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## State of Nevada Department of Corrections

### PROHIBITIONS AND PENALTIES

A Guide for Classified Employees of the Department of Corrections

As required by NAC 284.742, the following guide identifies activities that are prohibited as inconsistent, incompatible or in conflict with an employee's duties and identifies a range of penalties for various violations. This guide is intended as a supplement to the *Nevada Rules for State Personnel Administration* and does not constitute coverage of all possible violations that could conceivably occur. It is intended to clarify existing rules and regulations and to assist supervisors in taking appropriate corrective discipline action. The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree than indicated depending on the circumstances and the seriousness of the offense(s). The extent of progressive discipline imposed will be at the Appointing Authority's discretion.

#### TYPES OF CORRECTIVE ACTION AND CODE DESCRIPTION

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|----|--------------------------|--|
| 1. | <b>Oral Warning</b>      | Shall be oral and documented.  |
| 2. | <b>Written Reprimand</b> | Form NPD-52  |
| 3. | <b>Suspension</b>        | Not to exceed 30 calendar days. Form NPD-41  |
| 4. | <b>Demotion</b>          | Movement of employee to class having lower grade than class previously held. Form NPD-41 |
| 5. | <b>Dismissal</b>         | Form NPD-41  |

Appropriate disciplinary or corrective action may also be taken for any cause listed in Chapter 284 of the Administrative Code (e.g., NAC 284.646 (Dismissals) and NAC 284.650 (Causes for Disciplinary Action)). If disciplinary action of suspension, demotion or dismissal (code 3, 4 or 5) is recommended for a permanent classified employee, the pre-disciplinary guidelines set forth in NAC 284.656 **must** be followed.

|   | <b>1<sup>st</sup><br/>OFFENSE</b> | <b>2<sup>nd</sup><br/>OFFENSE</b> | <b>3<sup>rd</sup><br/>OFFENSE</b> |
|---|-----------------------------------|-----------------------------------|-----------------------------------|
| <b>A. ABSENT WITHOUT LEAVE OR ABUSE OF LEAVE PRIVILEGES</b>   |                                   |                                   |                                   |
| 1. Unexcused tardiness.   | 1,2                               | 2,3                               | 3,4,5                             |
| 2. Absence without approved leave for three consecutive scheduled working days.   | 5                                 | –                                 | –                                 |
| 3. Any absence without approved leave short of three consecutive scheduled working days.                                  | 2,3,4                             | 3,4,5                             | 5                                 |
| 4. Abuse of sick leave.   | 2,3                               | 3,4                               | 3,4,5                             |
| 5. Failure to make proper notification of sick leave.   | 1,2,3                             | 2,3,4                             | 3,4,5                             |
| <b>B. DISCHARGE OF FIREARM DUE TO NEGLIGENCE</b>  |                                   |                                   |                                   |
| 1. Discharge of firearm due to negligence.  | 2,3                               | 3,4,5                             | 3,4,5                             |
| 2. Discharge of firearm due to negligence, resulting in substantial injury or damage.                                     | 3,4,5                             | 3,4,5                             | 5                                 |
| <b>C. ALCOHOL ABUSE</b>   |                                   |                                   |                                   |
| 1. Being under the influence of alcohol while on duty or with the intent to report to duty.                               | 3,4,5                             | 5                                 | –                                 |
| 2. Purchasing, possessing, or consuming alcohol while in uniform when <i>off</i> duty.                                    | 3,4                               | 3,4,5                             | 5                                 |
| 3. Purchasing, possessing, or consuming alcohol while <i>on</i> duty.   | 3,4,5                             | 3,4,5                             | 5                                 |
| 4. Driving while under the influence of alcohol while on duty.  | 3,4,5                             | 5                                 | –                                 |
| 5. Damaging State property or causing physical/bodily injury while under the influence of alcohol.                        | 4,5                               | 5                                 | –                                 |
| 6. Refusal to submit to a lawfully required alcohol test.   | 5                                 | –                                 | –                                 |
| <b>D. CONTROLLED SUBSTANCE/DRUGS</b>  |                                   |                                   |                                   |
| 1. Being under the influence of or using a controlled substance and/or drug. while on duty.                               | 3,4,5                             | 5                                 | –                                 |
| 2. Refusal to submit to a lawfully required controlled substance/drug test.   | 5                                 | –                                 | –                                 |
| 3. Driving under the influence of a controlled substance and/or drug while on duty  | 3,4,5                             | 5                                 | –                                 |
| 4. Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance and/or drug at | 5                                 | –                                 | –                                 |

