UNLV

Prohibitions and Penalties: A Guide for Classified Staff

Nevada System of Higher Education, NSHE

UNLV/NSHE Prohibitions and Penalties
approved by the Personnel Commission on December 9, 2011

UNLV

NOTE TO PERSONNEL FILE

The authority to establish job-related behavior and performance standards derives from the Nevada Revised Statutes Chapter 284 and the Nevada Administrative Code, specifically 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. Additions, deletions, or changes to the Guide will be communicated to employees and supervisors. This guide was approved on December 9, 2011, by the State Personnel Commission; as such, 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 in the Human Resources Department.

Acknowledgement of Receipt

I_____ acknowledge receipt 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: _____

Employee ID#: _____

Department: _____

Date: _____

Acknowledgement 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: _____

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Forward

Authority to establish job-related behavior and performance standards derives from the Nevada Revised Statutes Chapter 284 and the Nevada Administrative Code. 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.

If the employee's conduct comes under one of the causes listed in this guide or in NAC 286.650, the supervisor shall inform the employee promptly and specifically of the conduct. Additionally, if the performance of an employee falls below standard, his or her supervisor shall inform the employee promptly and specifically of the deficiencies in the performance of the employee regardless of whether a report on performance of the employee is completed or filed. Three consecutive unsatisfactory evaluations may be sufficient for termination without progressive disciplinary action.

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

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. All employees will be issued a copy of the "Prohibition and Penalties" handbook.

Table of Contents

Forward…….	Page 2
Table of Contents……..	Page 3
Types of Corrective Action/Disciplinary Actions……	Page 4
A. Fraud, Falsification or Dishonesty……...	Page 5
B. Job Performance……...	Page 5
C. Behavior Toward Others……	Page 6
D. Possession and/or Use of Alcohol and Drugs……	Page 7
E. Misuse of Resources…….	Page 7
F. Safety, Security, and Workplace Violence……	Page 8
G. Other Acts of Misconduct……	Page 9

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:

UNLV Human Resources, Employee Relations
4505 Maryland Parkway, Box 451026
Las Vegas, NV 89154-1026
(702) 895-0402

Go to the HR website, http://hr.unlv.edu/, to find contact information for the Employee Relations office staff.

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 –Warnings are not placed in personnel file unless further disciplinary action occurs.

2. WRITTEN REPRIMAND – This action must be written on the NPD-52 following a discussion between supervisor and employee. The form must be signed by the employee and the supervisor, a copy given to the employee, and the original sent to Human Resources for the employee's file. If the employee refuses to sign the 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 30 calendar days. (Requires NPD-41 form) If employee refuses to sign form, state this on the form and obtain the signature of a witness.

4. 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.

5. 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 and General Counsel must review all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal (5) of permanent employee <u>prior</u> to the action.

Whenever possible, disciplinary actions should be preceded by counseling by the supervisor to correct the situation.

If actions 3, 4, or 5 are recommended for a permanent classified employee, the pre-disciplinary hearing guidelines must be followed. Upon notification by the supervisor, Human Resources will assist with the appropriate process for actions 3, 4, and 5.

NOTE: Appropriate disciplinary action may also be taken for any causes listed in the Nevada Administrative Code, 284.650, "<u>Causes for disciplinary action</u>."

Nevada System of Higher Education
Prohibition and Penalties

	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
A. <u>Fraud, Falsification or Dishonesty</u> 1. Falsification of application for employment or other personnel records, which could have adversely affected selection for appointment.	5					
2. Falsification of identity related to matters of employment.	5					
3. Willful and/or negligent falsification of records or reports.	1	5	2	5	3	5
4. Willful concealment of material facts by omission from records.	2	5	3	5	5	
5. Soliciting or accepting a bribe.	5					
6. Embezzlement or misappropriation of NSHE funds or other funds which come into the employee's possession by reason of his/her official position.	5					
7. Stealing or misappropriation of property belonging to NSHE, federal or state government, vendors, or fellow employees.	2	5	3	5	5	
8. Dishonesty.	2	5	3	5	5	
B. <u>Job Performance and Attendance</u> 1. Failure to adhere to personal appearance standards established by the work unit.	1	2	2	3	3	5
2. Failure to meet work performance standards.	1	3	2	4	3	5
3. Failure to maintain a professional or occupational license, certificate, permit, or driver's license if it is a requirement of the position	2	5	3	5	5	
4. Failure of a supervisory employee to complete evaluations as scheduled, address safety and/or liability issues in the workplace, or to take corrective disciplinary action where such action is needed.	1	5	2	5	3	5
5. Failure to prepare or maintain prescribed records or reports.	1	5	2	5	3	5
6. Unauthorized removal of records, correspondence or documents from NSHE files.	2	5	3	5	5	
7. Withholding information regarding the job from supervisors or other persons having necessity for such information.	1	4	2	5	3	5

