

FINAL

Personnel Commission
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Department of Cultural Affairs

Prohibitions and Penalties

The following guide was developed to help Department of Cultural Affairs' employees identify those activities which will be considered inconsistent, incompatible or in conflict with their duties as employees, and will be cause for disciplinary action. It will assist both the employee and the supervisor to better understand the correct disciplinary process. In compliance with the Nevada Administration Code 284.742, these prohibitions and penalties are meant as a supplement and do not attempt to cover all possible violations of the existing rules nor do they preclude other prohibitions and penalties as contained in the Nevada Administrative Code. It is to be used to assist the supervisor in taking appropriate corrective disciplinary action. The extent of progressive discipline will be at the discretion of the Appointing Authority and should be in proportion to the seriousness of the offense.

CODE DESCRIPTION

1. **Warning** - may be oral or written.
2. **Reprimand** –oral and written, requires a Written Reprimand (NPD-52).
3. **Suspension** – may be for a period of one working day to 30 calendar days. Suspension may be paid leave pending investigation or unpaid as a result of disciplinary action taken. Requires Specificity of Charges (NPD-41).
4. **Demotion** – reduction in the class level the employee currently occupies. Requires an NPD-41.
5. **Dismissal** – Requires an NPD 41.

If a supervisor recommends disciplinary action of a permanent classified employee to codes 3, 4 or 5 above, the pre-disciplinary hearing guidelines must be followed.

	1 st Offense	2 nd Offense	3 rd Offense
A. FRAUD IN SECURING APPOINTMENT			
1. Willful falsification of application for employment or other personal record with respect to a material point which would have adversely affected selection for appointment.	5		
2. Permitting another person to take a portion of a State Civil Service test for him/her, except when approved due to a disability such as blindness.	5		
B. JOB PERFORMANCE			
1. Failure of a supervisor, with supervisory authority, to take corrective disciplinary action when such action is needed.	1,2	2,3	4,5
2. Supervisory misconduct - failure to adhere to policies, regulations, laws and acceptable standards of professional conduct including prejudice, anger or other unjustifiable reasons.	1,2,3,4	2,3,4,5	4,5
3. Failure to maintain a "meets standards" on overall performance after a reasonable period of instruction.	1,2,3	2,3	4,5
4. Failure to maintain or properly dispose of prescribed records per the Records Retention Schedule.	1,2,3	2,3,4,5	5
5. Willfully or negligently withholding or concealing information regarding their job from official records, supervisors or other persons having need for said information.	1,2,3,4,5	3,4,5	5
6. Endangering self, co-workers, clients or the public, through careless or willful violation of agency policy as contained in performance standards, guidelines, policies, procedures, regulations, or State or federal laws.	2,3,4,5	3,4,5	5
7. Failure to cooperate with other employees or supervisors.	1,2,3	2,3,4,5	5
8. Negligent waste or loss of material, property or equipment.	1,2,3	2,3,4,5	5
9. Unauthorized, willful or negligent destruction or damage to State records or property.	1,2,3,4,5	2,3,4,5	5
10. Willful or negligent falsification of any public record, including timesheets, travel vouchers, or information in client or agency files.			
a. not for personal financial gain	2,3,4,5	5	
b. for personal gain	3,4,5	5	

	1 st Offense	2 nd Offense	3 rd Offense
11. Willful falsification of any public record that involves misuse of State or federal funds.	2,3,4,5	5	
12. Failure to properly account for State or federal funds where it is a known requirement of the position.	2,3,4,5	3,4,5	5
13. Divulging official information obtained in the performance of official duties about a job order, the employer, clients or the public, except as specified by law or policy.	2,3,4,5	5	
14. Soliciting or accepting a bribe for activities related to the employee's State employment.	5		
15. Embezzlement or misappropriation of State funds or of other funds for personal gain which come into the employee's possession by reason of his official position.	5		
16. Taking or using property belonging to other employees, the State or the federal government, without authorization.			
a. 0 - \$25.00	2,3	3,4,5	5
b. over \$25.00	3,4,5	5	
17. Personally profiting from State transactions.	2,3,4,5	5	
18. Willful disregard or deliberate failure to enforce or comply with federal/state/department/division laws/statutes/regulations/policies which directly relate to the employee's work activities.	2,3,4,5	3,4,5	
19. Driving a state vehicle without a valid license.	3,4,5	5	
20. Suspension, revocation or cancellation of a driver's license when possession of a valid driver's license is required as an essential function of the job.	5		
21. Failure to maintain a current occupational license or certification when possession of the license or certification is a requirement of the job.	5		
22. Releasing a paycheck before the appropriate time.	2	3	5
C. NEGLIGENCE, OR INEXCUSABLE ABSENCE FROM THE JOB			
1. "Loafing" on the job; wasting time; failure to put in a full day's work.	1,2,3	2,3,4,5	3,4,5
2. Negligence in performing official duties including failure to follow instructions or regulations.	1,2,3	2,3,4,5	3,4,5
3. Carelessness, indifference, laziness or inattention to duty.	1,2,3,4	2,3,4,5	4,5
4. Leaving a work area or job when specifically instructed not to.	1,2,3,4	2,3,4,5	3,4,5
5. Willful absence from duty without leave after having been denied permission to take leave.	3,4,5	5	

