, etc.), or any other relationships which creates a conflict between the interests of the NDF and individuals in a close personal relationship.

RESPONSIBILITY

The NDF State Forester-Fire Warden shall be responsible for the administration of this regulation.

The NDF Personnel Analyst 2 shall be responsible for ensuring compliance with and implementation of the regulation.

All staff are responsible for knowing this regulation and for informing the Division of any such relationships described below.

APPOINTING RELATED PERSONS

An appointing authority shall not authorize the appointment of a person to a position, if upon appointment, the person will be the immediate supervisor, or will be in the direct line of authority, of:

- A. A spouse, child, parent, or sibling of the person, including stepparents, stepchildren, etc.
- B. The spouse of a child, parent, or sibling of the person.
- C. An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.
- D. Person with whom there is a dating relationship.

The direct line of authority includes an employee's immediate supervisor, that supervisor's supervisor and each subsequent level of supervision through the employee's chain of command to the State Forester.

A supervisory relationship includes responsibility and accountability for assigning work, evaluating performance, hiring, disciplining, and training, as opposed to temporary or ad hoc employment situations caused by an emergency or a special project of limited duration.

A dating relationship is defined as an intimate association primarily characterized by the expectation of affectional or sexual involvement and is considered a close personal relationship.

An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate the provision of this regulation.

The appointing authority may make an appointment which would otherwise be prohibited by this Policy if the compliance with the policy would prove impracticable or result in an undue hardship for recruitment based on, among other factors, a limited employment base or other difficulty in recruiting applicants for open positions. The appointing authority shall develop a form and procedure for such a request to be submitted and approved by the State Forester-Fire Warden. Each request and supporting documentation must be submitted individually. This provision is included in this Policy for purposes of compliance with NAC 284.375(2).

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 24, 2021**.

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.430	Welder II	31	G	<i>9.430</i>	<i>Welder II</i>	<i>31</i>	<i>G</i>
9.417	Welder I	30	G	<i>9.417</i>	<i>Welder I</i>	<i>30</i>	<i>G</i>

EXPLANATION OF CHANGE

The Nevada Department of Administration, Division of Human Resource Management (DHRM), conducted a class specification maintenance review for the Welder series.

In coordination with Subject Matter Experts from the Department of Corrections (DOC), Department of Transportation (NDOT), Nevada System of Higher Education (NSHE), and analysts within DHRM, it is recommended that revisions be made to the Series and Class concepts, and the Minimum Qualifications to update occupational language, clarify respective duties, reflect current methods and practices being used, and to maintain consistency with verbiage, formatting, and structure.

Welders plan and lay out projects and join metal components of different composition together using gas welding, arc welding, soldering, and brazing processes to fabricate, strengthen and repair a wide variety of components, equipment, and fixtures.

Throughout the process, management, and staff within DOC, NDOT, and NSHE and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support this recommendation.

Changes to the class specification are noted as follows: additions in blue and deletions in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
WELDER II	31	G	9.430
WELDER I	30	G	9.417

SERIES CONCEPT

Welders plan and lay out projects and join metal components *of different compositions* together using gas welding, arc welding, soldering, and brazing processes to fabricate, strengthen, and/or repair a wide variety of components, equipment, and fixtures.

Work from blueprints and/or through examination of the component equipment or fixture; determine the appropriate type of material based upon *education and* knowledge of the properties and characteristics of metals and materials and the intended use of the object; determine appropriate quantity of material to minimize waste; complete work orders and cost estimates~~[, and]~~; order materials; design, cut, and lay out template to ensure a proper fit.

Lay out and fit material in preparation for welding; measure and scribe dimensions and reference points on the material; detail location and sequence of procedures; saw, shear, or cut material; mark and drill or punch holes; position, align, and fit components.

Set up jobs according to the type of work performed; dismantle and straighten components as required; select appropriate welding process *based on the type(s) of materials and end use*; determine the appropriate welding torch/machine; set up the torch/machine and adjust pressures, mixtures, polarity, and temperatures; *select proper welding medium*; secure and tack material in place for final welding.

