

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY



PROHIBITIONS AND PENALTIES
A GUIDE FOR EMPLOYEES OF THE DEPARTMENT OF
BUSINESS AND INDUSTRY

Approved by the Human Resources Commission on April 5, 2024

FORWARD

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

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

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

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

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

After you have thoroughly reviewed this guide, please sign the "Acknowledgement Form – Department of Administration Prohibitions and Penalties," which is the last page of this guide and return it to Agency HR Services (AHRS) 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 standards of conduct that are prohibited as inconsistent, incompatible or in conflict with their duties as an employee. These standards are in addition to prohibitions and penalties that are listed in statute and regulation that are applicable 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 Human Resources Commission and thus has the same force and effect as other statutes and regulations covering classified employees. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree indicated depending on the circumstances.

COACHING

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

Letter of Instruction. A letter of instruction to the employee is typically written by the supervisor(s) responsible for the employee's activities. The letter is intended to provide the employee with information and instruction or training and establishes documentation that the employee has been made aware of his or her responsibility concerning a particular situation or set of circumstances.

THE PROGRESSIVE DISCIPLINE PROCESS

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

1. **Oral Warning.** When instruction and training have not resulted in the change in behavior or performance that is desired, an “oral warning” is 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.
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 serious of a first offense, a suspension leave without pay, may be used as a form of discipline. A suspension may be for any length of time but 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, a 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 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 Human Resources Commission.

Department of Business and Industry (B&I) Prohibitions and Penalties

1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1st Offense		2nd Offense		Additional	
A.	Fraud In Securing Appointment	Min	Max	Min	Max	Min	Max
1	Falsification of application or Identity 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 the employee, an examination, or a portion thereof.	5					
3	Refusal, upon hire, and/or upon revision to sign the Acknowledgement of Receipt of Prohibitions and Penalties and/or Department/Division policies and procedures.	5					
4	Willfully withholding information which may appear when initial background check completed, or agencies mandated 3-year background re-check completed, or when applying for state job not divulging disciplinary actions which may hinder ability to perform work functions.	5					
5	Refusal, upon hire and/or upon revision to sign the Acknowledgement of the Governor's Policy Against Sexual Harassment and Discrimination and/or the Governor's Alcohol and Drug Free Workplace Policy.	5					
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1 st Offense		2nd Offense		Additional	
B.	Performance On The Job	Min	Max	Min	Max	Min	Max
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			
4	Withholding or concealing information regarding the job from supervisors or other persons having the necessity for such information.	1	5	2	5	5	
5	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	5	5	
6	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary action where such action is needed.	1	2	2	3	4	5

7	Misconduct of supervisor because of prejudice, anger or other unjustifiable reason including the unequal or disparate exercise of authority toward an employee.	1	4	2	5	3	5
8	Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job.	3	5	5			
9	Failure to notify the appointing authority within five (5) days of the suspension, revocation, or cancellation of a professional or occupational license or certification when such possession is a job requirement.	1	3	2	3	3	5
10	Jeopardizing the security of departmental property.	1	3	2	5	3	5
11	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	
12	Neglecting to participate in required firearms qualification.	2	5	3	5	5	
13	Engaging in any investigation or official action which is not part of their assigned duties without the authorization of a supervisor or commander unless the circumstances demand immediate action where it is a known requirement of the position.	2	3	3	4	5	
14	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	1 3	3 5	4 5	5	5	
15	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	2 5	5	3	5	5	
16	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time or any leave record.	1	2	3	4	5	
17	Willful falsification of time and attendance records including leave requests, overtime, compensatory time or any leave record.	3	5	5			
18	Willful concealment of material facts by omission from records.	2	3	4	5	5	
19	Willful falsification of any public record that involves misuse of State or Federal funds.	2	5	5			
20	Making unauthorized departmental transactions for personal profit.	3	5	5			
21	Disregard and/or deliberate failure to comply with or enforce statewide, Department, Division or office regulations and policies.	2	5	3	5	4	5
22	Unauthorized removal of secure or personal records, correspondence or documents from departmental files.	2	5	3	5	4	5