1= Warning; 2= Written Reprimand; 3= Suspension,
4= Demotion; and 5= Dismissal

8. Failure to cooperate with other employees and/or supervisors.	1	3	2	5	3	5

1= Warning; 2= Written Reprimand; 3= Suspension,
4= Demotion; and 5= Dismissal

	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
9. Disgraceful personal conduct which impairs performance or causes discredit to the institution including, but not limited to, lewd, disorderly, and indecent conduct.	1	5	2	5	3	5
10. Misuse and/or abuse of supervisor authority.	1	5	2	5	3	5
11. Disregard and/or deliberate failure to comply with or enforce statewide, department or office regulations and policies.	1	5	2	5	3	5
12. Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3	5
13. Carelessness, indifference, and/or inattention to duty.	1	3	2	3	3	5
14. Conducting personal business during working hours.	1	3	2	4	3	5
15. Frequent or continual tardiness and/or failure to report to work promptly after rest and meal periods.	1	3	2	4	3	5
16. Time away from work station without authorization.	1	2	2	3	3	5
17. Leaving a work area or a job when specifically instructed to remain in work area or at the job.	2	4	3	5	3	5
18. 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	4	3	5
19. Unauthorized absence from duty.	1	2	2	4	3	5
20. Absence from duty after having been denied permission to take leave.	2	5	3	5	5	
21. Failure to report to work or call a supervisor for three consecutive work days without valid justification.	5					
C. <u>Behavior Toward Others (administration, supervisors, coworkers, students, vendors, public)</u> 1. Using insulting, abusive, or profane language.	1	3	2	5	3	5
2. Discourteous treatment of others.	1	3	2	4	3	5
3. Causing discord among others.	1	3	2	5	3	5
4. Making statements which demean others.	1	3	2	4	3	5
5. Any intimidating behavior toward others including, but not limited to, verbal threats, stalking, bullying, and fighting.	3	5	4	5	5	

1= Warning; 2= Written Reprimand; 3= Suspension,
4= Demotion; and 5= Dismissal

	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
D. <u>Possession and/or Use of Alcohol and Drugs</u> 1. Inability to perform the duties of the position due to being under the influence of drugs and/or controlled substances and/or alcohol.	3	5	5			
2. Failure to pass any drug and/or alcohol test mandated by federal or state law.	3	5	5			
3. Refusal to take any drug and or alcohol test mandated by Federal or State law.	5					
4. Failure to complete any mandatory rehabilitation program recommended in the evaluation of an employee by the designated, qualified treatment provider.	5					
5. Failure to notify supervisor after consuming any drug which would interfere with the safe and efficient performance of the employee's duties.	2	5	3	5	5	
6. Unlawful possession of a controlled substance at the work site or on NSHE business.	3	5	5			
7. Driving on duty while under the influence of alcohol and/or controlled substance and/or drugs.	5					
8. 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 an NSHE vehicle or a privately owned vehicle on NSHE business.	5					
9. Convicted of unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance at a place of work or on NSHE business.	5					
10. Convicted of violating any State or Federal law prohibiting the sale of a controlled substance. Pursuant to NRS 193.105, an employee who is convicted of violating any state or federal law prohibiting the sale of a controlled substance must be dismissed.	5					
11. Failure to report a conviction of any offense described in 8, 9, and 10 above, to the appointing authority within five (5) working days after it occurs.	5					
E. <u>Misuse of Resources</u> 1. Using or authorizing the use of NSHE-owned or leased property for other than official use without written prior approval pursuant to NRS 281A.400,7(a).	1	5	2	5	3	5

1= Warning; 2= Written Reprimand; 3= Suspension,
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2. Failure to have State vehicles or equipment properly maintained and/or serviced resulting in personal injury or damage to equipment.	1	5	2	5	3	5