Weld metal components using a variety of gas and arc welding processes including acetylene, *alternating currents (AC)/direct currents (DC)* arc (stick), gas-tungsten-arc (TIG), gas-metal-arc (MIG), and innershield (flux core wire) welding by applying knowledge of metallurgy and the various welding techniques.

Manually guide equipment along weld lines while observing and making required adjustments; examine weld for quality and conformance to specifications; and reassemble components and equipment after completion of repair.

Operate various machine tools such as a lathe, drill press, grinder, band saw, *mill, iron worker, hoists, press*, or mechanic's hand tools to complete general repair work as required.

Perform related duties as assigned.

CLASS CONCEPTS

Welder II: Under general supervision, incumbents perform the full range of duties described in the series concept ~~[at the advanced journey level]~~, and in addition, *at the advanced journey level*, either:

- 1) function as a leadworker for lower-level Welders on a regular basis by ~~[providing training and technical assistance,]~~ assigning and reviewing work, and providing input to performance evaluations, *training and technical assistance; or*

CLASS CONCEPTS (cont'd)

Welder II (cont'd)

- 2) in a correctional environment, function as a leadworker for an inmate crew on a regular basis ~~[and]; document inmate performance through completion of periodic performance reports~~~~[-Incumbents are also responsible for];~~ implement~~[ing]~~ *work safety and security procedures* ~~[which include]~~ *to ensure efficient, secure and safe operation of the work unit and the security of assigned inmates, staff, buildings, tools, and equipment in accordance with the Department of Corrections requirements and department policy;* secur~~[ing]~~e ~~[the]~~ work areas from unauthorized inmates ~~[and accountability for assigned inmates, staff, tools, and equipment];~~ or
- 3) ~~[serve]~~ *function* as a Combination Layout Welder or Specialty Welder performing duties that require a greater degree of ~~[I]~~ingenuity and original problem solving ~~[and];~~ perform complex layout and fabrication to integrate structural integrity ~~[along with the]~~ *and* conserv~~[ation of]~~e materials.

Welder I: Under general supervision, incumbents *function as General Purpose Welders and* perform the full range of duties described in the series concept ~~[that]~~ includ~~[e]~~ing maintenance and preventative welding on a wide variety of equipment and fixtures such as repairing tractors, forklifts, desks, *gates, fencing, doors,* and athletics equipment~~[-and];~~ fabricate items such as trailers, storage sheds, and duct work for air conditioning systems; and basic equipment modifications. This is the journey level in the series ~~[and incumbents function as General Purpose Welders].~~

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.
- * Some positions function as specialty welders and must have welding certification issued by the American Welding Society ~~[(AWS)]~~ at the time of appointment and as a condition of continuing employment.
- * Some positions require employees to furnish their own tools.

WELDER II

EDUCATION AND EXPERIENCE: Completion of an approved welding apprenticeship training program followed by one year of journey level welding experience; OR *one year of experience as a Welder I in Nevada State service;* OR an equivalent combination of education and experience *as described above.* (See *Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: *safe working procedures and the proper use, storage, and disposal of hazardous materials;* weldability, ductability, and the effect that welding, heating, tempering, cooling, cool forming, wear, and stress have on various materials used in welding. **General knowledge of:** *metallurgy and mechanical theory and design.* **Skill in:** *welding in flat, horizontal, vertical, and overhead positions for various types of welding processes; designing new installations and modifying equipment for new and different functions.* **Ability to:** *read and interpret engineering drawings and hydraulic and electrical schematics;* recognize steel, stainless steel, high carbon steel, manganese, copper, brass, aluminum, and the different families of cast iron; establish and maintain effective working relationships with vendors and other sources of technical information~~[-Skill in: welding in flat, horizontal, vertical and overhead positions for various types of welding processes; designing new installations and modifying equipment for new and different functions];~~ *and all knowledge, skills, and abilities required at the lower level.*

MINIMUM QUALIFICATIONS (cont'd)

WELDER II (cont'd)

