

**STATE OF NEVADA**  
**SILVER STATE HEALTH INSURANCE EXCHANGE**

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**PROHIBITIONS AND PENALTIES**

**A GUIDE FOR EMPLOYEES OF THE SILVER STATE  
HEALTH INSURANCE EXCHANGE**

Approved by the Personnel Commission on June 25, 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 Silver State Health Insurance Exchange (SSHIE) management. All employees of the SSHIE 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 handbook and return it to the SSHIE'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. A copy of the oral warning issued in writing is given to the employee and maintained in the supervisor's file with another copy sent to the employee's departmental personnel file.

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 section. Written reprimands must be on the standardized form NPD-52. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-52 form and another supervisor should sign as a witness.
3. Suspension. When previous corrective and disciplinary action have not produced the appropriate change in behavior or performance or due to the serious of a first offense, a suspension leave without pay may 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. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form and another supervisor should sign as a witness.
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. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form and another supervisor should sign as a witness.
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. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form and another supervisor should sign as a witness.

**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.

## Silver State Health Insurance Exchange (SSHIE) 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 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 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 and upon revision to sign the Acknowledgement of Receipt of Prohibitions and Penalties and/or SSHIE 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 or any other required document.	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	3	2	5	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	3	5	5	
5	Failure to cooperate in work-related projects with other employees and/or supervisors.	1	3	2	3	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	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 agency 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, and maintaining current work performance standards.	2	5	2	5	4	5
8	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

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		Min	Max	Min	Max	Min	Max
9	Unauthorized and willful destruction, removal, concealing, stealing, tampering, mutilation and/or alteration of agency 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	5			
10	Soliciting or accepting a bribe or otherwise personally profiting from activities related to the employee's state employment.	5					
11	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					
12	Negligent falsification, falsification or inaccurate preparation of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents, of any public record, time and attendance records including leave requests, travel records, overtime, compensatory time, or any leave record, and/or information in client or agency files: a. Not resulting in personal financial gain; b. Resulting in personal financial gain that is not subsequently reported.	2 3	3 5	4 5	5	5	
13	Negligent failure to properly account for state or federal funds where it is a known requirement of the position.	2	5	3	5	5	
14	Willful concealment of material facts by omission from records in client or agency files.	3	5	5			
15	Theft or misappropriation of property belonging to SSHIE, federal or state government or fellow employees. (a) 0 - \$25; (b) Over \$25	1 3	3 5	4 5	5	5	
16	Unauthorized taking, loaning, selling, giving away or appropriating any property belonging to the state/federal government or other employees, or any unauthorized person. (a) 0 - \$25; (b) over \$25.	1 3	3 5	4 5	5	5	
17	Making unauthorized agency transactions for personal profit.	5					
18	Making unauthorized agency transactions that result in excessive costs to the state for the transaction.	5					
19	Disregard and/or deliberate failure to comply with or enforce statewide, agency, or office regulations and policies or when required by law, statute, or resolution, which directly relate to the employee's work activities.	2	5	5			
20	Unauthorized removal of secure or personal records, correspondence or documents from agency files.	3	5	3	5	5	
21	Failure to maintain a valid driver's license if the job requires the employee to operate a vehicle; if the employee's Class Specification and/or Work Performance	2	5	3	5	5	

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	Standards require a valid driver's license to perform job duties for less than 30 days.						
22	Failure to notify the appointing authority within 5 days of the lapse, suspension, revocation or cancellation of a professional or occupational license or certification when such possession is a job requirement.	2	5	3	5	5	
23	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	2	5	5	
24	Willful falsification of any public record that involves the misuse of state or federal funds.	3	5	5			
25	Converting found, recovered or seized property to personal use.	3	5	5			
26	Making personal profit from state transactions or sales.	3	5	5			
27	Failure to handle property or evidence in a manner which preserves the integrity of its use in criminal and/or administrative proceedings: a. Negligently b. Intentionally	2 3	3 5	3 3	4 5	3 5	5
28	Failure to follow agency positions when representing the agency or 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	
29	Failure to wear appropriate clothing consistent with assigned duties.	1	3	2	4	3	5
<b>C. 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	"Loafing" on the job; wasting time; failure to put in a full day's work. Consistent failure to demonstrate work productivity.	1	3	2	5	3	5
4	Failure to report to work at specified times and in the prescribed manner or unauthorized absence from duty.	1	3	2	5	3	5
5	Conducting personal business during working hours.	1	3	3	4	3	5
6	Frequent or continual tardiness.	1	3	2	5	3	5
7	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
8	Unauthorized absence from duty or abuse of leave privileges, without adequate justification.	1	3	2	5	3	5
9	Willful 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	Failure to maintain telephone or other method of delivering messages at residence, or failure to notify SSHIE within 24 hours of any change in residence address, or phone number.	1	2	2	3	3	5