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| his/her workplace premise or while on State business.   |       |       |   |
| 5. Knowingly transporting any person to buy/obtain any illegal controlled substance, and/or drug while on duty.   | 3,4,5 | 5     | — |
| 6. Failure to notify a supervisor after consuming any substance which could impair or interfere with the safe and efficient performance of his/her duties.  | 3,4,5 | 5     | — |
| <b>E. CRIMINAL MISCONDUCT</b>   |       |       |   |
| 1. Conviction of driving under the influence in violation of NRS 484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense while driving a State vehicle, leased vehicle or a privately-owned vehicle while on State business.<br>(See NAC 284.653.)                    | ,5    | —     | — |
| 2. Conviction of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at employee's premise of workplace or while on State business.   | 5     | —     | — |
| 3. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor involving conduct that has an adverse impact upon the agency, tends to bring the agency into public discredit, and/or tends to affect the employee's ability to perform his or her duties efficiently. | 3,4,5 | 5     | — |
| 4. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed involving conduct that has an adverse impact upon the agency tends to bring the agency into public discredit, and/or tends to affect the employee's ability to perform his or her duties efficiently.                            | 3,4,5 | 5     | — |
| 5. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996].   | 5     | —     | — |
| <b>F. DISCOURTESY</b>   |       |       |   |
| 1. Discourteous, unprofessional, or improper remark to or about a co-worker or member of the public.  | 2,3,4 | 3,4,5 | 5 |
| 2. Initiating and/or perpetuating malicious rumors regarding fellow employees.  | 2,3,4 | 3,4,5 | 5 |

| <b>G. DISCRIMINATION, SEXUAL HARASSMENT, AND OTHER TITLE VII VIOLATIONS</b>  |                      |                  |              |
|--|----------------------|------------------|--------------|
| 1. Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, pregnancy, national origin, genetic information, gender identity or expression, domestic relations, or compensation or wages, or any other protected classes or other violations of Title VI and Title VII of the Civil Rights Act or the State Executive Branch Sexual Harassment and Discrimination Policy. | 3,5                  | 5                | –            |
| 2. Engaging in sexual harassment as defined in NAC 284, the State Executive Branch Sexual Harassment and Discrimination policy, or NDOC policy against another employee, client, or any other persons in the work place.   | 2,3,4,5              | 4,5              | 5            |
| 3. Creating or endorsing a hostile work environment.   | 2,3,4,5              | 3,4,5            | 5            |
| 4. Making a discriminatory remark at work or in the work-related environment.  | 2,3,                 | 3, 4, 5          | 5            |
| 5. Displaying discriminatory photographs, cartoons, jokes, or other comments of a discriminatory nature at work or in the work-related environment.  | 2,3,4,5              | 5                | –            |
| 6. Retaliating against an employee for: 1) complaining about harassment or discrimination; 2) supporting another employee's complaint about harassment or discrimination; 3) disclosing improper governmental action; 4) filing a grievance or appeal; or 5) exercising any employment right protocol under State or Federal law.  | 2,3,4,5              | 3,4,5            | 5            |
| <b>H. DISHONESTY</b>   |                      |                  |              |
| 1. Theft, misappropriation, or other fraudulent activity involving agency or State funds, property, or resources.  | 5                    | –                | –            |
| 2. Falsification of a timesheet.<br>a) Negligently<br>b) Willfully   | a) 1,2,3<br>b) 3,4,5 | a) 3,4,5<br>b) 5 | a) 5<br>b) - |
| 3. Knowingly falsifying any State record or report.  | 5                    | –                | –            |
| 4. Theft of property belonging to another employee, a member of the public, or an inmate.  | 5                    | –                | –            |
| 5. Knowingly making false statement on travel claims.  | 5                    | –                | –            |