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Detailed knowledge of: methods, procedures, tools and equipment used in AC/DC arc, TIG, MIG, innershield, air arc, and acetylene welding. *Working knowledge of: agency and division policies and procedures.* **Ability to:** train and provide work direction to others including assigning and reviewing work, establishing work schedules and priorities, and evaluating performance; *supervise and direct the work of inmates and implement approved security measures in a correctional environment; enforce safety, security, and custodial measures for the supervision of inmates.*

WELDER I

EDUCATION AND EXPERIENCE: Completion of an approved welding apprenticeship training program; **OR** an equivalent combination of education and experience *as described above.* (See *Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Working knowledge of: methods, procedures, tools, and equipment used in AC/DC arc, TIG, MIG, innershield, air arc, and acetylene welding; composition, properties, and characteristics of different ferrous metals, nonferrous metals and alloys, fluxes, and other materials used in welding; mathematics sufficient to lay out and design patterns, templates, and jigs. **General knowledge of:** *metallurgy;* health and safety regulations applicable to the trade. *Skill in: safely operating and maintaining tools and equipment used in welding; AC/DC arc, TIG, MIG, innershield and acetylene welding, brazing, and soldering; straightening and shaping metal.* **Ability to:** complete written work orders, supply requisitions, and document specifications; read and interpret welding and metallurgy manuals, welding symbols, and blueprints; work independently and follow through on assignments with minimal direction; inspect assignments and determine the best welding or repair procedure. [~~Skill in: safely operating and maintaining tools and equipment used in welding; AC/DC arc, TIG, MIG, innershield, and acetylene welding, brazing, and soldering; straightening and shaping metal.~~]

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

~~[Working knowledge of: safe working procedures and the proper use, storage and disposal of hazardous materials; agency and division rules, policies and procedures. Ability to: read and interpret engineering drawings and hydraulic and electrical schematics.]~~ (These are identical to the Entry Level Knowledge, Skills, and Abilities required for Welder II.)

This class specification is used for classification, recruitment, and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>9.430</u>	<u>9.417</u>
ESTABLISHED:	7/1/91P 11/29/90PC	7/1/67
REVISED:		7/1/91P 11/29/90PC
REVISED:	9/19/03PC	9/19/03PC
REVISED:	2/10/06PC	2/10/06PC
REVISED:	9/24/21PC	9/24/21PC

FOR DISCUSSION AND POSSIBLE ACTION

The Division of Human Resource Management has conducted a maintenance review of class specifications in the Occupational Group(s) listed below. It is recommended that the following classes be revised effective: **September 24, 2021**.

CURRENT				PROPOSED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
9.495	Wastewater Treatment Operator III	33*	G	<i>9.495</i>	<i>Wastewater Treatment Operator III</i>	<i>33*</i>	<i>G</i>
9.496	Wastewater Treatment Operator II	32*	G	<i>9.496</i>	<i>Wastewater Treatment Operator II</i>	<i>32*</i>	<i>G</i>
9.497	Wastewater Treatment Operator I	31*	G	<i>9.497</i>	<i>Wastewater Treatment Operator I</i>	<i>31*</i>	<i>G</i>

EXPLANATION OF CHANGE

As part of the biennial Class Specification Maintenance Review process, the Division of Human Resource Management (DHRM) conducted a review of the Wastewater Treatment Operator series. Wastewater Treatment Operators perform operations and maintenance tasks in wastewater treatment facilities in accordance with federal, State, and local regulations affecting the treatment and disposal of sewage and wastewater.

In consultation with Subject Matter Experts from the Department of Corrections (DOC) and analysts from DHRM, it was determined that the Series and Class Concepts met current expectations and no changes were required at this time.

It is recommended; however, that minor changes be made to the Series and Class Concepts and the Minimum Qualifications to maintain consistency with verbiage, formatting, and structure. In addition, an Informational Note was added to the Minimum Qualifications to clarify that certification is required at the time of appointment and as a condition of continuing employment. As a result of this change, the Education and Experience section of the Minimum Qualifications, at every level, was amended to reflect this addition.

Throughout the process management and staff within DOC, and analysts within DHRM participated by offering suggestions and reviewing changes, and they support the recommendation.