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		Min	Max	Min	Max	Min	Max
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
<b>D. 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	Inappropriate gesture or touching.	2	5	5			
3	Using insulting, abusive, intimidating, or profane language to a supervisor, a subordinate, the public, or fellow employee. Discourteous treatment, bullying, or disrespect of the public, supervisor, or a fellow employee.	1	5	2	5	5	
4	Deliberately making false statements to or about a supervisor or fellow employee, or knowingly providing misleading statements to supervisor at any time.	2	5	3	5	5	
5	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public; or intended to disrupt the work environment.	2	5	3	5	5	
6	A willful or reckless act to a supervisor, co-worker, or the public in the course of duties; 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, unauthorized or unlawful fighting, threatening, stalking, intimidation, or attempting bodily harm to supervisor, subordinate, the public or fellow employee; verbal threats toward a staff member.	5					
7	Knowingly providing false or misleading statement, either verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statement in response to any question or request for information in any official investigation, interview, hearing or judicial proceeding.	5					
8	Misuse and/or abuse of supervisory authority or privilege.	2	3	3	5	5	
9	Engaging in a romantic/sexual relationship with supervisor or subordinate.	2	3	3	5	5	
10	Engaging in a sexual relationship with any state employee while in the workplace; any on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.	2	3	3	5	5	
11	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	3	5
12	Failure to adhere to principles in the SSHIE Mission and values defined on its website that are core to the purpose as a State agency supported by the public and an organization committed to excellence in providing marketplace health insurance.	1	2	2	3	3	5
13	Refusal to comply with reasonable or proper instruction from a supervisor and disobeying or refusing to abide to a	1	3	2	3	5	



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	statute or regulation.						
14	Failure to conduct oneself in a professional manner while meeting the responsibilities to the public.	2	4	3	5	5	
15	Failure to represent the agency in a professional manner during any court and/or administrative proceeding.	1	2	2	3	4	5
16	Failure to take a complaint from a person in a professional and courteous manner and/or failure to act promptly and judiciously upon receipt of complaint in compliance with agency procedures.	1	2	2	3	3	5
17	The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.	3	5	5			
18	Causing discord among employees to the detriment of morale.	1	2	2	3	3	5
<b>E. Use of Alcohol, Controlled Substance, or Drugs</b>							
1	Damaging State property while under the influence of alcohol or controlled substances.	2	5	5			
2	Consuming or being under the influence of alcohol, drugs, or any other controlled substance, including misuse of a prescription medication, while on duty to include lunch and work breaks, unless prescribed by a physician or medical provider.	3	5	5			
3	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			
4	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	5			
5	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is a mandated referral to an employee assistance program.	5					
6	Convicted of violating any State or Federal law prohibiting the sale or manufacture, distribution, dispensing and/or possession of a controlled substance, unless prescribed by a physician or medical provider.	5					
7	Convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the premises of the workplace or while on state business, unless prescribed by a physician or medical provider.	5					
8	Unlawful manufacture, distribution, dispensing, possession, selling or use of any controlled substance, and/or drug, , on the premises of the workplace or on State business (includes meal or break periods, unless prescribed by a physician or medical provider.	5					
9	Failure to report a conviction of any alcohol or drug-related offense or violating any State or Federal law prohibiting the sale of a controlled substance to the appointing authority	5					

