

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE



PROHIBITIONS AND PENALTIES
A GUIDE FOR EMPLOYEES OF
THE DEPARTMENT OF AGRICULTURE

Approved by the Board of Agriculture on December 3, 2014

Approved by the Personnel Commission on March 20, 2015.

INTRODUCTION

Each member of the Nevada Department of Agriculture (NDA) has the responsibility to follow the rules of proper conduct and performance vital to carrying out our Agency's mission. While there may be situations you encounter that are unfamiliar or unexpected and which require you to exercise your judgment, it is important to have a clear understanding of the rules that govern your actions in performing your duties.

Although it would be impossible to address every infraction or violation that could conceivably develop, this Prohibitions and Penalties document should prove to be sufficiently comprehensive to cover the majority of situations that could be a source of concern. Since it covers a wide range of actions and behaviors, it should provide an excellent guide for supervisors and employees on what is expected in the area of proper conduct.

This Prohibitions and Penalties document is intended to clarify existing rules 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 NDA. All employees of NDA will be issued a copy of the "Prohibitions and Penalties" document.

After receipt of this document, please sign the "Acknowledgement Form," which is the last page of this document and return it to Agency Human Resources Services or to 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).

These standards are in addition to prohibitions and offenses that are listed in NAC 284. This handbook has been approved by the Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees.

TYPES OF CORRECTIVE ACTIONS AND THE PROGRESSIVE 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 with regard to a particular situation or set of circumstances. The Letter of Instruction is intended as a coaching tool and is not part of the disciplinary process and, therefore, is not included in the order of disciplinary actions that follow.

Progressive discipline normally follows the sequence outlined below. However, accelerated action may be taken when necessary.

1. Oral Warning. The oral warning typically comes from the supervisor responsible for the employee's activities. The warning may actually be oral or written, or both. 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. Oral warnings may not be forwarded to the Division of Human Resource Management's Records section.
2. Written Reprimand. The supervisor responsible for the employee's activities also issues written reprimands. This action should be both oral and written. The supervisor and employee must sign it. A copy is given to the employee and copies are sent to the employee's departmental personnel file as well as the Division of Human Resource Management's Records 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. A suspension is without pay and may not exceed 30 calendar days. It requires an NPD-41 form-Specificity of Charges. 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. A demotion to a lower class also requires the NPD-41 form-Specificity of Charges. 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. Dismissal from service also requires the NDP-41 form-Specificity of Charges. 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 actions and grievances and consult with Agency Human Resource Services, who will consult with the Attorney General's Office as necessary, to ensure proper documentation, timely processing of disciplinary actions and grievances, and accuracy of employee files. According to NRS section 284.385 the Attorney General must be consulted prior to all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal 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 actions 3, 4 or 5, described at the top of each section are recommended for a permanent employee, the pre-disciplinary hearing 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>)

Actions that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion or dismissal provide for a pre-disciplinary hearing process and a post-disciplinary appeal before a Hearing Officer provided by the Personnel Commission.

Department of Agriculture (NDA) Prohibitions and Penalties

| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | | |
|--|--|-------------------------|-----|-------------|-----|------------|-----|
| | | 1st Offense | | 2nd Offense | | Additional | |
| A. | Fraud In Securing Appointment | Min | Max | Min | Max | Min | Max |
| 1 | Falsification of application for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for 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. | 5 | | | | | |
| 4 | Refusal, upon hire, to sign the Acknowledgement of the Governor's Policy Against Sexual Harassment and Discrimination. | 5 | | | | | |
| 5 | Willfully withholding information which may appear when initial background check completed or agency's mandated 3 year background re-check completed. | 5 | | | | | |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | | |
| | | 1 st Offense | | 2nd Offense | | Additional | |
| B. | Performance On The Job | Min | Max | Min | Max | Min | Max |
| 1 | Failure of employee to maintain proper work performance or personal appearance standards after a reasonable period of instruction. | 1 | 3 | 2 | 3 | 4 | 5 |
| 2 | Failure of employee to maintain performance standards after a reasonable period of instruction. | 1 | 3 | 2 | 3 | 3 | 5 |
| 3 | Failure to prepare or maintain prescribed records or reports. | 1 | 3 | 2 | 5 | 4 | 5 |
| 4 | Willfully and/or negligently falsifying prescribed records or reports. | 3 | 5 | 5 | | | |
| 5 | Withholding or concealing information regarding the job from supervisors or other persons having the necessity for such information. | | | | | | |
| | a. Negligently withholding or concealing. | 1 | 3 | 2 | 5 | 4 | 5 |
| | b. Willfully withholding or concealing. | 2 | 5 | 3 | 5 | 5 | |
| 6 | Failure to cooperate with other employees and/or supervisors. | 1 | 3 | 2 | 5 | 5 | |
| 7 | Failure to ensure subordinate employees perform required duties. | 1 | 2 | 2 | 3 | 3 | 5 |