Changes to the class specification are noted as follows: additions in blue and deletions in red.



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
WASTEWATER TREATMENT OPERATOR III	33*	G	9.495
WASTEWATER TREATMENT OPERATOR II	32*	G	9.496
WASTEWATER TREATMENT OPERATOR I	31*	G	9.497

SERIES CONCEPT

Wastewater Treatment Operators perform operations and maintenance tasks in wastewater treatment facilities in accordance with [~~local, State and~~] federal, *State, and local* regulations affecting the treatment and disposal of sewage and wastewater.

Process and export generated sewage by observing and monitoring all aspects of treatment, pulling samples, performing and analyzing tests, recording and correlating data, adjusting operations accordingly, and introducing chemicals into the system as necessary.

Monitor, maintain and repair gravity and force main sewage collection systems including lines, cleanouts, manholes and interceptor, sewage lift stations including wells, pumps (submersible, ejector, centrifugal, diaphragm, positive displacement, and suction), control panels, alarm systems, mains, valves, and ventilation systems in-line comminutors, surge tanks, aeration tanks, filter rooms, chlorine contact tanks, export stations, and decant tanks.

Use a wide variety of [~~hand and power~~] tools and test equipment to perform preventive maintenance and diagnose and repair malfunctions including two-way radios, computers and computer programs, wrenches, drills, saws, power washers, grinders and sanders, compressors, portable generators, vacuum truck, four-wheel drive vehicles, loaders, backhoes, snowplows, and snowblowers.

Perform and analyze [~~analytical~~] laboratory tests and record the results using scales, ovens, pH meters, dissolved oxygen meters, vacuum pumps, centrifuge, amp probe, tetrameter, microscope, turbidity meter, spectrometer, imhoff cones, and a distiller to determine the amount of suspended solids in the effluent water, for the monitoring of wastewater operations.

Operate zero discharge industrial wastewater treatment, operation of used fuel recovery, cleaning and re-blending system, domestic potable water supply and treatment for subsequent irrigation.

Monitor, maintain and repair the potable water supply system including pumps, motors, compressors, tanks, gauges and controls and sample water according to State and county health regulations.

Maintain working knowledge of OSHA rules and regulations and workplace safety procedures related to wastewater plant operations, including but not limited to confined space entry, lock-out/tag-out, respiratory protection, blood borne pathogens, and hazardous waste handling, storage, and disposal.

Maintain the emergency power supply to ensure sewage processing during power failures as required; monitor and test the alarm and dial out systems for proper operation.

Prepare and submit periodic reports of treatment plant activities to the [~~State and~~] federal *and State* Environmental Protection Agencies; prepare purchase orders to maintain adequate supplies; monitor special budget accounts related to the wastewater and water systems; maintain preventive maintenance schedules for

* Reflects a 2-grade, special salary adjustment granted by the 2007 legislature to improve recruitment and retention.

WASTEWATER TREATMENT OPERATOR III	33*	G	9.495
WASTEWATER TREATMENT OPERATOR II	32*	G	9.496
WASTEWATER TREATMENT OPERATOR I	31*	G	9.497

Page 2 of 4

SERIES CONCEPT (cont'd)

plant equipment; maintain required documentation related to hazardous material.

Perform related duties as assigned.

CLASS CONCEPTS

Wastewater Treatment Operator III: Under general supervision, incumbents perform the full range of duties described in the series concept. ~~[Positions in this class]~~ *Incumbents* are responsible for maintaining and renewing all permits required by the Nevada Division of Environmental Protection for recordkeeping and reports, including the Discharge Monitoring Reports required by the permits. In addition, incumbents may supervise lower-level personnel on a seasonal basis. ~~[Positions in this class are further distinguished from those at the lower levels by functioning at the full journey level and having attained the required Grade III certification.]~~

Wastewater Treatment Operator II: Under general supervision, incumbents independently perform the routine duties described in the series concept; continue to receive training in the more technical duties such as performing lab tests, analyzing results, and introducing chemicals into the system; and complete the required coursework to achieve the Grade III certification by the Nevada Wastewater Environment Association. *This is the continuing trainee level in the series and [H]incumbents may* progress to the journey level upon successful completion of all required training, attainment of the Grade III certification, *meeting minimum qualifications, satisfactory performance,* and with the recommendation of the appointing authority.