23	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
24	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	
25	Failure to ensure subordinate employees perform required duties.	1	3	2	3	3 5	
26	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	5	
27	Failure of an employee, who is designated as a supervisor to fulfill their supervisory responsibilities, including but not limited to ensuring that employees adhere to the policies and procedures of the department and the actions of all personnel comply with all laws and taking corrective disciplinary action where such action is needed, preparing timely reports of performance, and accounting for employees' time and leave, and maintaining current work performance standards.	1	3	2	3	3 5	
28	Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3 5	
29	Failure to wear appropriate clothing or PPE consistent with assigned duties, as directed by supervisor, manager or state directive, policy or guidance.	1	3	2	4	3 5	
30	Carelessness, indifference, inattention to duty that results in reduced productivity.	1	3	2	5	3 5	
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1 st Offense		2nd Offense		Additional	
C.	Neglect Of, or Inexcusable Absence From The Job	Min	Max	Min	Max	Min	Max
1	Repeated extension of designated lunch periods, or of rest periods beyond the prescribed 15 minutes in NAC 284.524 without supervisor approval.	1	2	3	4	3	5
2	Use of sick leave for a reason not authorized by NAC 284.554.	2		4		5	
3	Failure to report to work at specified times and in the prescribed manner, or unauthorized absence from duty	1	3	2	5	3	5
4	Conducting personal business during working hours.	1	3	2	4	3	5
5	Frequent or continual tardiness.	1	3	2	4	3	5
6	Failure to notify supervisor or designated representative promptly when unable to report for work. Notification must occur prior to shift or within 30 minutes of each shift unless otherwise pre-arranged with supervisor.	1	3	2	5	3	5

7	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job.	1	4	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	3	2	5	5	
9	Absence from duty without leave after having been denied permission to take such leave.	2	5	5			
10	Failure to report to work or call supervisor for three (3) consecutive workdays without permission or justification.	5					
11	"Loafing" on the job; wasting time; failure to put in a full day's work.	1	3	2	5	3	5

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		1 st Offense		2nd Offense		Additional	
D.	Relations With Supervisor, Fellow Employees, and The Public	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	
2	Any act of violence, unauthorized or unlawful fighting, threatening, including stalking, intimidation or attempting bodily harm to supervisor, the public or fellow employee.	2	5	5			
3	Any act of violence in the course of duties, including stalking, threats, intimidation, assault, or battery.	2	5	3	5	5	
4	Using insulting, abusive, intimidating or profane language to a supervisor, a subordinate, the public or fellow employee.	1	5	2	5	3	5
5	Discourteous bullying, or disrespectful treatment of the public, supervisor, or a fellow employee.	1	5	2	5	3	5
6	Deliberately making false statements to or about supervisor or fellow employee, or knowingly providing misleading statements to supervisor at any time.	2	3	3	4	5	
7	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees, or the public; or intended to disrupt the work environment.	2	3	3	4	4	5
8	Engaging in a romantic/sexual relationship with supervisor.	2	3	3	4	5	
9	Engaging in a sexual relationship with any state employee while in the workplace. Any on-duty sexual relations including but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.	2	3	3	4	5	
10	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	3	4	5	

11	Failure to conduct oneself in a professional manner while meeting the responsibilities of the public.	2	3	3	4	4	5
12	Failure to represent the Department or Division in a professional manner during any court and/or administrative proceeding.	2	3	3	4	4	5
12	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 Department procedures.	1	2	2	3	3	5
14	Causing discord among employees to the detriment of morale.	1	4	2	5	5	
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1 st Offense		2nd Offense		Additional	
E.	Use of Alcoholic Beverages, Narcotics, or Habit Forming Drugs	Min	Max	Min	Max	Min	Max
1	Consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a physician or medical provider, and complying with NAC 284.653 and any failure to complete mandatory treatment due to offense	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, (while off duty and holding the position of a sworn officer with the Department) and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business.	5					
3	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	5					

4	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					
5	Refusal to submit to a screening test for any drug and/or alcohol test mandated by Federal or State law.	5					
6	The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or on state business	5					
7	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
8	Failure to pass any drug and or alcohol test mandated by Federal or State law.	3	5	5			