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| 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 |
| 9 | Negligent, willful or unauthorized destruction of state records. | 1 | 5 | 2 | 5 | 5 | |
| 10 | Unauthorized use or release of confidential information. | 1 | 4 | 2 | 5 | 5 | |
| 11 | Soliciting or accepting a bribe or otherwise personally profiting from activities related to the employee's state employment. | 5 | | | | | |
| 12 | 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 | | | | | |
| 13 | Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents. a. Not for personal financial gain. b. For personal financial gain. | 1 3 | 3 5 | 4 5 | 5 | 5 | |
| 14 | Willful falsification of financial records, such as travel payroll, or purchase vouchers, or their supporting documents. a. Not for personal financial gain. b. For personal financial gain. | 2 5 | 5 | 3 | 5 | 5 | |
| 15 | Failure to properly account for State or Federal funds where it is a known requirement of the position. | 2 | 5 | 3 | 5 | 5 | |
| 16 | Negligent falsification of any public record, including time and attendance records, leave requests, overtime, compensatory time or any leave record and/or information in client or agency files. | 1 | 4 | 3 | 5 | 5 | |
| 17 | Willful falsification of time and attendance records including leave requests, overtime, compensatory time or any leave record. | 3 | 5 | 4 | 5 | 5 | |
| 18 | Willful concealment of material facts by omission from records. | 2 | 3 | 4 | 5 | 5 | |
| 19 | Theft or misappropriation of property belonging to Federal or State government or fellow employees. | 1 | 5 | 5 | | | |
| 20 | Unauthorized taking or using property belonging to the Federal or State government or fellow employees or any unauthorized person. | 1 | 5 | 5 | | | |
| 21 | Making unauthorized departmental transactions for personal profit. | 3 | 5 | 5 | | | |
| 22 | Disregard and/or deliberate failure to comply with or enforce statewide, Department, Division or office regulations and policies. | 2 | 5 | 3 | 5 | 4 | 5 |

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| 23 | Unauthorized removal of secure or personal records, correspondence or documents from departmental files. | 2 | 5 | 3 | 5 | 4 | 5 |
| 24 | Endangering self, fellow employees, clients, or public through negligent, careless or willful violation of agency or division policy as contained in performance standards, procedures, and various federal and state laws, regulations, and guidelines. | 2 | 5 | 3 | 5 | 5 | |
| 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 | 5 | 2 | 5 | 3 | 5 |
| 26 | Failure to maintain a valid driver's license when possession of a valid driver's license is a requirement of the job. | 2 | 5 | 3 | 5 | 5 | |
| 27 | Failure to notify the appointing authority within 5 days of the suspension, revocation or cancellation of a professional or occupational license or certification when such possession is a job requirement. | 1 | 5 | 2 | 5 | 3 | 5 |
| 28 | Failure of an employee, who is designated as a supervisor to fulfill their supervisory responsibilities, including but not limited to ensuring that employees adhere to the policies and procedures of the department and the actions of all personnel comply with all laws, taking corrective disciplinary action where such action is needed, preparing timely reports of performance, accounting for employees' time and leave and maintaining current work performance standards. | 1 | 2 | 2 | 4 | 4 | 5 |
| 29 | Negligent failure to disclose information related to job duties from official records, from supervisors, or from other persons having necessity for said information. | 1 | 3 | 2 | 5 | 4 | 5 |
| 30 | Willful falsification of any public record that involves misuse of state or federal funds. | 2 | 5 | 5 | | | |
| 31 | Failure to wear appropriate clothing consistent with assigned duties. | 1 | 3 | 2 | 4 | 3 | 5 |
| 32 | Converting found, recovered or seized property to personal use. | 3 | 5 | 5 | | | |
| 33 | Making personal profit from state transactions or sales. | 3 | 5 | 5 | | | |
| 34 | Failure to handle property or evidence in a manner which preserves the integrity of its use in criminal and/or administrative proceedings. | 1 | 4 | 3 | 5 | 5 | |
| 35 | Engaging in any investigation or official action which is not part of their assigned duties without the authorization of a supervisor unless the circumstances demand immediate action, where it is a known requirement of the position. | 2 | 3 | 3 | 5 | 4 | 5 |