Wastewater Treatment Operator I: Under close supervision, incumbents receive training in performing the duties ~~[of the series]~~ *described in the series* concept and complete the required coursework for a Grade II, Wastewater Treatment Operator certification. *This is the trainee level in the series and [Incumbents] progression* to the ~~[higher]~~ *next level in the series may occur* upon ~~[successful completion of the training period,]~~ attainment of the required certification, *meeting minimum qualifications, satisfactory performance,* and with the recommendation of the appointing authority.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, some positions in this series have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening for controlled substances.
- * ~~[Some positions require Water Treatment Operator, Grade II, certification] at the time of appointment and as a condition of continuing employment.~~
- * Some positions require a valid driver's license at the time of appointment and as a condition of continuing employment.

INFORMATIONAL NOTE:

- * *Positions require applicable certification at the time of appointment and as a condition of continuing employment.*

WASTEWATER TREATMENT OPERATOR III

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education, three years of experience in wastewater treatment operation and maintenance, and a Wastewater Treatment Operator, Grade

WASTEWATER TREATMENT OPERATOR III	33*	G	9.495
WASTEWATER TREATMENT OPERATOR II	32*	G	9.496
WASTEWATER TREATMENT OPERATOR I	31*	G	9.497

Page 3 of 4

MINIMUM QUALIFICATIONS (cont'd)

WASTEWATER TREATMENT OPERATOR III (cont'd)

EDUCATION AND EXPERIENCE: (cont'd)

III certification *issued* by the Nevada Wastewater Environment Association; **OR** an equivalent combination of education and experience *as described above to include current certification as a Wastewater Treatment Operator, grade III.* (See *Special Requirements and Informational Note*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: principles and techniques of operating and maintaining wastewater treatment plants including collection systems and pumps, physical, biological, and chemical treatments, odor controls, plant safety, laboratory procedures, plant monitoring, and data collection; wastewater treatment permit requirements including reports and recordkeeping. **Ability to:** operate and maintain back-up power sources; sample and perform tests of influent and effluent waters; record data and incorporate it to various reports; plan, organize and coordinate the work of others; attain a Wastewater Treatment Operator, Grade III certification; *and all knowledge, skills and abilities required at the lower levels.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Detailed knowledge of: practices, materials, tools, and equipment used in sewage plant operation and maintenance. **Working knowledge of:** ~~[local, State and]~~ federal, *State, and local* regulations affecting the treatment and disposal of sewage; practices, materials, tools, and equipment used in sewage plant operation and maintenance; health regulations affecting potable water supplies. **General knowledge of:** principles and practices of supervision; departmental and State purchasing procedures. **Ability to:** monitor and adjust any part of the system to regulate treatment processes.

WASTEWATER TREATMENT OPERATOR II

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education, two years of experience in wastewater treatment operation and maintenance, and a Wastewater Treatment Operator, Grade II certification issued by the Nevada Wastewater Environment Association; **OR** an equivalent combination of education and experience *as described above to include current certification as a Wastewater Treatment Operator, Grade II.* (See *Special Requirements and Informational Note*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: practices, materials, tools, and equipment used in sewage plant operation and maintenance; physical, biological, and chemical aspects of wastewater treatment; *principles of operating and maintaining wastewater treatment plants; health and environmental rules and regulations affecting the treatment and disposal of sewage; recordkeeping and reporting requirements of sewage treatment.* **Ability to:** read and comprehend administrative policy, regulatory laws and procedures, safety and equipment publications, blueprints, and schematic drawings; *and all knowledge, skills and abilities required at the lower level.*

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

~~[Working knowledge of: agency policies related to operating and maintaining wastewater treatment plants, including data collection and monitoring. Ability to: attain a Wastewater Treatment Operator, Grade III certification.]~~ *(These are identical to the Entry Level Knowledge, Skills and Abilities required for Wastewater Treatment Operator III.)*