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	within five (5) working days after the conviction.						
10	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					
11	Refusal to submit to a screening test for any drug and/or alcohol test mandated by Federal or State law, NAC, or agency policy.	2	5	3	5	5	
12	Inability to perform the duties of the position because of being under the influence of alcohol, drugs, or any other controlled substance, including prescription medication.	3	5	4	5	5	
13	Failure to pass any drug and or alcohol test allowed for by Federal or State law that is employer requested or mandated by regulation.	3	5	4	5	5	
14	Bringing alcohol or controlled substances onto any agency grounds or any building occupied by clients (except employee's locked vehicle parked in a parking lot).	3	5	5			
15	Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his duties while conducting official state business.	3	5	5			
16	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.	5					
17	Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653.	2	3	3	5	5	
<b>F. Misuse of Agency or State Property</b>							
1	Using State or federally owned or leased property without proper authorization in accordance with agency policy.	1	5	3	5	5	
2	Operating State or federal vehicle, or personal vehicle while on agency business, or equipment in an unsafe or negligent manner which may include damage to equipment or other property, or injury to person.	1	5	2	5	5	
3	Speeding or committing other traffic violations while driving a State or federally owned vehicle, or personal vehicle while on agency business, or reckless handling of other State equipment, including any action contributing to a preventable traffic collision, or other unsafe or improper driving or actions in the course of or impacting employment.	1	3	2	5	3	5
4	Operating State, federally owned or personal vehicles while on agency business or equipment without a valid or proper license.	3	5	5			
5	Operating State, federally owned or personal vehicles while on agency business, or equipment without proper authorization and/or credentials.	2	5	5			
6	Failure to report a violation of a traffic law when a driver's license is a requirement of the position.	2	3	3	4	3	5
7	Using or authorizing the use of state owned or leased	1	5	2	5	3	5

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		Min	Max	Min	Max	Min	Max
	property for other than official use, including state-issued credit cards, without permission.						
8	Willfully or Negligently leaving unattended state equipment or machinery, which results in damage to the equipment or other property.	1	5	3	5	5	
9	Releasing a paycheck or pay advice before the appropriate time.	2	3	3	5	5	
10	Requesting, receiving and cashing a paycheck before the state's designated payday.	2	3	3	4	5	
11	Rendering of services or goods to recipients that is outside the scope of NRS 695 <i>i</i> or not in accordance with agency policies.	1	5	3	5	5	
12	Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy.	5					
13	Failure to disclose/report a criminal conviction when disclosure is required by law, regulation, or agency policy.	3	5	5			
14	Misplacement of important documents or property.	1	3	3	5	5	
15	Removing State identification decals from vehicles without permission.	1	3	3	5	4	5
16	Personal use of agency/state/federal vehicle.	2	3	3	5	5	
17	Taking a state or federally owned vehicle home at any time (even for a few minutes) without permission.	2	3	3	5	5	
18	Failure to report an accident involving State equipment or vehicles (state-owned, personal, or rental) while on SSHIE premises or SSHIE business assigned to the employee within 24 hours. Requirement to report personal vehicle damage is limited to 3rd party and/or injury involvement.	2	5	3	5	4	5
19	Negligent destruction of or damage, waste, loss, to State or federal material, property or equipment.	1	5	2	5	4	5
20	Willful destruction of or damage, waste, loss, to State or federal material, property or equipment.	2	5	3	5	5	
21	Removing property, equipment, or documents from the workplace unless approved by the appropriate appointing authority.	1	5	2	5	5	
22	The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the agency for personal or financial gain or without the expressed authorization of the agency.	3	5	3	5	5	
23	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreement, including but not limited to the Office Technology Terms of Use Policy.	1	5	3	5	5	
24	Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.	1	2	2	3	3	5
25	Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.	1	2	2	3	3	5
26	Jeopardizing the security of agency property.	1	3	2	5	3	5
27	Stealing or misappropriating any property owned by the state, whether it is located on state property or other such property where state activity is occurring.	5					

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<b>G.</b>	<b>Misuse of Information Technology</b>						
1	Use that interferes with employee performance or agency functions to include the downloading and using entertainment software such as games or other non-work-related materials, or on-line gambling.	1	4	2	5	5	
2	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, including off premises activity with State systems.	5					
3	Use or activity that is 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	
4	Obtaining unauthorized access to another's e-mail or data files or confidential records maintained by the agency.	2	5	3	5	5	
5	Accessing, displaying and/or printing material or images that are sexually explicit, which may or may not serve to create a hostile environment in the workplace.	1	5	3	5	5	
6	Using State or federal information technology resources to gain access, view, and/or download pornography from the internet or upload from other electronic devices, including off premises activity with State systems.	5					
7	Negligent use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws, including but not limited to the Office Technology Terms of Use Policy.	1	5	3	5	5	
8	Accessing a website that results in a fee being charged to the State for work-related purposes without prior approval.	1	3	3	4	5	
9	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	
10	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
11	Willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or any device that can cause damage or limit access to the equipment, software, or data, or attempting to, or intentionally using email or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users.	5					