	1 st Offense	2 nd Offense	3 rd Offense
6. Absence from work and failure to notify supervisor and obtain permission, per Department/Division Policies/Procedures, without adequate justification.	1,2,3	2,3,4,5	3,4,5
7. Failure to notify supervisor per the Department/ Division Policies and Procedures, when unable to arrive at work on time, without adequate justification.	1,2,3	2,3,4,5	3,4,5
8. Continual or frequent tardiness.	1,2,3	2,3,4	5
9. Violations of one or more of the provisions authorizing use of leave described in NAC 284.554.	2,3,4	5	
10. Failure to call in or report to work for three or more consecutive work days without permission and without justification.	5		
D. RELATING TO CLIENTS			
1. Willfully or negligently abridging or denying the rights of a client as specified in agency policy, NAC or NRS.	2,3,4,5	3,4,5	5
2. Borrowing items from clients; selling to, or trading items with/for clients; entering into a transaction with clients involving the transfer of client's money or property for personal use or gain at the expense of the client.	2,3,4,5	3,4,5	5
3. Using insulting or abusive language when dealing with clients, neglecting clients, threatening or causing bodily harm to clients.	3,4,5	5	
4. Having personal or business relationships with program participants for the purpose of, or which results in, any departmental program advantages, considerations or benefits to either the employee or program participants which exceed normal entitlements.	2,3,4,5	3,4,5	5
5. Soliciting clients or agency contacts for the establishment or maintenance of a private, professional practice similar to their work activities.	2,3,4,5	3,4,5	5
E. RELATIONS WITH SUPERVISORS, CO-WORKERS OR THE PUBLIC			
1. Insubordination: Refusal to comply with a supervisor's reasonable order or instruction that is within the employee's capabilities and without undue risk.	2,3,4,5	3,4,5	5
2. Engaging in sexual harassment as defined in NAC 284.771, against an employee, an applicant for employment, or any other person in the workplace.	2,3,4,5	3,4,5	5

	1 st Offense	2 nd Offense	3 rd Offense
3. Threatening, stalking, intimidating, attempting or doing bodily harm to a supervisor, co-worker, or the public; using insulting, intimidating or abusive language or conduct to supervisor, co-worker or the public.	1,2,3,4,5	2,3,4,5	5
4. Discourteous or insulting treatment of a supervisor, co-worker or the public.	3,4,5	5	
5. A willful or reckless act to a supervisor, co-worker, or the public; abuse or omission to act which causes physical or mental injury including, but not limited to sexual exploitation, hitting or use of excessive force towards a supervisor, co-worker, or the public	3, 4,5	4,5	5
F. USE OF ALCOHOL, NARCOTICS OR OTHER CONTROLLED SUBSTANCES			
1. Consuming alcoholic beverages while on duty, except when attending Department sanctioned receptions.	3,4,5	4,5	5
2. Being under the influence of alcohol, narcotics, or other controlled substances during work hours, unless prescribed by a physician.	3,4,5	4,5	5
3. Inability to perform duties of the position as a result of being under the influence of alcohol, narcotics, or other controlled substances unless prescribed by a physician.	3,4,5	4,5	5
4. Bringing alcohol, narcotics, or controlled substances onto agency grounds or into any building occupied by the public or clients (except employee's locked vehicle parked in a parking lot) during working hours, <i>unless authorized</i> .	3,4,5	4,5	5
5. Refusal to take or failure to pass any drug or alcohol test when mandated by federal law or when the appointing authority has a reasonable belief, based on objective facts, that the employee is under the influence of alcohol, narcotics, or a controlled substance while on duty, as provided per NRS 284.406-407.	3,4,5	4,5	5
6. Selling or otherwise providing alcohol, narcotics, or any controlled substances to anyone during working hours, unless specifically authorized to do so by administrative personnel.	3,4,5	4,5	5
7. Convicted of violating any State or federal law prohibiting the sale of a controlled substance.	5		