WASTEWATER TREATMENT OPERATOR I

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education, ~~[and]~~ one year of experience in wastewater treatment plant operation and maintenance, and a Wastewater Treatment Operator, Grade I certification issued by the Nevada Wastewater Environment Association; **OR** *an equivalent combination of education and experience as described above to include current certification as a*

WASTEWATER TREATMENT OPERATOR III	33*	G	9.495
WASTEWATER TREATMENT OPERATOR II	32*	G	9.496
WASTEWATER TREATMENT OPERATOR I	31*	G	9.497

Page 4 of 4

MINIMUM QUALIFICATIONS (cont'd)

WASTEWATER TREATMENT OPERATOR I (cont'd)

EDUCATION AND EXPERIENCE: (cont'd)

Wastewater Treatment Operator, Grade I. (See Special Requirements and Informational Note)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

General knowledge of: practices, materials, tools, and equipment used in sewage plant operation and maintenance; physical, biological, and chemical aspects of wastewater treatment; principles of operating and maintaining wastewater treatment plants; health and environmental rules and regulations affecting the treatment and disposal of sewage; recordkeeping and reporting requirements of sewage treatment. **Ability to:** perform basic mathematic computations. **Skill in:** the use of hand and power tools and hoists.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

~~[Working knowledge of: principles of operating and maintaining wastewater treatment plants; health and environmental rules and regulations affecting the treatment and disposal of sewage; recordkeeping and reporting requirements of sewage treatment. Ability to: attain a Wastewater Treatment Operator, Grade II certification.]~~ *(These are identical to the Entry Level Knowledge, Skills and Abilities required for Wastewater Treatment Operator II.)*

This class specification is used for classification, recruitment, and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this series.

	<u>9.495</u>	<u>9.496</u>	<u>9.497</u>
ESTABLISHED:	8/25/77	7/1/91P 11/29/90PC	7/1/91P 11/29/90PC
REVISED:	6/12/81R 9/11/81PC		
REVISED:	12/19/85-12		
REVISED:	7/1/87P 10/17/86PC		
REVISED:	8/19/88-3		
REVISED:	7/1/91P 11/29/90PC		
REVISED:	6/27/03PC	6/27/03PC	6/27/03PC
REVISED:	2/10/06PC	2/10/06PC	2/10/06PC
REVISED:	7/1/07LG	7/1/07LG	7/1/07LG
REVISED:	9/24/21PC	9/24/21PC	9/24/21PC

REPORT OF CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL

Attached is a report of changes made to the classification plan pursuant to NRS 284.160, sections 4 through 6 which reads as follows:

- “4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator may make a change in the classification plan without the prior approval of the Commission if:
- (a) The Administrator deems it necessary for the efficiency of the public service;
 - (b) The change is not proposed in conjunction with an occupational study; and
 - (c) The Administrator, at least 20 working days before acting upon the proposed change:
 - (1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and
 - (2) Posts a written notice of the proposal in each of the principal offices of the Division.
- Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.
5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may affect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.
6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.”

The conditions set forth in these statutes have been met. A copy of the justifications and revised class specifications are on file in the office of the Administrator of the Division of Human Resource Management.

The following changes have been affected:

REPORT OF CLASSIFICATION CHANGES

POSTING#: 05-21
Effective: 06/30/21

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
6.766	Energy Efficiency Specialist	39	B	<i>6.766</i>	<i>Climate and Energy Specialist</i>	<i>39</i>	<i>B</i>

BASIS FOR RECOMMENDATION

At the request of the Governor’s Energy Office a review was conducted on the Energy Efficiency Specialist class specification. It was determined that modifications to the existing class specification be made to account for additional representative job duties that are more reflective of the class.

It is recommended that the existing class title be changed from Energy Efficiency Specialist to Climate and Energy Specialist as the new title matches the primary purpose of the class which is to plan, organize, and implement programs to include land use and siting for renewable energy development, climate policy, electricity markets, and promoting efforts to reduce energy consumption and the State’s carbon footprint.

