

**STATE OF NEVADA**  
**GOVERNOR'S FINANCE OFFICE**

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**PROHIBITIONS AND PENALTIES**  
**A GUIDE FOR EMPLOYEES OF**  
**THE GOVERNOR'S FINANCE OFFICE**

Approved by the Personnel Commission on March 19, 2021

## FORWARD

This Prohibitions and Penalties document is intended as a guide to clarify existing statutes and regulations. It is meant as a supplement and does not attempt to cover all possible infractions and violations of the existing rules; however, it does cover the majority of situations that are important to the State of Nevada Governor's Finance Office (GFO) management. All employees of the GFO will be issued a copy of the "Prohibitions and Penalties" guide.

After receipt of this guide, please sign the "Acknowledgement Form," which is the last page of this guide and return it to the GFO's Agency HR Services or your Immediate Supervisor.

## AUTHORITY

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC). The "Prohibitions and Offenses" section of NAC 284 provide that each appointing authority will determine and describe standards of conduct that are prohibited as inconsistent, incompatible or in conflict with their duties as an employee. These standards are in addition to prohibitions and penalties that are listed in statute and regulation that apply to all State employees. All employees of this agency will be issued a copy of the "Employee's Guide to Prohibitions and Penalties."

This guide has been approved by the Personnel Commission and thus has the same force and effect as other 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 seriousness of a first offense, a suspension leave without pay may not exceed 30 calendar days. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the suspension is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section. Additionally, an appointing authority may refuse to consider the appointment (promotion, transfer, etc.) of an otherwise eligible employee who has been subject to a suspension as a result of an upheld or uncontested disciplinary action.
4. Demotion. Typically, after other forms of discipline have not produced the appropriate change in behavior or when the employee's behavior is particularly egregious, a demotion to a lower class may be used as a form of discipline. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the demotion is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section. Additionally, an appointing authority may refuse to consider the appointment (promotion, transfer, etc.) of an otherwise eligible employee who has been subject to a demotion as a result of an upheld or uncontested disciplinary action.
5. Dismissal. Typically, after other forms of discipline have not produced the appropriate change in behavior or when the employee's behavior is particularly egregious, dismissal from the State may be warranted. A copy of the Specificity of Charges (form NPD-41) which documents the reasons for the dismissal is maintained in the employee's permanent personnel file held by the Division of Human Resource Management's Central Records section.

**NOTE: The Division Administrator of the employee's assigned Division will review pending disciplinary steps and grievances and consult with Agency 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.

## Governor's Finance Office (GFO) 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 & training or employment history & experience which would have adversely affected selection for an appointment.	5					
2	Taking, for another person, or permitting another person to take for you, an examination or a portion thereof.	5					
3	Refusal upon hire to sign the Acknowledgement of Receipt of Prohibitions and Penalties and/or Department and/or Division policies and procedures.	5					
4	Refusal, upon hire, to sign the Acknowledgement of the State Executive Branch Sexual Harassment and Discrimination Policy and/or the Governor's Alcohol and Drug Free Workplace Policy.	5					
<b>B.</b>	<b>Performance on the Job</b>						
1	Failure of the 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 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	Unauthorized and/or willful destruction, removal, concealing, stealing, tampering, 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, overtime, compensatory time, or other leave records.	2	5	3	5	4	5
8	Soliciting or accepting a bribe.	5					
9	Embezzlement or misappropriation of State funds or other funds that come into the employee's possession because of their official position for personal gain.	5					
10	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not resulting in personal financial gain; b. Resulting in personal financial gain.	1 3	3 5	4 5	5	5	
11	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	

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		Min	Max	Min	Max	Min	Max
12	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	
13	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5			
14	Willful concealment of material facts by omission from records.	2	3	4	5	5	
15	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
16	Making unauthorized departmental transactions for personal profit.	5					
17	Disregard and/or deliberate failure to comply with or enforce statewide, Department, Division or office regulations and policies.	2	5	3	5	4	5
18	Unauthorized removal of secure or personal records, correspondence or documents from department files.	2	5	3	5	4	5
19	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	5	
20	Theft of property belonging to Federal or State government or fellow employees.	5					
21	Failure to ensure subordinate employees perform the required duties.	1	3	2	3	3	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	4	2	5	4	5
23	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.	2	5	3	5	5	
24	Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job.	2	5	3	5	5	
25	Failure to notify the appointing authority within 5 days of the suspension, revocation or cancellation of a professional or occupational license or certification when such possession is a job requirement.	1	5	2	5	3	5
26	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.	1	3	2	3	3	5
27	Negligent failure to disclose information related to job duties from official records or from supervisors or other persons having the necessity for the information.	1	3	3	5	5	
28	Willful falsification of any public record that involves the misuse of state or federal funds.	2	5	3	5	5	

