

NOTE TO PERSONNEL FILE of

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The authority to prescribe behavior and performance standards derives from the Nevada Revised Statute Chapter 284 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 employees.

The NSHE document Prohibitions and Penalties: A Guide for Classified Staff is intended as a guide to clarify existing rules and regulations. This guide does not cover all infractions and violations that could conceivably occur. It does however cover the majority of situations that are a source of concern to supervisors and NSHE. As a tool, which describes behavior that is subject to discipline, the handbook will serve the needs of both supervisory personnel and employees. Additions, deletions or changes to the Guide will be communicated to employees and supervisors through the NSHE newsletters and/or memoranda.

This guide was approved by the State Personnel Commission, 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. This form, signed by a witness to the receipt of the Guide by the employee, will be placed into the employee’s personnel file in cases where the employee refuses to sign this acknowledgment.

**Acknowledgment of Receipt**

I \_\_\_\_\_ acknowledge receipt of a copy of the NSHE document entitled Prohibitions and Penalties: A Guide for Classified Staff. This guide was approved by the State Personnel Commission, it has the same force and effect as other rules and regulations covering classified employees.

Employee Signature: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

**Acknowledgment of Employee Receipt of Guide and Refusal to Sign**

I acknowledge that the employee listed above received a copy of the NSHE document entitled Prohibitions and Penalties: A Guide for Classified Staff on this date and that the employee refuses to acknowledge receipt.

Witness Signature: \_\_\_\_\_

Title of Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## **Forward**

Authority to prescribe behavior and performance standards derives from Nevada Statute 284 and the “Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses” section 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 NSHE employees. All employees will be issued a copy of the “Prohibition and Penalties” handbook.

This handbook is intended as a guide to clarify existing rules and regulations. It does not constitute coverage for all infractions and violations that could conceivably occur. It does however cover the majority of situations that are a source of concern to supervisors and the NSHE. As a tool which describes behavior that is subject to discipline, the handbook will serve the needs of both supervisory personnel and employees.

This handbook has been approved by the State Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees.

The penalties identified for the various infractions are merely guidelines. Any offense may result in dismissal depending on the circumstances. A supervisor is not bound by penalties suggested in the guidelines and may impose a more or less severe penalty depending upon circumstances.

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This guide was prepared by the Nevada System of Higher Education. Any questions with respect to the information in this guide should be addressed to:

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Human Resources/240  
Reno, NV 89557-0055  
(775)784-6844

TYPES OF CORRECTIVE ACTION  
DISCIPLINARY ACTIONS

Progressive discipline normally follows this course in sequence, but may go outside this course when extreme situations prevail.

1. **WARNING** – by the supervisor(s) who regularly directs the employee’s daily activities. This action may be both oral and/or written. Written warnings are not placed in personnel file, but maybe at a later time if further disciplinary action occurs.
2. **WRITTEN REPRIMAND** – by the employee’s supervisor(s) whose responsibilities include taking formal corrective disciplinary actions. (This supervisor may or may not be the same person as mentioned above in **WARNING**.) This action should be both oral and written. It must be signed by the supervisor and employee, a copy given to the employee, and a copy sent to Human Resources for the employee’s file. Written Reprimands must be on the standardized form (NPD-52 form, if employee refuses to sign form, state this fact on the form and obtain the signature of a witness).
3. **SUSPENSION** - without pay for a period of no more than 5 working days. (Requires NPD-41 form, if employee refuses to sign form, state this fact on the form and obtain the signature of a witness).
4. **SUSPENSION** – without pay for a period of not less than 5 working days or more than 30 calendar days. (Requires NPD-41 form, if employee refuses to sign form, state this fact on the form and obtain the signature of a witness).
5. **DEMOTION** – to a lower class. (Requires NPD-41 form, if employee refuses to sign form, state this fact on the form and obtain the signature of a witness).
6. **DISMISSAL** – from service. (Requires NPD-41 form, if employee refuses to sign form, state this fact on the form and obtain the signature of a witness).

**NOTE: Human Resources must review all disciplinary actions involving a recommendation of suspension (3 or 4), demotion (5) or dismissal (6) of a regular employee prior to the action.**

All corrective disciplinary actions should have been preceded by counseling by the supervisor to correct the situation unless of course there was no way of anticipating the employee’s offense from his or her previous conduct.

A dash on the chart indicates that the offense has been previously labeled as a dismissal.

If actions 3, 4, 5 and 6 are recommended for a permanent classified employee, the pre-disciplinary hearing guidelines must be followed. Employees so affected have a right to a pre-disciplinary hearing prior to action being taken. Upon notification by the supervisor, Human Resources will assist in the preparation of the appropriate forms for actions, 3, 4, 5 and 6.

