

STATE OF NEVADA
GOVERNOR'S OFFICE



PROHIBITIONS AND PENALTIES

**A GUIDE FOR EMPLOYEES OF
THE GOVERNOR'S 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's Office of the Governor (OG) management. All employees of the OG 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 OG 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 in writing 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 Office 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 or identity for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for appointment.	5					
2	Taking, for another person, or permitting another person to take for you, an examination or a portion thereof.	5					
3	Refusal, upon hire, to sign the Acknowledgement of Receipt of Prohibitions and Penalties and/or agency 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 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 or negligently falsifying prescribed records or reports.	3	5	5			
4	Withholding or concealing information regarding the job from supervisors or other persons having the necessity for such information.	1	5	2	5	5	
5	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	5	5	
6	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary action where such action is needed.	1	2	2	3	4	5
7	Unauthorized and willful destruction or alteration of agency records.	2	5	5			
8	Soliciting or accepting a bribe.	5					
9	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					
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	
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		
15	Making unauthorized agency transactions for personal profit.	3	5	5			
16	Disregard and/or deliberate failure to comply with or enforce statewide, agency, Division or office regulations and policies.	2	5	3	5	4	5

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		Min	Max	Min	Max	Min	Max
17	Unauthorized removal of secure or personal records, correspondence or documents from agency files.	2	5	3	5	4	5
18	Failure to properly account for State or Federal funds where it is a known requirement of the position.	2	5	3	5	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, and/or 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	4	3	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	3	2	5	3	5
7	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job.	1	4	2	5	4	5
8	Unauthorized absence from duty or abuse of leave privileges.	1	3	2	5	5	
9	Absence from duty without leave after having been denied permission to take such leave.	2	5	5			
10	Failure to report to work or call supervisor for three (3) consecutive workdays without permission or justification.	5					
11	"Loafing" on the job; wasting time; failure to put in a full day's work.	1	3	2	5	3	5
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	Using insulting, abusive or profane language to a supervisor, the public or fellow employee.	1	5	2	5	3	5
4	Discourteous treatment of the public, supervisor or a fellow employee.	1	5	2	5	3	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.	1	3	3	4	4	5
6	Willfully abridging or denying the rights of clients, licensees or grantees as specified in NRS or agency policy.	3	5	3	5	5	
7	Negligently abridging or denying the rights of clients, licensees or grantees as specified in NRS or agency policy.	1	4	3	5	5	
8	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.	2	5	3	5	5	
9	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	3	5	5	

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		Min	Max	Min	Max	Min	Max
10	Using insulting, intimidating or abusive language to clients, licensees or grantees; neglecting, threatening or causing bodily harm to clients, licensees or grantees.	3	5	3	5	5	
11	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	
12	Soliciting clients, licensees, grantees and/or agency contacts for the establishment or maintenance of a private professional practice similar to their work activities.	2	5	3	5	5	
13	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
14	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					
3	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	5					
4	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	5					
5	Refusal to submit to a screening test for any drug and/or alcohol test mandated by Federal or State law, or as directed.	2	5	3	5	5	
6	Unlawful possession of a controlled substance on the premises of the workplace or while on State business.	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 mandated by Federal or State law, or as directed.	3	5	5			
9	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					
10	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is a mandated referral to an employee assistance program.	5					
11	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			
F.	Misuse of Agency or State Property						
1	Using State, or agency owned or leased property without proper authorization.	1	3	2	5	5	

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		Min	Max	Min	Max	Min	Max
2	Operating state vehicle or equipment in an unsafe or negligent manner, or that results in injury to a person, damage to the equipment, or to the property.	1	5	2	5	5	
3	Failure to have State vehicles maintained and or serviced pursuant to Motor Pool Standards resulting in damage to equipment or injury to a person.	1	5	2	5	5	
4	Operating state vehicles or equipment without a valid or proper license: a. Without knowledge that the license is no longer valid. b. With knowledge that the license is no longer valid.	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
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 is not in accordance with agency or divisional policies.	1	5	2	5	5	
9	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreements.	1	5	2	5	5	
10	Cashing a paycheck before the State's designated payday.	2	3	3	5	5	
11	All State issued charge cards are to be used for travel purposes according to the guidelines provided in the State Administrative Manual. No personal expenses are permitted to be charged on 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 agency property.	1	3	2	5	3	5
16	Unauthorized taking or using property belonging to the Federal or State government or fellow employees.	1	3	2	5	5	
17	Theft of property belonging to Federal or State government or fellow employees.	1	5		5		
G.	Misuse of Information Technology						
1	Use that interferes with employee performance or agency functions to include 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 agency.	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	

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5	Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws.	1	5	3	5	5	
6	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5	
7	Personal use that could slow down, delay or disrupt computer services such as chain letters, greeting cards and streaming of radio or TV broadcasts or other audio or video material. Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	1	2	3	4	5	
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	
9	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software or data.	1	5	2	5	4	5
10	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	
H.	Other Acts of Misconduct or Incompatibility						
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.	1	4	3	5	5	
3	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm or organization doing business with the Governor's Office or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
4	Misrepresentation of official capacity or authority.	2	5	4	5	5	
5	Bringing into State and/or the Governor's Office owned, leased or occupied buildings any firearm or implement considered to be a weapon, unless permitted by law to do so and with prior notification to the appointing authority.	3	5	4	5	5	
6	Unauthorized or improper disclosure of confidential information.	2	5	3	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					
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 agency and who is a subordinate of the solicitor.	1	5	4	5	5	

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		Min	Max	Min	Max	Min	Max
2	Engaging in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	3	2	4	3	5
3	Engaging in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	5	2	5	5	
J. Discrimination and Harassment							
1	Engaging in sexual harassment as defined in Federal and State law or the State Executive Branch Sexual Harassment & Discrimination Policy against an employee, applicant for employment or any other another person in the workplace.	2	5	4	5	5	
2	Creating or endorsing a hostile work environment.	2	5	3	5	5	
3	Failure of a supervisor to report instances of sexual harassment or discrimination as defined and required in Federal and State law or the State Executive Branch Sexual Harassment & Discrimination Policy.	1	5	3	5	5	
4	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity and expression or other violations of the Title VII of the Civil Rights Act, or any other state or federal anti-discrimination laws.	3	5	4	5	5	
K. Safety and Health							
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 careless 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

THE GOVERNOR’S 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 Office (OG) employees.

The OG 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 OG 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 OG policies and procedures.

The State Personnel Commission approved this guide; thus, it has the same force and effect as other rules 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 Office Prohibitions and Penalties.

Print Employee Name Employee Signature Employee ID Date

Human Resources Management Representative or
Immediate Supervisor Date