

**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**

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**PROHIBITIONS AND PENALTIES**

**A GUIDE FOR EMPLOYEES OF  
THE DEPARTMENT OF EDUCATION**

Approved by the Personnel Commission on September 24, 2021

## 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.

## **THE PROGRESSIVE DISCIPLINE PROCESS**

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
<b>A.</b>	<b>Fraud in Securing an Appointment</b>						
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>B.</b>	<b>Performance on the Job</b>						
1	Failure of employee to maintain proper work performance or personal appearance standards after a reasonable period of instruction.	1	3	2	3	4	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.	2	4	4	5	5	
4	Failure of an employee who is designated as a supervisor 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	4	4	5
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			
6	Soliciting or accepting a bribe and/or otherwise personally profiting from activities related to state employment.	5					
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					
8	<b>Negligent</b> 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.	4 1	5 3	5 3	5 5	5	5

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9	<b>Willful</b> 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	4	5	5	
10	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	
11	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			
12	Willful concealment of material facts by omission from records.	2	3	4	5	5	
13	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
14	Making unauthorized departmental transactions for personal profit.	5					
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
16	Unauthorized removal of secure or personal records, correspondence or documents from Department files.	2	5	3	5	4	5
17	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	4	5	5	
18	Theft of property belonging to Federal or State government or fellow employees.	1	5	5			
19	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 activities not related to their job duties.	1	3	3	5	5	
20	<u>Willfully</u> 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	<u>Negligently</u> 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
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			

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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	
<b>C.</b>	<b>Neglect of, or Inexcusable Absence from the Job</b>						
1	Negligence in performing official duties including failure to follow instructions or regulations after a reasonable period of instruction.	1	2	2	5	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	4	5
3	Failure to report to work at specified times and in the prescribed manner.	1	2	2	5	4	5
4	Conducting personal business, volunteer duties, or work not related to NDE during working hours.	1	2	2	3	3	5
5	Frequent or continual tardiness.	1	2	2	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	2	2	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	2	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	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	2	2	5	3	5
<b>D.</b>	<b>Relations with Clients/Vendors, Licensees, or Grantees</b>						
1	Willfully abridging or denying the rights of clients, licensees, or grantees as specified in NRS or agency policy or practice.	3	5	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.	3	5	4	5	5	

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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	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	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
<b>E.</b>	<b>Relations with Supervisor, Fellow Employees, and the Public</b>						
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	Using insulting, abusive, intimidating, or profane language to a supervisor, subordinate, the public, or fellow employee.	1	5	2	5	3	5
4	Discourteous treatment or bullying of the public, supervisor, or a fellow employee.	1	5	2	3	5	
5	Deliberately making false statements to or about supervisor or fellow employee or knowingly providing misleading statements to a supervisor at any time.	2	5	3	5	4	5
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	5	3	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	2	3	3	4	5	



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		Min	Max	Min	Max	Min	Max
	involves disobeying or refusing to abide to a statute or regulation.						
12	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
<b>F. Use of Alcohol, Controlled Substance or Drugs</b>							
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 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					
<b>G. Misuse of State Property</b>							
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.	2	5	3	5	5	
3	Failure to have State vehicles maintained and or serviced pursuant to Fleet Service's 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	Failure to report accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5

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		Min	Max	Min	Max	Min	Max
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	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	
12	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
13	Negligent destruction of, or damage to, State or Federal property.	1	5	2	5	4	5
14	Willful destruction of, or damage to, State or Federal property.	2	5	3	5	5	
15	Jeopardizing the security of Department property and/or records.	2	3	3	5	5	
16	Using or authorizing the use of State-owned or leased property for other than official use including State-issued credit cards.	2	5	3	5	5	
<b>H.</b>	<b>Misuse of Information Technology</b>						
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	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, 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, data files, or to confidential records maintained by the Department.	2	5	3	5	5	
4	Accessing, displaying, and/or printing material or images that are sexually explicit.	1	5	3	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	2	5	5	
6	Willfully accessing a website that results in a fee being charged to the State without prior authorization.	1	2	2	4	5	
7	Personal use that could slow down, delay, or disrupt computer services such as chain letters, greeting cards, and	1	2	2	4	3	5

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		Min	Max	Min	Max	Min	Max
	streaming of radio or TV broadcasts or other audio or video material.						
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	
9	<b>Negligent</b> use 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	2	2	4	4	5
10	<b>Willful</b> 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.	1	2	2	3	3	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	
16	Revealing or sharing office access control or alarm combinations or keys with unauthorized persons.	1	5	2	5	4	5
<b>I.</b>	<b>Other Acts of Misconduct or Incompatibility</b>						
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	4	5	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	3	5	4	5	5	

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	weapon, unless permitted by law to do so and with prior notification to the appointing authority.						
6	Unauthorized or improper disclosure of confidential information.	1	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			
<b>J.</b>	<b>Improper Political Activity</b>						
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	5	2	5	3	5
3	Engaging in political activity for the purpose of securing preference for promotion, transfer, or salary advancement.	1	5	2	5	5	
<b>K.</b>	<b>Discrimination and Harassment</b>						
1	Engaging in 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	
2	Creating or endorsing a hostile work environment.	2	5	4	5	5	
3	Failure of a supervisor to report instances of sex or gender-based 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.	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 Policy, or NDE policy.	2	5	4	5	5	
5	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.	2	5	3	5	5	

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		Min	Max	Min	Max	Min	Max
6	Making a discriminatory remark.	2	5	3	5	5	
<b>L.</b>	<b>Safety and Health</b>						
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	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