**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.”**

Nevada System of Higher Education  
Prohibitions and Penalties

	1 <sup>st</sup> Offense		2 <sup>nd</sup> Offense		Additional	
	Min.	Max.	Min.	Max.	Min.	Max.
<b>A. <u>Fraud in securing appointment or failure to file required oath or affirmation</u></b>						
1. Falsification of application for employment or other personnel records with respect to a material point, which would have adversely affected selection for appointment.	6	-	-	-	-	-
2. Taking for another person or permitting another person to take an examination or a portion thereof.	6	-	-	-	-	-
3. Failure to file oath or affirmation.	6	-	-	-	-	-
<b>B. <u>Performance on the job</u></b>						
1. Failure of employee to maintain proper work or personal appearance standards.	1	3	2	4	3	6
2. Failure to prepare or maintain prescribed records or reports.	1	5	3	6	4	6
3. Falsifying prescribed records or reports.	6	-	-	-	-	-
4. Withholding information regarding the job from supervisors or other persons having necessity for such information.	1	5	2	6	3	6
5. Endangering self, fellow employees, or public through <u>negligent</u> violation of agency policy as contained in performance standards, safety rules, procedures and any other State and federal laws, regulations or guidelines.	1	6	2	6	4	6
6. Endangering self, fellow employees, or public through <u>willful</u> violation of agency policy as contained in performance standards, safety rules, procedures and any other State and federal laws, regulations or guidelines.	6	-	-	-	-	-
7. Failure to cooperate with other employees and/or supervisors.	1	3	2	5	3	6
8. 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	6
9. Waste or loss of material, property or equipment.	1	2	2	3	4	6

1 = Warning; 2 = Written Reprimand; 3 = Suspension, without pay, of no more than 5 working days;  
4 = Suspension, without pay, not less than 5 working days or more than 30 calendar days;  
5 = Demotion; and 6 = Dismissal; (-) Dash = previously labeled as dismissal

	1 <sup>st</sup> Offense		2 <sup>nd</sup> Offense		Additional	
	Min.	Max.	Min.	Max.	Min.	Max.
10. Negligent destruction of or damage to NSHE property.	1	6	2	6	5	6
11. Willful destruction of or damage to NSHE property.	6	-	-	-	-	-
12. Jeopardizing the security of NSHE property.	1	3	2	6	3	6
13. Unauthorized and willful destruction of NSHE records.	6	-	-	-	-	-
14. Soliciting or accepting a bribe.	6	-	-	-	-	-
15. Embezzlement or misappropriation of NSHE funds or other funds which come into the employee's possession by reason of their official position for personal gain.	6	-	-	-	-	-
16. Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents:						
a. Not for personal financial gain.	2	3	4	6	6	-
b. For personal financial gain.	4	6	6	-	-	-
17. Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents:						
a. Not for personal financial gain.	6	-	-	-	-	-
b. For personal financial gain.	6	-	-	-	-	-
18. Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	6
19. Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	6	-	-	-	-	-
20. Willful concealment of material facts by omission from records.	6	-	-	-	-	-
21. Unauthorized taking of property belonging to NSHE, federal or state government or fellow employees.	6	-	-	-	-	-
22. Making unauthorized personal profit transactions.	6	-	-	-	-	-
23. Disregard and/or deliberate failure to comply with or enforce statewide, department or office regulations and policies.	1	6	2	6	3	6
24. Unauthorized removal of records, correspondence or documents from NSHE files without the approval of the supervisor.	2	6	3	6	4	6

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	1st Offense		2 <sup>nd</sup> Offense		Additional	
	Min.	Max.	Min.	Max.	Min.	Max.
25. 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.	1	6	2	6	3	6
<b>C. <u>Neglect of, or inexcusable absence from, the job</u></b>						
1. Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	4	6
2. Carelessness, indifference, laziness and/or inattention to duty.	1	3	2	4	3	6
3. Failure to report to work at specified times and in the prescribed manner.	1	4	2	5	3	6
4. Carrying on personal business during working hours.	1	4	2	5	3	6
5. Frequent or continual tardiness.	1	3	2	5	3	6
6. Failure to notify supervisor or designated representative, or to comply with department policy, promptly when unable to report for work. Notification must occur for each shift.	1	3	2	5	3	6
7. Leaving a work area or a job when specifically instructed to remain in work area or at the job.	2	5	3	6	4	6
8. Unauthorized absence from duty.	1	3	2	5	3	6
9. Absence from duty without leave after having been denied permission to take such leave.	2	6	3	6	4	6
10. Failure to report to work or call supervisor for three (3) consecutive work days.	6	-	-	-	-	-
<b>D. <u>Relations with supervisors, fellow employees, or the public</u></b>						
1. Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command.)	1	6	-	-	-	-
2. Threatening or attempting bodily harm to supervisor, public or fellow employee.	2	6	3	6	4	6
3. Doing bodily harm to supervisor, public or fellow employee.	6	-	-	-	-	-
4. Using insulting, abusive or profane language to a supervisor, public or fellow employee.	1	4	2	6	3	6
5. Discourteous treatment of the public, supervisor or a fellow employee.	1	3	2	5	3	6