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12	The unauthorized use, or manipulation of, production data or information outside the scope of one's job responsibilities, or for non-business or personal reasons, is strictly prohibited and may be subject to prosecution under NRS 205.481.	3	5	5			
13	Installation or use of computer monitoring devices, spy ware, reader software or devices, unauthorized data collection software or devices, blocking devices, or other hardware, software, servers, devices, or similar that restricts or limits access not specifically approved by the agency.	5					
14	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	3	3	5	5	
15	Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	2	4	3	4	5	
16	Completion of any business transaction for self, friends, family members or co-workers which may be inconsistent, incompatible, or a conflict of interest with agency policies.	1	5	2	5	5	
17	Revealing or sharing office access control or alarm combinations or keys with unauthorized persons.	2	5	3	5	5	
18	Use of email or internet system that violates any Federal or State law, or Agency policy.	1	5	2	5	3	5
19	Downloading, sharing, or duplicating confidential data either onto a laptop computer, PDA, CD or any other portable device without proper authorization.	5					
20	Misrepresenting oneself on the Internet as another person without authorization.	3	5	3	5	5	
21	Forge a digital signature using electronic signature, graphic or otherwise, for any unauthorized purpose.	5					
22	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 materials, or installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	1	5	2	5	5	
23	Accessing or communicating data not pertaining to official job duties without authorization.	1	4	2	5	5	
24	Using agency/State information technology resources to access Personal Identifiable Information (PII) information without authorization or for other than official purposes.	5					
25	Malicious and willful alteration, deletion, or other destruction of documents, data, information, or other materials stored on any agency information technology system.	5					
26	Use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection.	5					
<b>H.</b>	<b>Other Acts of Misconduct or Incompatibility</b>						

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
1	Creating an atmosphere not conducive to working, is unprofessional, or that disturbs the work environment.	1	2	2	3	3	5
2	Unauthorized or improper disclosure of confidential information, audit information, or financial files, or theft of sensitive or confidential information or of written material (data, forms, or reports, and/or other Exchange sensitive information).	2	5	5			
3	Divulging confidential employer information obtained in the performance of official duties to any person outside the agency except as specified by law or policy or making public any investigation or proposed action or business of the agency to any unauthorized person.	2	5	5			
4	Disgraceful personal conduct which impairs job performance or causes discredit to the institution including, but not limited to, lewd, disorderly and indecent conduct.	2	3	3	5	5	
5	Accepting or soliciting gifts over \$25, service, favor, employment, engagement or economic opportunity rewards, fees from any individual, firm, or organization doing business with the State or SSHIE when the employee is responsible for making any recommendations or decisions affecting their business activities, or money for service relating to performance of the employee's duties contrary to the rules of the agency and/or laws of the State which would tend improperly to influence a reasonable person in the employee's position to depart from the impartial discharge of his or her public duties.	2	5	3	5	5	
6	Misrepresentation of, or acting in official capacity or authority without authorization, or not following the proper chain of command by contacting other state administrators, officers, board members or elected officials without first expressing concerns and intended purpose to supervisors, excluding contacts made by employees under the provisions of NRS 281.611 through 281.671.	2	3	3	4	3	5
7	Bringing onto State property or buildings (leased or owned) any firearm or implement considered to be a weapon and not required for the performance of the employee's current job duties, unless permitted by law to do so and appointing authority receives prior notification.	3	5	4	5	5	
8	Accidental discharge of firearm because of negligence, with <b>or</b> without injury or substantial damage.	2	5	3	5	5	
9	Failure to participate in any investigation of alleged discrimination, including without limitation, an investigation concerning sexual harassment.	3	5	4	5	5	
10	Conviction or violation of any criminal act related to their work activity or conviction/violation of any criminal act involving moral turpitude when it is related to the employee's work.	3	5	5			
11	Refusal to be fingerprinted for required background check.	5					
12	Performing an act in an unofficial capacity which is subject to the control, inspection, review, audit or enforcement by the employee or his agency.	1	5	2	5	5	