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|--|---|-------------------------|-----|-------------|-----|------------|-----|
| | | 1 st Offense | | 2nd Offense | | Additional | |
| C. | Neglect Of, or Inexcusable Absence From The Job | Min | Max | Min | Max | Min | Max |
| 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 | “Loafing” on the job; wasting time; failure to put in a full day’s work. | 1 | 3 | 2 | 5 | 3 | 5 |
| 4 | Failure to report to work at specified times and in the prescribed manner. | 1 | 3 | 2 | 5 | 3 | 5 |
| 5 | Conducting personal business, volunteer duties or work not related to NDA during working hours. | 1 | 3 | 2 | 4 | 3 | 5 |
| 6 | Frequent or continual tardiness. | 1 | 3 | 2 | 4 | 3 | 5 |
| 7 | 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 |
| 8 | Leaving a work area or a job without authorization and/or when specifically instructed to remain in work area or at the job. | 1 | 4 | 2 | 5 | 4 | 5 |
| 9 | Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification. | 5 | | | | | |
| 10 | Failure to appear and provide testimony for court or a hearing when duly notified or subpoenaed. Only the court, prosecutor, or other hearing official may grant the authorization to waive court or hearing appearances. | 2 | 3 | 3 | 4 | 4 | 5 |
| 11 | Repeated extension of designated lunch periods, or of rest periods beyond the prescribed 15 minutes in NAC 284.524, without supervisor approval. | 1 | 3 | 2 | 3 | 3 | 5 |
| 12 | Use of sick leave for a reason not authorized by NAC 284.554. | 2 | 4 | 5 | | | |
| 13 | Failure to report to duty as ordered during public safety emergencies. | 2 | 5 | 3 | 5 | 4 | 5 |
| 14 | Unauthorized absence from duty or abuse of leave privileges. | 1 | 3 | 3 | 5 | 5 | |

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|--|---|-------------------------|-----|-------------|-----|------------|-----|
| | | 1 st Offense | | 2nd Offense | | Additional | |
| D. | Relations With Supervisor, Fellow Employees, and The Public | Min | Max | Min | Max | Min | Max |
| 1 | Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command) and/or disobeying or refusing to abide to a Statute or regulation. | 2 | 5 | 3 | 5 | 5 | |
| 2 | Act of violence, unauthorized or unlawful fighting, threatening, including stalking, intimidation, or attempting bodily harm to a supervisor, subordinate, the public, or fellow employee. | 2 | 5 | 5 | | | |
| 3 | Any act of violence in the course of duties, including stalking, threats, intimidation, assault or battery. | 2 | 5 | 3 | 5 | 5 | |
| 4 | Inappropriate gesture or touching. | 2 | 5 | 3 | 5 | 5 | |
| 5 | Discourteous treatment of the public, supervisor or a fellow employee. | 1 | 5 | 2 | 5 | 3 | 5 |
| 6 | Deliberately making false statements to or about a supervisor, or fellow employee. | 2 | 3 | 3 | 4 | 5 | |
| 7 | Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public, or intended to disrupt the work environment. | 2 | 3 | 3 | 4 | 4 | 5 |
| 8 | 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 | | | | | |
| 9 | Misuse and/or abuse of supervisory authority or privilege. | 1 | 5 | 2 | 5 | 3 | 5 |
| 10 | Engaging in romantic/sexual relationship with supervisor. | 2 | 3 | 3 | 4 | 5 | |
| 11 | Engaging in romantic/sexual relationship with any State employee while in the workplace. | 2 | 3 | 3 | 4 | 5 | |
| 12 | Threatening, stalking, intimidating, attempting or doing bodily harm to a supervisor, the public, or fellow employee, or using insulting or abusive language or conduct to supervisor, the public, or fellow employee. | 2 | 5 | 3 | 5 | 5 | |
| 13 | Failure to conduct oneself in a professional manner while meeting the responsibilities to the public. | 2 | 3 | 3 | 4 | 4 | 5 |
| 14 | Failure to represent the Department in a professional manner during any court and/or administrative proceeding. | 1 | 2 | 2 | 3 | 3 | 5 |