9	Driving under the influence in violation of NRS 484.379 or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle, or a privately owned vehicle on State business.	5					
10	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is referred to an employee assistance program who is suspended or demoted pursuant to any intoxicated related offense while driving any State vehicle or privately owned vehicle while on State business.	5					
11	Convicted of the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance at work on while on State business.	5					
12	Unlawful manufacture, distribution, dispensing, possession, selling or use of any controlled substance, narcotic, and/or drug, or being under the influence of alcohol at place of work or on State business, (including on meal or break periods, or while in uniform off-duty). An employee authorized to consume alcohol as part of a duty assignment is not permitted to do so to such a degree that it may impair on-duty performance.	5					
13	Failure to report a conviction or any alcohol or drug related offense, violating any State or Federal law prohibiting the sale of a controlled substance, to the appointing authority within five (5) working days after it occurs.	5					
14	Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his/her duties.	5					
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1 st Offense		2nd Offense		Additional	
F.	Misuse of Departmental or State Property	Min	Max	Min	Max	Min	Max
1	Using State or Federally owned or leased property without proper authorization and/or in accordance with departmental policy.	1	3	2	5	5	

2	Operating State, Federal or personal vehicle while on department business or equipment in an unsafe or negligent manner, or resulting in injury to a person, damage to the equipment, or to the property.	1	5	2	5	5
3	Failure to have State, or Federal vehicles or equipment properly 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. c. Without a valid or proper state defensive driver certification	2	5	5		
		4	5	5		
		1	2	2	3	3 5
5	Waste or loss of State material, property, resources, or equipment.	1	3	2	5	4 5
6	Negligent destruction of, or damage to, State or Federal property or records.	1	5	2	5	4 5
7	Willful destruction of, or damage to, State or Federal property or records.	2	5	3	5	5
8	Operating State or Federal vehicle or equipment without proper authorization or credentials.	2	5	5		
9	Failure to report accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4 5
10	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5
11	Theft of property belonging to Federal or State government or fellow employees.	1	5	5		
12	Removing property, equipment or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5
13	Negligently leaving state equipment or machinery, which results in damage to the equipment or other property.	1	5	3	5	5
14	Rendering of services or goods to recipients that is not in accordance with departmental or divisional policies.	1	5	3	5	5
15	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreements.	1	5	2	5	5

16	Releasing or cashing a paycheck before the State's designated payday.	2	3	3	5	5
17	All State or Federal issued charge cards are to be used for travel purposes according to the guidelines provided in the State Administrative Manual. No personal expenses are permitted to be charged on these cards.	3	5	4	5	5
18	Taking a State or Federal Vehicle home at any time (even for a few minutes) without permission, or using a vehicle for personal use, including transportation of unauthorized parties.	2	3	3	5	5
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal						
		1 st Offense		2nd Offense		Additional
G.	Misuse of Information Technology	Min	Max	Min	Max	Min Max
1	Use that interferes with employee performance or departmental functions to include downloading and using entertainment software such as games or other nonwork-related materials, or on-line gambling.	1	5	2	5	3 5
2	Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public such as harassment or hate speech to include language that discriminates against others on the basis of race, religion, gender, disability, national origin, sexual orientation, genetic information or gender identity and expression, or any other state or federal anti-discrimination laws.	1	5	2	5	5
3	Obtaining unauthorized access to another's e-mail or data files or to confidential records maintained by the Department.	2	4	3	4	5
4	Accessing, displaying and/or printing material or images that are sexually explicit and serve to create a hostile environment in the workplace.	1	4	2	5	5
5	Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws.	1	5	3	5	5
6	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5

7	Personal use that could slow down, delay or disrupt computer services such as chain 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
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5
9	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1	5	2	5	4 5
10	Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or devices that can cause damage or limit access to the equipment, software or data.	5				
11	Using state information technology resources, including but not limited to, computing and communications equipment, services or facilities for soliciting business, selling products or otherwise engaging in commercial activities.	2	5	3	5	5
12	Completion of any business transaction for self, friends, family members or co-workers which may be inconsistent, incompatible, or a conflict of interest.	3	5	5		
13	Revealing or sharing office access control or alarm combinations or keys with unauthorized persons.	2	5	3	5	5
14	Accessing or communicating data not pertaining to official job duties without authorization.	1	4	2	5	5
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal						
		1 st Offense		2 nd Offense		Additional
H.	Other Acts of Misconduct or Incompatibility	Min	Max	Min	Max	Min Max
1	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5