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
13	Disobeying the State of Nevada smoking statutes.	1	2	2	3	3	5
14	Not following proper chain of command by contacting other state administrators, officers, board members or elected officials without first expressing concerns and intended purpose to supervisors, excluding contacts made by employees under the provisions of NRS 281.611.	1	2	2	4	5	
<b>I. Improper Political Activity</b>							
1	Directly or indirectly solicit, or be involved 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 during scheduled work hours.	1	3	2	5	3	5
2	Engage in political activity during the hours of employment to improve the chance of a political party or individual seeking office, including solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on agency property.	1	3	2	4	3	5
3	Engage in political activity to secure preference for promotion, transfer or salary advancement during scheduled work hours.	1	3	2	3	5	
4	As an employee in an agency administering federally aided programs, engage in political activities at any time, which are forbidden by federal law.	1	3	2	5	3	5
5	Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration.	2	3	3	4	5	
6	Engaging in any unauthorized political activity/event, except for expressing an opinion, while on duty, while in uniform or at public expense or at a public event.	2	4	3	5	5	
7	Soliciting and/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of benefit, reward, promotion, advancement or compensation.	3	5	5			
8	Unauthorized solicitations, speeches or distribution of campaign literature for or against any political candidate or position while in any way representing himself/herself as a member of the agency.	2	3	3	5	5	
9	Unauthorized attendance while on-duty at official legislative or political sessions.	1	2	2	3	3	5
<b>J. Discrimination and Harassment</b>							
1	Discrimination, oppression, or providing favoritism to any person on the basis of race, color, religion, sex, sexual orientation, age, disability, national origin, genetic information, gender identity or expression, ancestry, marital status, or any other protected classes or other violations of Title VI and Title VII of the Civil Rights Act.	3	5	4	5	5	
2	Engaging in sexual harassment as defined in NAC 284, the State Executive Branch Sexual Harassment &	3	5	4	5	5	

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		Min	Max	Min	Max	Min	Max
	Discrimination Policy, or agency policy against another employee, client, or any other person in the workplace; or unwelcome solicitation of a personal or sexual relationship while on duty or through use of official capacity.						
3	Creating or endorsing a hostile work environment.	2	5	3	5	5	
4	Making a negative discriminatory remark based on any Federal or State protected status.	2	3	3	4	5	
5	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.	2	5	3	5	5	
6	Retaliation. Taking adverse action against an employee for: 1) complaining about harassment and/or discrimination; 2) for supporting another employee's complaint about harassment and/or discrimination; 3) for disclosing improper governmental action; 4) for filing a grievance or appeal; or exercising any employment right protected under State or Federal law.	2	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 or property damage or the reasonable possibility thereof.	2	5	3	5	5	
3	Disregard of safety rules.	2	3	3	4	4	5
4	Failing to report any use of force either as a participant or a witness.	4	5	4	5	5	
5	Knowingly failing to appropriately and timely report any on-the-job or work-related accident or injury including an accident involving State equipment or vehicles assigned to the employee including accident involving State equipment or vehicles assigned to the employee.	1	2	2	3	3	5
6	Endangering self, fellow employees, clients or public through willful or negligent violation of agency or division policy as contained in performance standards, procedures and any other State and federal laws, regulations and guidelines.	2	5	3	5	5	
<b>L.</b>	<b>Relations with Clients</b>						
1	<b>Willfully</b> abridging or denying the rights of clients as specified in NRS or agency policy.	2	5	3	5	5	
2	<b>Negligently</b> abridging or denying the rights of a client as specified in NRS or agency policy.	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 such individual involving the transfer of the individual's property for personal use or gain.	2	5	3	5	5	
4	Entering into a romantic, sexual, or inappropriate relationship with any client of the employee's agency,	2	5	3	5	5	



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		Min	Max	Min	Max	Min	Max
	facility, or program when said employee is involved in the care, treatment or delivery of service to such individual, or entering into a romantic or sexual relationship with a licensure or grantee and conditioning their licensure on the relationship.						
5	Having personal or business relationships with program participants, grantees, or licensees for the purpose of, or which results in, any program advantages, considerations or benefits to either party which exceeds normal entitlement.	2	5	3	5	5	
6	Soliciting clients and/or agency contacts for the establishment or maintenance of a private professional practice similar to their work activities and/or while on work duty.	2	5	3	5	5	
7	Any act or omission to act which causes mental or physical injury to a client or which places the client at risk of injury, including but not limited to the failure to: establish or carry out an appropriate plan of treatment for the client; provide the client required health care; provide a safe environment.	3	5	5			
8	Failure to report suspected denial of client rights, client abuse or neglect.	2	5	5			
9	Failure of an employee as mandated by law in their professional or occupational capacity to report child or elder abuse.	3	5	5			
10	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

**ACKNOWLEDGMENT FORM**

**SILVER STATE HEALTH INSURANCE EXCHANGE  
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 Silver State Health Insurance Exchange employees.

The Silver State Health Insurance Exchange’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 Silver State Health Insurance Exchange’s 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 Silver State Health Insurance Exchange 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 Silver State Health Insurance Exchange’s Prohibitions and Penalties.

\_\_\_\_\_  
Print Employee Name                      Employee Signature                      Employee ID                      Date

\_\_\_\_\_  
Human Resources Management Representative or Immediate Supervisor                      Date