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29	Negligent falsification of any public record, including biweekly timesheets, leave requests, overtime, compensatory time, travel vouchers, and/or information in client or agency files.	2	4	3	5	5	
30	Failure to follow agency positions when representing the Department of failure to identify that an employee's opinion is being expressed and does not represent the position of the agency or the Governor when participating in an advocacy situation related to their job.	1	3	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.	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
6	Failure to notify the 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 the work area or at the job.	1	4	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	4	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
12	Repeated extension of designated lunch periods, or rest periods beyond the prescribed 15 minutes in NAC 284.524 without supervisor approval.	1	3	2	3	3	5
13	Use of sick leave for a reason not authorized by NAC 284.554.	1	4	2	5	5	
14	Absence from duty without permission or without adequate justification.	1	4	2	5	5	
<b>D.</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 the employee's chain of command.)	2	5	3	5	5	
2	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
3	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

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4	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	5	4	5	5	
5	Failure to work with fellow employees as a team to best reach the goals of the agency and create an environment that promotes group work cohesiveness.	1	2	2	3	5	
6	Threatening, stalking, intimidating, attempting, or doing bodily harm to a supervisor, public, or fellow employee; or using insulting, intimidating or abusive language or conduct to supervisor, public or fellow employee.	2	5	3	5	5	
7	Improper disclosure of protected health information as identified by the Privacy Act of the Health Insurance Portability and Accountability Act (HIPAA).	1	2	3	5	5	
8	Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	2	3	3	4	4	5
9	Creating an atmosphere not conducive to a professional workplace, including creating discord among employees.	1	4	2	5	5	
<b>E. 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	4	5	5	
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 NAC 284.653 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 a 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			
10	Driving under the influence in violation of NRS 484C.110 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	3	5	4	5	5	
11	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is a mandated referral to an employee assistance program.	5					

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12	Convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at work or while on state business.	3	5	5			
13	Manufacturing, distribution, selling, giving, or otherwise providing clients or staff with alcohol, drugs or any controlled substances during working hours unless specifically authorized to do so.	3	5	5			
<b>F. Misuse of Department or State Property</b>							
1	Using State, department-owned or leased property without proper authorization following 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 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 the knowledge that the license is no longer valid. b. With the knowledge that the license is no longer valid.	2	5	5			
5	Removing property, equipment or documents from the workplace unless approved by the appropriate authority.	1	5	2	5	5	
6	Operating State vehicles or equipment without proper authorization or credentials.	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	Releasing a paycheck before the appropriate time.	2	3	3	4	5	
9	Requesting, receiving and cashing a paycheck before the state's designated payday.	2	3	3	5	5	
10	Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy.	5					
11	Failure to disclose an arrest or a criminal conviction when disclosure is required by law, regulation, or agency policy.	3	5	4	5	5	
12	Negligent damage to, destruction, waste or loss of State material, property or equipment.	1	5	2	5	4	5
13	Jeopardizing the security of departmental/GFO property.	1	3	2	5	3	5
14	Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5
<b>G. Misuse of Information Technology</b>							
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



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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 based on 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 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 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	
12	Excessive internet usage for personal or non-work-related purposes.	1	3	2	4	3	5
13	Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position.	5					
14	Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	2	5	3	5	5	
15	Accessing or communicating data, not about official job duties without authorization.	1	4	2	5	3	5

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16	Malicious and willful alteration, deletion or other destruction of documents, data, information or other materials stored on any Department information technology system.	5					
<b>H. Other Acts of Misconduct or Incompatibility</b>							
1	Engage in an outside employment activity or enterprise which the appointing authority considers being inconsistent, incompatible or a conflict of interest with employment without authorization.	1	3	2	4	5	
2	Unauthorized or improper disclosure of confidential information.	2	5	3	5	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 GFO 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	Bringing into State and/or GFO owned, leased or occupied buildings any firearm, or implement considered to be a weapon, unless permitted by law to do so and appointing authority receives prior notification.	3	5	4	5	5	
7	Refusal to undergo a criminal background check when it is a requirement of the job by law, regulation or Division policy.	5					
8	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.	2	5	3	5	5	
9	Sleeping on duty or failure to remain fully awake while on duty.	1	5	3	5	5	
10	Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State.	3	4	4	5	5	
<b>I. Improper Political Activity</b>							
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, a monetary, or non-monetary contribution for a political purpose from anyone who is in the same department/GFO and who is a subordinate of the solicitor.	1	5	4	5	5	
2	Engage in political activity during the hours of employment to improve the chance of a political party or individual seeking office.	1	3	2	4	3	5
3	Engage in political activity to secure preference for promotion, transfer or salary advancement.	1	5	2	5	5	
<b>J. Discrimination and Harassment</b>							
1	Engaging in sexual harassment as defined in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or GFO policy against an 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	

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3	Discrimination based on race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity and expression or other violations of Title VII of the Civil Rights Act, or any other State or Federal anti-discrimination laws.	3	5	4	5	5	
4	Failure of a supervisor to report instances of sexual harassment or discrimination as defined and required in Federal and State law, the State Executive Branch Sexual Harassment & Discrimination Policy, or the agency's policy.	1	5	3	5	5	
<b>K.</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, the 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**  
**GOVERNOR'S FINANCE OFFICE**  
**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 Governor's Finance Office (GFO) employees.

The Governor's Finance Office'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 Governor's Finance Office 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 Governor's Finance Office 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 Governor's Finance Office Prohibitions and Penalties.

Print Employee Name	Employee Signature	Employee ID	Date

Human Resources Management Representative or Immediate Supervisor	Date