2	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
3	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5
4	Accepting or soliciting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm or organization doing business with B&I or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3 5
5	Misrepresentation of official capacity or authority.	2	5	4	5	5
6	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation, or Division policy.	5				
7	Failure to disclose, report an arrest or a criminal conviction when disclosure is required by law, regulation, or agency policy.	2	5	3	5	5
8	Failure to report an arrest or conviction or any misdemeanor, gross misdemeanor, or felony within three (3) working days.	3	5	5		
9	Conviction (*violation) of any criminal act related to their work activity or (*violation) conviction of any criminal act involving moral turpitude when it is related to the employee's work. (*Sworn Officer)	3	5	5		
10	Divulging confidential employer information obtained in the performance of official duties to any person outside the Department except as specified by law or policy; making public any investigation or proposed action or business of the Department to any unauthorized person.	2	5	5		
11	Failure to maintain personal appearance appropriate to the job.	1	2	2	3	3 5
12	Allowing unauthorized personnel to enter work areas without approval of appointing authority.	1	2	2	3	5
13	Sleeping on duty or failure to remain fully awake while on duty.	1	5	3	5	5
14	Improperly identifying self, displaying badge or identification, or making improper use of status as a department employee that could reasonably be perceived as an attempt to gain influence	3	5	2	5	5

	or authority for non-Department business or activity.				
15	Any conduct whether on or off duty which negatively reflects upon the image of the State or the Department.	1	5	2	5
16	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	3	5
17	Bringing into State and/or B&I buildings (owned, leased or occupied) any firearm or implement considered to be a weapon, unless permitted by law to do so.	3	5	4	5
18	Soliciting or accepting a bribe.	5			
19	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			
20	Unauthorized or improper disclosure of confidential information.	2	5	3	5

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		1 st Offense		2nd Offense		Additional	
I.	Improper Political Activity	Min	Max	Min	Max	Min	Max
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone who is in the same Department and who is a subordinate of the solicitor.	1	5	4	5	5	
2	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	
1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal							
		1 st Offense		2nd Offense		Additional	
J.	Discrimination and Harassment	Min	Max	Min	Max	Min	Max
1	Engaging in sexual harassment as defined in Federal and State law, the Governor's policy, or B & I 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 harassment or discrimination as defined and required in Federal and State law, the Governor's policy, or B & I 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	Retaliation: Taking adverse action against an employee for: 1) complaining about harassment and/or discrimination; 2) for supporting another employee's complaint about harassment and/or discrimination; 3) for disclosing improper governmental action; 4) for filing a grievance or appeal; or exercising any employment right protected under State or Federal law.	2	5	3	5	5

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		1 st Offense		2nd Offense		Additional	
K.	Safety and Health	Min	Max	Min	Max	Min	Max
1	Willful removal or interference with a safety device or safeguard.	2	3	2	4	3	5
2	Participating in dangerous horseplay; inattention that may threaten the health, safety, or life of an individual, or negligence that may create additional health or safety concerns.	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, health guidance regulations, rules, or directives.	3	5	4	5	5	
5	Knowingly failing to appropriately and timely report any on-the-job or work-related accident or injury, including accident involving State equipment or vehicles assigned to the employee.	1	3	2	5	5	

ACKNOWLEDGMENT FORM

DEPARTMENT OF BUSINESS AND INDUSTRY 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 Department of Business and Industry (B&I) employees.

The Department of Business and Industry'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 State of Nevada Department of Business and Industry (B&I) 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 Human Resources Commission, will be communicated to employees in the same manner as other Department of Business and Industry policies and procedures.

The State Human Resources 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 Department of Business and Industry's Prohibitions and Penalties.

Print Employee Name

Employee Signature

Employee ID

Date

Human Resources Management Representative or
Immediate Supervisor

Date