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| 15 | Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof. | 3 | 5 | 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 Department 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. | 4 | 5 | 5 | | |
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| | | 1 st Offense | | 2nd Offense | | Additional |
| E. | Use of Alcoholic Beverages, Narcotics, or Habit Forming Drugs | Min | Max | Min | Max | Min Max |
| 1 | Consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a physician and their supervisor has been previously notified in writing. | 3 | 5 | 5 | | |
| 2 | Appearing for duty or driving while under the influence of alcohol or drugs while on duty. | 2 | 4 | 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 | Failure to complete any rehabilitation program recommended in the evaluation of an employee who is referred to an employee assistance program, who is suspended or demoted pursuant to any intoxicated related offense while driving any state vehicle or privately owned vehicle while on State business. | 5 | | | | |
| 5 | Convicted of violating any State or Federal law prohibiting the sale of a controlled substance. | 5 | | | | |
| 6 | Failure to report a conviction of any alcohol or drug related offense violating any State or Federal law prohibiting the sale of a controlled substance to the appointing authority within five (5) working days after it occurs. | 5 | | | | |
| 7 | 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 | | | | |

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| 8 | Refusal to submit to a screening test for any drug and/or alcohol test mandated by Federal or State law to include employees holding a commercial driver's license. | 2 | 5 | 3 | 5 | 5 | |
| 9 | Unlawful possession of a controlled substance at work or while on departmental business. | 5 | | | | | |
| 10 | Inability to perform the duties of the position because of being under the influence of an alcoholic beverage, narcotics or drugs, or any other controlled substance (includes prescription medication). | 1 | 5 | 2 | 5 | 3 | 5 |
| 11 | Failure to pass any drug and or alcohol test mandated by Federal or State law. | 3 | 5 | 5 | | | |
| 12 | Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of duties. | 3 | 5 | 4 | 5 | 5 | |
| 13 | Manufacturing, distributing, selling, giving, or otherwise providing to staff or other persons intoxicating beverages, or any controlled substances during working hours unless specifically authorized. | 3 | 5 | 5 | | | |
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| | | 1 st Offense | | 2nd Offense | | Additional | |
| F. | Misuse of Departmental or State Property | Min | Max | Min | Max | Min | Max |
| 1 | Using Federal, State or departmental owned or leased property without proper authorization. | 1 | 3 | 2 | 5 | 5 | |
| 2 | Operating State vehicle or equipment in an unsafe or negligent manner, or which results in injury to a person, damage to the equipment, or to the property. | 1 | 5 | 2 | 5 | 5 | |
| 3 | Speeding or committing other traffic violations while driving a State or federally owned vehicle, or reckless handling of other State equipment, including any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of or impacting employment. | 1 | 3 | 2 | 5 | 3 | 5 |
| 4 | Failure to have State vehicles maintained and or serviced pursuant to Motor Pool Standards resulting in damage to equipment or personal injury. | 1 | 5 | 2 | 5 | 5 | |
| 5 | 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 | 5 | 5 | | | |
| 6 | Operating state vehicles or equipment without proper authorization or credentials. | 2 | 5 | 5 | | | |