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<b>E. <u>Use of alcoholic beverages, narcotics, or habit forming drugs</u></b>						
1. Inability to perform the duties of the position because of being under the influence of liquor, narcotics or drugs or any other controlled substance.	1	6	1	6	1	6
2. <u>Convicted</u> 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 NSHE vehicle, or a privately owned vehicle on NSHE business, or who is convicted of the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at his place of work or on NSHE business subject to the following disciplinary action:  <ul style="list-style-type: none"> <li>Second offense time line is expanded to 5 years in this instance.</li> </ul>	1	6	1	6	1	6
3. Failure to complete any rehabilitation program recommended in the evaluation of an employee who is suspended or demoted pursuant to 2 above, by the employee assistance program.	1	6	1	6	1	6
4. Convicted of violating any State or federal law prohibiting the sale of a controlled substance.	2	6	3	6	4	6
5. Failure to report a conviction of any offense described in 2, 3, and 4 above, to the appointing authority within five (5) working days after it occurs.	1	6	1	6	1	6
6. Failure to pass any drug and/or alcohol test mandated by federal or state law.	1	6	1	6	1	6
7. Refusal to take any drug and/or alcohol test mandated by federal or state law.	1	6	1	6	1	6
8. An employee who is in possession of a controlled substance at his work or on NSHE business.	1	6	1	6	1	6
<b>F. <u>Misuse of NSHE or State property</u></b>						
1. Using or authorizing the use of NSHE-owned or leased property for other than official use.	1	3	2	6	3	6
2. Operating NSHE vehicles or equipment in an unsafe or negligent manner resulting in the damage to the equipment or to the property.	1	6	2	6	6	-

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	1st Offense		2 <sup>nd</sup> Offense		Additional	
	Min.	Max.	Min.	Max.	Min.	Max.
3. Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or personal injury.	1	5	2	6	3	6
4. Operating NSHE vehicles or equipment without proper authorization or credentials.	1	6	2	6	6	-
5. Operating State vehicles or equipment without a valid or proper license.						
a. With full knowledge that the license is no longer valid.	6	-	-	-	-	-
b. Without knowledge that the license is no longer valid.	1	3	2	4	3	6
<b>G. <u>Misuse of Information Technology</u></b>						
1. Accessing or communicating data not pertaining to official job duties without authorization.	1	4	2	5	6	-
2. Revealing passwords or using another person's user identification and/or password to allow access to confidential information for unauthorized purposes.	2	6	3	6	6	-
3. Installing or using personal or unauthorized software on state information technology resources without proper authorization and approval.	2	4	3	4	6	-
4. Making unauthorized copies such as books, manuals and computer software in violation of copyright laws or vendor licensing agreement.	1	5	3	5	6	-
5. 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	6	-
6. Use of NSHE computer resources for personal purposes that interferes with performance of an employee's duties and creates the appearance of impropriety or is not of nominal cost and value.	1	4	2	5	6	-
7. Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, operating systems, software or data.	1	3	3	5	6	-
8. Knowing and willful sabotage of information technology resources, including but not limited to the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, operating systems, software or data.	6	-	-	-	-	-

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<b>H. <u>Other acts of misconduct or incompatibility</u></b>						
1. Causing discord among employees to the detriment of morale.	1	3	2	6	3	6
2. Engage in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with NSHE employment.	1	5	2	6	6	-
3. Failure to report an accident involving state equipment or vehicles assigned to the employee.	1	6	2	6	3	6
4. Unauthorized or improper disclosure of confidential information.	1	6	2	6	4	6
5. Conviction of any criminal act involving moral turpitude.	1	6	3	6	4	6
6. Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with NSHE or the State when the employee is responsible for making any recommendations or decisions affecting their business activities or for inspecting work performed by the same.	1	6	2	6	3	6
7. Acting in an official capacity without authorization.	1	6	2	6	3	6
8. Bringing onto NSHE property or buildings any firearm or implement considered to be a weapon unless authorized to do so.	6	-	-	-	-	-
<b>I. <u>Improper political activity</u></b>						
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 department and who is a subordinate of the solicitor.	1	6	2	6	3	6
2. Engage in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	6	2	6	3	6
3. Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	4	2	5	4	6
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	6	2	6	3	6
<b>J. <u>Sexual Harassment</u></b>						
1. Engaging in sexual harassment as defined in NAC284.771 or NSHE policy, against another employee, an applicant for employment, or any other person in the workplace.	1	6	2	6	6	-

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**Notes**

*PROHIBITIONS  
AND  
PENALTIES*

*A GUIDE  
FOR  
CLASSIFIED STAFF*

*NEVADA SYSTEM OF HIGHER EDUCATION*