In addition, the representative job duties that were no longer expected of the class were removed and existing duties were amended to include responsibilities related to sustainability, renewable energy, and climate policy. As a result of these changes, a minor change was made to the Entry Level Knowledge, Skills, and Abilities.

Lastly, the Informational Notes were amended to include the requirement of Certification as a Sustainability Excellence Professional or Sustainability Excellence Associate issued by the US Green Building Council’s, Green Business Certification, Incorporated within six months of appointment. This requirement replaces the previous Building Performance Institute (BPI) certification.

Throughout the process management staff within the Governor’s Energy Office and analysts within Division of Human Resource Management participated by offering suggestions and reviewing changes, and they support the recommendation.

POSTING#: 08-21
Effective: 07/16/21

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
12.619	Parole & Probation Supervisor	36	B	<i>12.619</i>	<i>Parole & Probation Supervisor</i>	<i>36</i>	<i>B</i>
12.618	Parole & Probation Specialist IV	35	B	<i>12.618</i>	<i>Parole & Probation Specialist IV</i>	<i>35</i>	<i>B</i>
12.616	Parole & Probation Specialist III	33	B	<i>12.616</i>	<i>Parole & Probation Specialist III</i>	<i>33</i>	<i>B</i>
12.614	Parole & Probation Specialist II	31	E	<i>12.614</i>	<i>Parole & Probation Specialist II</i>	<i>31</i>	<i>E</i>
12.615	Parole & Probation Specialist I	29	E	<i>12.615</i>	<i>Parole & Probation Specialist I</i>	<i>29</i>	<i>E</i>

BASIS FOR RECOMMENDATION

The Department of Public Safety (DPS), Division of Parole and Probation (P & P) requested modifications to the class specifications for the Parole & Probation Specialist series due to changes in statutory requirements, the evolution of job duties within differing work units, the need to increase Divisional efficiencies, and the recognition that the existing minimum qualifications are too restrictive which reduces the applicant pool for the work to be performed.

In coordination with Subject Matter Experts from the Division and analysts within Division of Human Resource Management (DHRM), it is recommended that the Class Concepts at every level be amended to clarify responsibilities; expand recognized work units and better define their representative duties.

The new Offender Supervision Unit was added to the Parole & Probation Specialist III class. Under the direct guidance of a sworn officer, incumbents in this unit will perform administrative supervision functions, that do not require peace officer certification, for low-risk offenders including receiving and reviewing information from the offender, determining compliance with administrative conditions of supervision, preparing reports, drafting correspondence related to cases, performing risk and needs assessments, and documenting information within the records management system. These duties were allocated at the Parole & Probation Specialist III level due to their similarity with other work units within this class.

In addition, it is recommended that the Education & Experience sections of the Minimum Qualifications be revised, at every level, to allow for a bachelor's degree in any field and to expand requisite experience. Furthermore, the requirement for experience to have been gained in a law enforcement, social or behavioral services environment was removed from the Parole & Probation Specialist II and III classes as it was limiting otherwise highly qualified individuals from the pool of applicants.

Furthermore, minor changes were made, at every level, to the Entry Level and Full Performance Knowledge, Skills, and Abilities of the Minimum Qualifications to account for changes made to the Class Concepts and Education & Experience sections of the class specifications.

These changes will allow the division to better utilize resources and increase the operational efficiencies of the Division. The modifications to the class specifications will also increase the

applicant pool for outside applicants as well as allow increased upward mobility for existing State employees.

Throughout the process management staff within DPS and P & P, and analysts within DHRM participated by offering suggestions and reviewing changes, and they support the recommendation.

POSTING#: 09-21

Effective: 08/25/21

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
7.100	Accountant II (CAFR)	43	B	<i>7.100</i>	<i>Accountant II – (ACFR)</i>	<i>43</i>	<i>B</i>
7.101	Accountant I (CAFR)	40	B	<i>7.101</i>	<i>Accountant I – (ACFR)</i>	<i>40</i>	<i>B</i>

BASIS FOR RECOMMENDATION

The Controller’s Office indicated that one of their regulatory bodies for the Comprehensive Annual Financial Report has requested that the acronym for the report “CAFR” not be used as the pronunciation appears to be offensive for several cultures. In addition, the regulatory body has changed the name of the report to the Annual Comprehensive Financial Report.