	1 st Offense	2 nd Offense	3 rd Offense
8. Convicted of 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-owned vehicle, at any time, or a privately owned vehicle on State business.	3,4,5	4,5	5
9. Convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at work or while on state business.	3,4,5	5	
10. Failure to complete any rehabilitation program recommended in the evaluation of an employee who is suspended or demoted pursuant to #5-9 above, by the employee assistance program.	5		
11. Failure to report a conviction of any offense described in #5-9 above, to the appointing authority within 5 working days after it occurs.	5		
G. USE/ABUSE OF STATE PROPERTY			
1. Using or authorizing the use of State-owned or leased equipment for other than official business.	1,2,3,4,5	3,4,5	5
2. Failure to report an accident involving State-owned equipment assigned to an employee.	2,3,4,5	3,4,5,	5
3. Removing property, equipment or documents from the work place unless approved by the appropriate administrator.	1,2,3,4,5	3,4,5	5
4. Operating State-owned vehicles or equipment without a valid and/or proper license/credentials and/or proper authorization.	2,3,4,5	3,4,5	5
5. Operating a State-owned vehicle in a negligent manner resulting in damage to State equipment or other property.	1,2,3,4,5	2,3,4,5	5
6. Failure to properly service State equipment used in an employee's job, resulting in damage to the equipment, persons or other property.	1,2,3	2,3,4,5	5
7. Negligently leaving State equipment or machinery which results in damage to the equipment or other property.	1,2,3,4,5	3,4,5	5
8. Making unauthorized copies of books, manuals, or software in violation of copyright laws or vendor licensing agreements.	1,2,3,4,5	3,4,5	5

	1 st Offense	2 nd Offense	3 rd Offense
H. USE/ABUSE OF INFORMATION TECHNOLOGY (IT)			
1. Accessing or sharing, without authorization, confidential data not pertaining to one's official job duties.	1,2,3,4	2,3,4,5	5
2. Revealing passwords or using another person's user identification or password to access confidential information for unauthorized purposes.	2,3,4	3,4	5
3. Installing or using personal or unauthorized software on State IT resources without proper authorization and approval.	2,3,4	3,4	5
4. Using State IT resources including, but not limited to, computers, communication equipment, services, or facilities for soliciting business, selling products or otherwise engaging in commercial activities.	2,3,4,5	3,4,5	5
5. Using State IT resources to download information not pertaining to official job duties, including, but not limited to games, pornography or unauthorized software without authorization. Employees may access the Internet for personal use on personal time.	1,2,3,4,5	2,3,4,5	5
6. 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, operating systems, software or data.	1,2,3	3,4,5	5
7. Deliberate and willful sabotage of IT resources, including but not limited to the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to equipment, operating systems, software or data.	5		
I. OTHER ACTS OF MISCONDUCT OR INCOMPATIBILITY			
1. Unauthorized possession of a firearm, knife or other implement generally construed to be a weapon on State grounds or in State buildings, owned or leased.	2,3,4,5	3,4,5	5
2. Improper disclosure of confidential information or theft of confidential written matter.	2,3,4,5	3,4,5	5
3. Conviction of any criminal act related to their work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work activity.	3,4,5	5	

	1 st Offense	2 nd Offense	3 rd Offense
4. Accepting personal gifts from any individual, firm or organization connected with department business when the employee is responsible for decisions (or making recommendations for decisions) affecting the activities of the individual, firm or organization. Exceptions would be advertising samples, normal lunches, or sponsored training, convention, or community activities.	2,3,4,5	3,4,5	5
5. Requesting, receiving or cashing a paycheck before the State's designated payday.	2	3	5
6. Rendering of services or goods to recipients which are not in accordance with department or division policies.	2,3,4,5	3,4,5	5
7. Causing discord among employees to the detriment of morale.	1,2,3	2,3	5
8. Acting in an official capacity, without authorization, or not following the proper chain of command by contacting other State administrators, officers or elected officials, without first expressing concerns and intended purpose to supervisors, excluding contacts made by employees under the provision of NRS 281.611 thru 281.671.	1,2	2,3,4	5
J. IMPROPER POLITICAL ACTIVITY			
1. Directly or indirectly soliciting or receiving or being 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.	2,3,4,5	3,4,5	5
2. Engage in political activity during the hours of State employment for the purpose of improving the chance of a political party of the individual seeking office.	1,2,3,4,5	2,3,4,5	5
3. Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1,2,3,4	2,3,4	5
4. As an employee of an agency administering federally aided programs, engage in political activities at any time which are forbidden by federal law.	5		