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| 7 | 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 |
| 8 | Failure to report an accident involving State equipment or vehicles, state-owned, personal or rental assigned to the employee within 24 hours. | 2 | 5 | 3 | 5 | 4 | 5 |
| 9 | Using or authorizing the use of State owned or leased property for other than official use, including State-issued credit cards. | 1 | 5 | 2 | 5 | 3 | 5 |
| 10 | Willfully operating State or Federal equipment in violation of State and Federal laws, i.e., speeding, reckless driving, etc. | 2 | 5 | 3 | 5 | 4 | 5 |
| 11 | Negligently or willfully leaving State equipment or machinery which results in damage to people, the equipment or other property. | 1 | 5 | 3 | 5 | 5 | |
| 12 | Releasing a paycheck or pay advice before the appropriate time. | 2 | 3 | 3 | 5 | 5 | |
| 13 | Requesting, receiving, and cashing a paycheck before the State's designated payday. | 2 | 3 | 3 | 4 | 5 | |
| 14 | Rendering of services or goods to recipients that are not in accordance with departmental or divisional policies. | 1 | 5 | 3 | 5 | 5 | |
| 15 | Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy. | 5 | | | | | |
| 16 | Failure to report an arrest or conviction or any misdemeanor, gross misdemeanor, or felony within 5 working days , when it is a requirement of the position. | 3 | 5 | 5 | | | |
| 17 | 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 | |
| 18 | Unauthorized and willful destruction, removal, concealing, stealing, tampering, mutilation, and/or alteration of property, equipment, departmental records, public records, book, paper report or document unless approved by the appropriate authority. | 1 | 5 | 2 | 5 | 5 | |
| 19 | Making unauthorized copies, such as books, manuals, and computer software, in violation of copyright laws or vendor licensing agreements. | 1 | 5 | 2 | 5 | 5 | |
| 20 | Waste or loss of State material, property, or equipment. | 1 | 3 | 2 | 5 | 4 | 5 |
| 21 | Negligent destruction of or damage to state or federal property. | 1 | 3 | 2 | 5 | 5 | |
| 22 | Willful destruction of or damage to state or federal property. | 2 | 5 | 3 | 5 | 5 | |

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| 23 | Jeopardizing the security of departmental property. | 1 | 3 | 2 | 5 | 3 | 5 |
| 24 | 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 | | | | | |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | | |
| | | 1 st Offense | | 2nd Offense | | Additional | |
| G. | Misuse of Information Technology | Min | Max | Min | Max | Min | Max |
| 1 | Use that interferes with employee performance or departmental 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 Department. | 2 | 4 | 3 | 4 | 5 | |
| 4 | Accessing, displaying and/or printing material or images that are sexually explicit which may or may not have the potential to create a hostile environment in the work place. | 1 | 5 | 2 | 5 | 5 | |
| 5 | Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State, or Federal laws. | 1 | 5 | 3 | 5 | 5 | |
| 6 | Accessing a website that results in a fee being charged to the State. | 1 | 3 | 3 | 4 | 5 | |
| 7 | Revealing passwords or using another person's user identification and/or password to access confidential information without authorization. | 2 | 5 | 3 | 5 | 5 | |
| 8 | 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 |
| 9 | Knowing and 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 | | | | | |

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| 10 | 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. | 2 | 5 | 3 | 5 | 5 |
| 11 | Installing or using personal or unauthorized software on State information technology resources without proper authorization and approval. | 2 | 4 | 3 | 4 | 5 |
| 12 | 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 |
| 13 | Misuse or abuse of the email system or other violations of the Computer Usage Policies regarding email. | 1 | 3 | 2 | 4 | 3 5 |
| 14 | Downloading, sharing, or duplicating confidential data either onto a laptop computer, Personal Digital Assistant (PDA), Compact Disc (CD), memory stick or similar, or any other portable device without proper authorization. | 5 | | | | |
| 15 | 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 or hardware on state information technology resources without proper authorization and approval. | 1 | 2 | 3 | 4 | 5 |
| 16 | Accessing or communicating data not pertaining to official job duties without authorization. | 1 | 4 | 2 | 5 | 5 |
| 17 | Malicious and willful alteration, deletion or other destruction of documents, data, information or other materials stored on any Department information technology system. | 5 | | | | |
| 18 | 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 | | | | |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | |
| | | 1 st Offense | | 2 nd Offense | | Additional |
| H. | Other Acts of Misconduct or Incompatibility | Min | Max | Min | Max | Min Max |
| 1 | Creating an atmosphere not conducive to a professional workplace, including creating discord among employees to the detriment of morale. | 1 | 4 | 2 | 5 | 5 |
| 2 | Engaging in outside employment activity or enterprise without authorization, and/or the appointing authority considers to be inconsistent, incompatible, or a conflict of interest. | 1 | 3 | 2 | 4 | 5 |