In consultation with Subject Matter Experts from the Controller’s Office and analysts within the Division of Human Resource Management (DHRM), it is recommended that the existing class titles be changed from Accountant II (CAFR) and Accountant I (CAFR) to Accountant II – (ACFR) and Accountant I – (ACFR). It is further recommended that the class specifications be amended to reflect the new name for the report as the Annual Comprehensive Financial Report.

In addition, minor changes were made to the Class Concepts at both levels to maintain consistency with verbiage used. Furthermore, an Informational Note was added to the Minimum Qualifications to clarify the requirements for the 18 college credits in accounting. Lastly, an equivalency was added to the Education and Experience section of the Minimum Qualifications for the Accountant II – (ACFR) to allow for upward mobility.

Throughout the process management staff within the Controller’s Office and analysts within DHRM participated by offering suggestions and reviewing changes, and they support the recommendation.

POSTING#: 10-21
Effective: 07/29/21

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>7.500</i>	<i>State Payroll Manager</i>	<i>40</i>	<i>A</i>

BASIS FOR RECOMMENDATION

As the result of the submittal of an Individual Classification Study (NPD-19), and with the approval of the 81st Legislative Session for FY 2022/2023, it is recommended that a new series be developed to encompass the unique statewide duties and responsibilities of payroll and employee records management. In partnership with Subject Matter Experts and analysts within the Division of Human Resource Management (DHRM), it was determined that the State Payroll Manager class be created to account for these duties.

Under general administrative direction, the State Payroll Manager has statewide responsibility for planning, organizing, directing, and managing the activities of the Payroll and Employee Records section of the Division of Human Resource Management.

It is recommended that the State Payroll Manager be allocated at grade 40, one grade above its current classification of Management Analyst IV, which accounts for the higher level of complexity, consequence of error and statewide responsibilities. This also creates a two-grade differential between a subordinate level position, which is consistent with most class specifications within State service. The EEO-4 job category, at the recommendation of the EEO Administrator, shall be assigned category “A – Officials and Administrators” which are occupations where employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency’s operations, or provide specialized consultation on a regional, district or area basis.

Throughout the review management staff and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended new class.

POSTING#: 11-21
Effective: 08/22/21

CURRENT				APPROVED			
CODE	TITLE	GRADE	EEO-4	CODE	TITLE	GRADE	EEO-4
	<i>New</i>			<i>9.477</i>	<i>Student Worker – Trades</i>	<i>10</i>	<i>H</i>

BASIS FOR RECOMMENDATION

As the result of the submittal of an Individual Classification Study (NPD-19), and with the approval of the 81st Legislative Session for FY 2022/2023, it is recommended that a new class be developed to function similarly to the Student Worker, 2.131, grade 10; however, instead of focusing on clerical duties, this series will have representative job duties that are more indicative of performing manual and unskilled work in the building/ground/highway maintenance, construction, communications and vehicular/equipment maintenance and repair trades. In partnership with Subject Matter Experts within the Nevada Department of Transportation (NDOT) and analysts within the Division of Human Resource Management (DHRM), it was determined that the Student Worker - Trades class be created to account for these duties.

Under immediate supervision, incumbents in this class perform manual and unskilled work which requires basic skills and can be learned in a short time.

It is recommended that the Student Worker – Trades be allocated at grade 10, which is comparable to the Student Worker, 2.131, grade 10 class. The EEO-4 job category, at the recommendation of the EEO Administrator, shall be assigned category “H – Service Maintenance” which are occupations where workers perform duties which result in or contribute to the upkeep and care of buildings, facilities, or grounds of public property.

Throughout the review management and staff within NDOT and analysts within DHRM participated by offering recommendations and reviewing changes as the process progressed and they support the recommended new class.