



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
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MEMORANDUM
HR#02-19

January 7, 2019

TO: Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION

Attached is a summary of the statutes pertaining to the disclosure of improper governmental action and the form *Appeal of "Whistleblower" Retaliation Under the Provisions of NRS 281.641*. These are being provided to you in accordance with NRS 281.661 which requires the Administrator of the Division of Human Resource Management to make a written summary of NRS 281.611 through 281.671, inclusive, available to each state officer and employee on an annual basis. NAC 281.305 requires a state officer or employee to file their written appeal on a form provided by the Division of Human Resource Management. The appeal form is also available via our website at [NPD-53 Whistleblower](#).

Please ensure each employee within your organization is provided with the attached summary explaining this process and appeal form. Thank you for your assistance in distributing this information.

Attachment
PL:cl

DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION

NRS 281.661 requires the Administrator of the Division of Human Resource Management to provide each state officer and employee, on an annual basis, a summary of the statutes pertaining to the disclosure of improper governmental action (NRS 281.611 through 281.671, inclusive).

These statutes prohibit any state officer or employee from using his or her official authority or influence to prevent disclosure of improper governmental action by another state officer or employee.

Improper governmental action is defined in NRS 281.611 as:

“...any action taken by a state officer or employee or local governmental officer or employee in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of employment of the officer or employee, which is:

- (a) In violation of any state law or regulation;
- (b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;
- (c) An abuse of authority;
- (d) Of substantial and specific danger to the public health or safety; or
- (e) A gross waste of public money.”

Per NRS 281.631(2), “...use of ‘official authority or influence’ includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.”

NRS 281.641 affords a state officer or employee who discloses information concerning improper governmental action a hearing before a Hearing Officer of the Personnel Commission if any reprisal or retaliatory action is taken against the employee within two years following the disclosure. **The appeal must be submitted in writing on the NPD-53 form *Appeal of “Whistleblower” Retaliation Under the Provisions of NRS 281.641* which is available on the Division of Human Resource Management’s website at [NPD-53 Whistleblower](#). An appeal must be filed within 10 working days (NAC 281.305) after the alleged reprisal or retaliatory action took place. Additionally, it must be filed with the Administrator, Division of Human Resource Management, c/o Employee & Management Services.**

Per NRS 281.651(2), the provisions of NRS 281.611 to 281.671, inclusive, do not prohibit a state officer or employee from initiating proper disciplinary procedures against another state officer or employee who discloses untruthful information concerning improper governmental action.

Finally, these statutes specifically encourage any state officer or employee to disclose improper governmental action to the extent not expressly prohibited by law. Further, it is the intent of the Legislature to protect the rights of a state officer or employee who makes such a disclosure. A copy of these statutes may be accessed via the Nevada State Legislature’s website at www.leg.state.nv.us at the Law Library tab.