

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION



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

Approved by the Personnel Commission on December 4, 2020

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 (AHRIS) 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 Personnel Commission and thus has the same force and effect as other statutes and regulations covering classified employees. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree indicated depending on the circumstances.

COACHING

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

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

THE PROGRESSIVE DISCIPLINE PROCESS

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

1. **Oral Warning.** When instruction and training have not resulted in the change in behavior or performance that is desired, an “oral warning” is 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 Personnel Commission.

Department of Administration (DOA) 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 and 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 and upon revision 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 standards or personal appearance standard 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.	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 steps where such action is needed	1	2	2	3	4	5
7	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
8	Destruction, removal, mutilation damage to and/or alteration of State or Federal property, departmental records, public record, book, paper report or document, including but not limited to incident reports, financial records such as travel, payroll, purchase vouchers, and supporting documents, time and attendance records to include leave requests, over time, compensatory time, or other leave records. a. Negligently b. Unauthorized and willfully.	1 2	5 5	2 5	5	4	5
9	Jeopardizing the security of departmental property.	1	3	2	5	3	5
10	Soliciting or accepting a bribe.	5					

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		Min	Max	Min	Max	Min	Max
11	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					
12	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not resulting in personal gain; b. Resulting in personal gain.	1 3	3 5	4 5	5	5	
13	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	
14	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	
15	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5			
16	Willful concealment of material facts by omission from records.	2	3	4	5	5	
17	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
18	Making unauthorized department transactions for personal profit.	5					
19	Disregard and/or deliberate failure to comply with or enforce statewide, Department, Division or office regulations and policies.	2	5	3	5	4	5
20	Unauthorized removal of secure or personal records, correspondence or documents from departmental files.	2	5	3	5	4	5
21	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
22	Theft of property belonging to Federal or State government or fellow employees.	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, inattention to duty that results in reduced productivity.	1	5	2	5	3	5
3	Failure to report to work at specified times and in the prescribed manner.	1	3	2	5	3	5
4	Conducting personal business during working hours.	1	3	2	4	3	5
5	Frequent or continual tardiness.	1	3	2	5	3	5

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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	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 scheduled day of work.	1	3	2	5	3	5
D. Relations with Supervisor, Fellow Employees, and the Public							
1	Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command).	2	5	3	5	5	
2	Any act of violence in the course of duties, including stalking, threats, intimidation, assault, or battery.	2	5	3	5	5	
3	Discourteous treatment of the public, supervisor, or a fellow employee. Using insulting, abusive, or profane language to a supervisor, the public or fellow employee.	1	5	2	5	3	5
4	Deliberately making false statements to or about supervisor.	2	3	3	4	4	5
5	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
6	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
7	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
E. Use of Alcohol, Controlled Substance or Drugs							
1	Consuming or being under the influence of alcohol, drugs, or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a physician.	3	5	5			
2	Convicted of driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle or a privately-owned vehicle while on State business.	5					

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3	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	5					
4	Failure to report a conviction of any alcohol or drug related offense as described in item 3 above to the appointing authority within five (5) working days after it occurs.	5					
5	Refusal to take any drug and/or alcohol test when there is 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 mandated by Federal or State law.	2	5	3	5	5	
7	Unlawful possession of a controlled substance at work or while on department business.	5					
8	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
9	Failure to pass any drug and or alcohol test mandated by Federal or State law.	3	5	5			
F. Misuse of Department or State Property							
1	Using State, department-owned or leased property without proper authorization in accordance with Department or Division policy.	1	3	2	5	5	
2	Operating State vehicle or equipment in an unsafe or negligent manner resulting in injury to a person or damage to the equipment or to the property.	1	5	2	5	5	
3	Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or injury to a person.	1	5	2	5	5	
4	Operating State vehicles or equipment without a valid or proper license: a. Without 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	Removing property, equipment or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5	
6	Speeding or committing other traffic violations while driving a State or Federal vehicle, or reckless handling of other State equipment, including any action contributing to a preventable traffic collision, or other unsafe or improper driving actions.	1	5	2	5	3	5
7	Using or authorizing the use of state owned or leased property for other than official use, including state-issued credit cards, without permission of the Appointing Authority.	1	4	1	5	5	

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G.	Misuse of Information Technology						
1	Use that interferes with employee performance or department functions to include the downloading and using entertainment software such as games or other non- work-related materials, or on-line gambling.	1	5	2	5	3	5
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	5	2	5	5	
5	Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws.	1	5	3	5	5	
6	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5	
7	Personal use that could slow down, delay, or disrupt computer services such as chain letter, greeting cards, and streaming of radio or TV broadcasts or other audio or video material. Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	1	2	3	4	5	
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	
9	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1	5	2	5	4	5
10	Willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or devices that can cause damage or limit access to the equipment, software, or data.	5					
11	Using state information technology resources, including but not limited to computing and communications equipment, services, or facilities for soliciting business, selling products, or otherwise engaging in commercial activities.	2	5	3	5	5	

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H.	Other Acts of Misconduct or Incompatibility						
1	Engage 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	Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
3	Unauthorized or improper disclosure of confidential information.	1	5	2	5	3	5
4	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	
5	Accepting gifts, service, favor, employment, engagement, or economic opportunity from any individual, firm, or organization doing business with DOA or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
6	Misrepresentation of official capacity or authority.	2	5	4	5	5	
7	Bringing into State 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	5	
8	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation, or Division policy.	5					
I.	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 same department and who is a subordinate of the solicitor.	1	5	4	5	5	
2	Engage 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	Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	5	2	5	5	
J.	Discrimination and Harassment						
1	Engaging in sexual harassment as defined in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or DOA policy, against employee, an applicant for employment, or any other another person in the workplace.	2	5	4	5	5	

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2	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 VI and VII of the Civil Rights Act, or any other State or Federal anti-discrimination laws.	2	5	4	5	5	
3	Creating or endorsing a hostile work environment.	2	5	3	5	5	
K. Safety and Health							
1	Willful removal or interference with a health or safety device or safeguard.	2	3	2	4	3	5
2	Participating in dangerous horseplay; inattention that may threatens the health, safety or life of any person, or negligence that may create additional health or safety concerns.	2	5	3	5	5	
3	Participating in workplace violence, threat of workplace violence, harassment, or intimidation.	2	5	3	5	5	
4	Willful or negligent disregard of health and safety rules and/or guidelines.	1	5	3	5	5	
5	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 ADMINISTRATION 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 Department of Administration (DOA) employees.

The DOA 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 DOA 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 DOA 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 Department of Administration Prohibitions and Penalties.

Print Employee Name

Employee Signature

Employee ID

Date

Human Resources Management Representative or
Immediate Supervisor

Date