1= Warning; 2= Written Reprimand; 3= Suspension,
4= Demotion; and 5= Dismissal

	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
3. Waste or loss of material, property, equipment or resources.	1	3	2	5	3	5
4. Negligent destruction of or damage to NSHE property.	1	5	2	5	3	5
5. Willful destruction of or damage to NSHE property.	2	5	3	5	5	
6. Jeopardizing the security of NSHE property.	1	3	2	5	3	5
7. Accessing or communicating data not pertaining to official job duties without authorization.	1	3	2	4	5	
8. Revealing passwords or using another person's user identification and/or password to allow access to confidential information.	1	5	3	5	5	
9. Installing or using personal or unauthorized software on state information technology resources without proper authorization.	1	3	3	5	5	
10. Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreements.	1	5	3	5	5	
11. Using NSHE 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 or personal activities.	2	5	3	5	5	
12. Use of NSHE information technology resources for personal purposes that interferes with performance of employee's duties and/or creates the appearance of impropriety.	1	3	2	4	5	
13. 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	4	5	
14. 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.	5					
F. Safety, Security, and Workplace Violence 1. Endangering self, fellow employees, students, or public through negligent violation of institution policy as contained in performance standards, safety rules, procedures, and any other state and federal laws, regulations or guidelines.	1	5	2	5	3	5
2. Endangering self, fellow employees, students, or public through willful violation of institution policy as contained in performance standards, safety rules, procedures and other state and federal laws, regulations and guidelines.	3	5	5			

1= Warning; 2= Written Reprimand; 3= Suspension,
4= Demotion; and 5= Dismissal

	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
3. Any act of aggression or intimidation that completes or communicates a direct or indirect threat of physical or mental harm to supervisor, public, students, or fellow employee; or any indirect act such as damage to personal property.	3	5				
4. Bringing onto NSHE property or buildings any firearm or implement considered to be a weapon unless authorized to do so.	2	5	5			
5. Operating NSHE vehicles or equipment without proper license, authorization or credentials.	1	5	2	5	5	
6. Operating NSHE vehicles or equipment in an unsafe or negligent manner resulting in injury to a person, damage to the equipment or to the property.	1	5	2	5	5	
7. Operating a personal vehicle while on NSHE business in an unsafe and negligent manner.	1	5	2	5	5	
8. Failure to immediately report an accident or damage to NSHE equipment or vehicle (state owned, personal, or rental) while on NSHE premises or while conducting NSHE business. Note: Requirement to report personal vehicle damage is limited to third party and/or injury involvement.	1	5	2	5	3	5
G. <u>Other Acts of Misconduct</u> 1. Unauthorized and/or willful destruction of NSHE records.	1	5	2	5	3	5
2. Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command).	1	5	2	5	3	5
3. Unauthorized or improper disclosure or use of confidential information.	1	5	2	5	3	5
4. Failure to adhere to smoking policies and regulations.	1	3	2	4	3	5
5. Acting in an official capacity without authorization.	1	5	2	5	3	5
6. Failure to participate in an administrative investigation authorized by the employee's appointing authority.	1	5	2	5	3	5
7. Intentionally viewing, storing, or distributing pornographic materials at the premises of the workplace, on any media format (electronic, print, or other form). This includes off premises activity with NSHE systems.	5					
8. Conviction of any criminal act involving moral turpitude.	1	5	2	5	3	5

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	1st Offense		2nd Offense		Additional	
	Min	Max	Min.	Max.	Min	Max
9. Engaging in political activity during the hours of employment including direct or indirect solicitation of others as described in NAC 284.770.	1	5	2	5	3	5
10. Engaging in political activity for the purpose of securing preference for promotion, transfer, or salary advancement as described in NAC 284.770.	1	3	2	5	5	
11. Engaging in political activities which are forbidden by federal laws as an employee administering federally aided programs.	1	5	2	5	3	5
12. Engaging in sexual harassment as defined in NAC 284.771 or NSHE policy against another employee, an applicant for employment, students, and/or other persons in the course of performing duties and/or in the workplace.	2	5	3	5	5	
13. Discrimination on the basis of race, color, national origin, age, sex, (gender/orientation), gender identity/expression, religion, disability, or any classes protected under State and Federal law.	2	5	3	5	5	
14. 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	
15. Engaging in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with NSHE employment.	1	4	2	5	5	
16. Accepting gifts, service, favor, employment, engagement or economic opportunity from an 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.	2	5	3	5	5	
17. Failure to adhere to, follow or violation of any rules or policies of the institution specified in the Nevada System of Higher Education's Board of Regent's Handbook, the institution's administrative manual, Nevada Revised Statutes, or the Nevada Administrative Code.	1	5	2	5	3	5