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| 3 | Unauthorized or improper disclosure of confidential information or theft of sensitive or confidential information or of written material. | 2 | 5 | 3 | 5 | 5 |
| 4 | Divulging confidential employer information obtained in the performance of official duties to any person outside the Department except as specified by law or policy. Making public any investigation or proposed action or business of the Department to any unauthorized person. | 2 | 5 | 5 | | |
| 5 | Disgraceful personal conduct which impairs job performance. | 1 | 4 | 3 | 5 | 5 |
| 6 | Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with NDA or the State when the employee is responsible for making any recommendations or decisions affecting their business activities. | 1 | 5 | 2 | 5 | 3 5 |
| 7 | Misrepresentation of official capacity or authority. | 2 | 5 | 4 | 5 | 5 |
| 8 | Unauthorized bringing into State and/or NDA owned, leased, or occupied buildings, without a current concealed firearm permit, any firearm or implement considered to be a weapon; unless permitted by law to do so. | 2 | 5 | 3 | 5 | 5 |
| 9 | Accidental discharge of firearm because of negligence with no injury or substantial damage. | 2 | 3 | 3 | 4 | 4 5 |
| 10 | Conviction of any criminal act related to the employee's work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work activity. | 2 | 5 | 3 | 5 | 5 |
| 11 | 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 |
| 12 | Acting in an official capacity 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. | 1 | 2 | 2 | 4 | 5 |
| 13 | Failure to provide name, identification or display proper ID when requested. | 1 | 2 | 2 | 3 | 3 5 |
| 14 | Failure to maintain personal appearance appropriate to the job. | 1 | 2 | 2 | 3 | 3 5 |

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| 15 | Allowing unauthorized personnel to enter work areas without approval of appointing authority. | 1 | 2 | 2 | 3 | 5 |
| 16 | Failure to report promptly and fully misconduct including activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy. | 1 | 5 | 2 | 5 | 3 5 |
| 17 | Concealing or covering up, attempting to conceal, removing or destroying evidence of incompetent or defective workmanship. | 2 | 3 | 3 | 4 | 4 5 |
| 18 | Sleeping on duty or failure to remain fully awake while on duty. | 1 | 5 | 3 | 5 | 5 |
| 19 | Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive, and responsive to their surrounding while on duty. | 1 | 5 | 2 | 5 | 5 |
| 20 | Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct or performance, criminal, or administrative investigation, arrest, or other administrative or enforcement action. | 4 | 5 | 4 | 5 | 5 |
| 21 | Failure to meet Peace Officer Standards & Training (POST) requirements, where it is a requirement of the position. | 4 | 5 | 5 | | |
| 22 | Improperly identified self, displayed badge or identification, or made improper use of status as a NDA employee that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity. | 3 | 5 | 4 | 5 | 5 |
| 23 | Any conduct whether on or off duty which negatively reflects upon the image of the State or the Department. | 1 | 5 | 2 | 5 | 5 |
| 24 | Engaging in unlawful or unauthorized electronic surveillance or recording of conversations or actions of persons in facilities owned or leased by the State. | 3 | 4 | 4 | 5 | 5 |
| 25 | The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose. | 3 | 4 | 4 | 5 | 5 |
| 26 | Completion of any NDA business transaction for self, friends, family members, or co-workers which may be inconsistent, incompatible, or a conflict of interest. | 1 | 5 | 2 | 5 | 5 |
| 27 | Failure to follow agency positions when representing the Department or failure to clearly identify that an employee's opinion is being expressed and does not represent the position of NDA, the Governor or the State Board of Agriculture when participating in an advocacy situation related to the Department. | 1 | 3 | 3 | 5 | 5 |

| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | | |
|--|--|-------------------------|-----|-------------|-----|------------|-----|
| | | 1 st Offense | | 2nd Offense | | Additional | |
| I. | Improper Political Activity | Min | Max | Min | Max | Min | Max |
| 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 | 5 | 4 | 5 | 5 | |
| 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 | |
| 4 | As an employee in an agency administering federally funded programs, engaging in political activities 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, except for expressing an opinion, while on duty, while in uniform or at public expense or event. | 2 | 4 | 3 | 4 | 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 | | | |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | | |
| | | 1 st Offense | | 2nd Offense | | Additional | |
| J. | Discrimination and Harassment | Min | Max | Min | Max | Min | Max |
| 1 | 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 | |
| 2 | Engaging in sexual harassment as defined in Federal and State law, the Governor's policy, or NDA policy against an employee, an applicant for employment, a client, or any other person in the workplace. | 2 | 5 | 4 | 5 | 5 | |
| 3 | Creating or endorsing a hostile work environment. | 2 | 5 | 3 | 5 | 5 | |
| 4 | Making a negative or 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 Governor's policy, or NDA policy. | 1 | 5 | 3 | 5 | 5 |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | |
| | | 1 st Offense | | 2nd Offense | | Additional |
| K. | Safety and Health | Min | Max | Min | Max | Min Max |
| 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 | Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force on a person under arrest or any other person. | 3 | 5 | 4 | 5 | 5 |
| 4 | Disregard of safety rules. | 2 | 3 | 3 | 4 | 4 5 |
| 5 | Creating a situation where force must be used unnecessarily. | 3 | 5 | 4 | 5 | 5 |
| 6 | Failing to report any use of force either as a participant or a witness. | 4 | 5 | 4 | 5 | 5 |
| 7 | Workplace violence, threat of workplace violence, harassment or intimidation. | 2 | 5 | 3 | 5 | 5 |
| 8 | Knowingly failing to appropriately and timely report any on-the-job or work-related accident or injury. | 1 | 2 | 2 | 3 | 3 5 |
| 9 | 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 |
| 1 = Oral Warning 2 = Written Reprimand 3 = Suspension 4 = Demotion 5 = Dismissal | | | | | | |
| | | 1 st Offense | | 2nd Offense | | Additional |
| L. | Relations With Clients, Licensees, or Grantees | Min | Max | Min | Max | Min Max |
| 1 | Willfully abridging or denying the rights of clients, licensees or grantees as specified in NRS or agency policy. | 3 | 5 | 3 | 5 | 5 |
| 2 | Negligently abridging or denying the rights of clients, licensees or grantees 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 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 |

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|----|--|---|---|---|---|---|
| 4 | 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 |
| 5 | Using insulting, intimidating, or abusive language to clients; licensees or grantees; neglecting, threatening or causing bodily harm to clients; licensees or grantees. | 2 | 5 | 3 | 5 | 5 |
| 6 | 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 |
| 7 | Soliciting clients, licensees, grantees 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 |
| 8 | Any willful or reckless act of aggression directed towards a client, including, but not limited to, sexual exploitation of a client, grabbing, pushing, tripping, hitting, or striking a client in any manner, or willful misuse of physical or chemical restraints not in accordance with an approved treatment plan or in violation of state or federal law. | 2 | 5 | 3 | 5 | 5 |
| 9 | Failure to report suspected denial of client rights, client abuse, or neglect. | 2 | 5 | 3 | 5 | 5 |
| 10 | Failure of an employee as mandated by law in their professional or occupational capacity to report animal abuse. | 3 | 5 | 5 | | |
| 11 | Threatening another person with a deadly weapon on the premise of the workplace or while conducting state business or performing duties of employment. | 5 | | | | |

ACKNOWLEDGEMENT FORM

**DEPARTMENT OF AGRICULTURE
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 Department of Agriculture employees.

The Department of Agriculture’s Prohibitions and Penalties document is a guide that intends to clarify existing rules 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 State of Nevada Department of Agriculture. 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 Department of Agriculture 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 acknowledgement will be placed in the employee’s personnel file.

Acknowledgement of Receipt:

I acknowledge receipt of the Department of
Agriculture’s Prohibitions and Penalties.

Employee Signature

Date

Print Employee Name

Employee ID

Agency HR Services Representative or Immediate Supervisor

Date