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| 6. Receiving reimbursement for travel expense(s) through false pretenses.   | 5     | –   | –     |
| 7. Making a personal profit from State transactions.  | 5     | –   | –     |
| 8. Accepting or soliciting a bribe or gratuity.   | 5     | –   | –     |
| 9. Converting found, recovered or seized property to personal use.  | 3,4,5 | 5   |       |
| <b>I. FALSE OR MISLEADING STATEMENTS</b>  |       |     |       |
| 1. Knowingly providing false or misleading statements, including omissions, either verbally or in written reports or other documents, concerning actions related to the performance of official duties. Or knowingly providing false or misleading statements, including omissions, in response to any question(s) or request(s) for information in any <i>official</i> investigation, interview, hearing, judicial proceeding, or inquiry. | 5     | –   | –     |
| 2. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records.   | 5     | –   | –     |
| <b>J. FRAUD IN SECURING APPOINTMENT</b>   |       |     |       |
| 1. Willful falsification of or omission of material information within an application for employment or promotion, or other personnel forms.  | 5     | –   | –     |
| 2. Permitting another person to take a portion of the State Service examination for the employee or participating in such an examination for another person.  | 5     | –   | –     |
| <b>K. IMPROPER POLITICAL ACTIVITY</b>   |       |     |       |
| 1. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration.  | 2,3   | 3,4 | 3,4,5 |
| 2. Engaging in political activity during the hours of an employee's State employment to improve the chances of a political party or a person seeking office, or at any time engaging in political activity to secure a preference for a promotion, transfer, or salary advancement.   | 2,3   | 3,4 | 3,4,5 |

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| 3. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform, or at public expense.   | 2,3,4   | 3,4,5   | 5     |
| 4. 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. This includes threats of discrimination, reprisal, force, or any other adverse consequence including loss of any benefit, reward, promotion, advancement, or compensation. | 3,4,5   | 5       | –     |
| 5. Subjecting any employee who chooses not to engage in any political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement, or compensation.  | 3,4,5   | 5       | –     |
| <b>L. INSUBORDINATION</b>  |         |         |       |
| 1. Disobeying or refusing to obey a statute, State regulation, agency policy, written or verbal instruction, or lawful order.  | 2,3,4,5 | 3,4,5   | 5     |
| 2. Disobeying or refusing to obey a statute, State regulation, agency policy, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which leads to personal injury.   | 5       | –       | –     |
| 3. Arguing with supervisor about the wisdom or propriety of a lawful order or decision; back-talking.  | 1,2,3   | 3,4,5   | 3,4,5 |
| 4. Refusal to undergo a search of person or property on agency workplace premises.   | 5       |         |       |
| 5. Failure to provide or display proper identification.  | 1,2     | 2,3,4,5 | 3,4,5 |
| 6. Unauthorized service and or acceptance of legal process.  | 1,2     | 2,3     | 3,4,5 |
| 7. Unauthorized representation of the agency.  | 2,3,4,5 | 3,4,5   | 3,4,5 |
| 8. Disobeying the State of Nevada smoking statutes and/or agency tobacco policy.   | 3,4     | 3,4,5   | 5     |
| 9. Use of profane, disparaging, or abusive language directed at a supervisor, with, to and/or around other employees, or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the   | 1,2,3,  | 3,4,5   | 5     |

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| institution, agency or State of Nevada Service.   |           |       |       |
| 10. Refusal to work mandatory overtime.   | 2,3,4     | 3,4,5 | 5     |
| <b>M. MISUSE OR UNAUTHORIZED USE OF PROPERTY</b>  |           |       |       |
| 1. Damage to or loss of State property or equipment, or bodily injury due to neglect or carelessness.   | 2,3,4,5   | 3,4,5 | 3,4,5 |
| 2. Failure to properly maintain State property and/or agency equipment.   | 1,2       | 2,3   | 3,4,5 |
| 3. Unauthorized use, misuse, or waste of property belonging to the State or agency.   | 1,2,3,4,5 | 3,4,5 | 4,5   |
| 4. Unauthorized destruction of State records.   | 5         | –     | –     |
| 5. Speeding or committing other traffic violations while driving a State-owned vehicle, or reckless handling of other State equipment.                                      | 2,3       | 3,4   | 3,4,5 |
| 6. Using agency vehicle(s) for other than official business or personal use and benefit.  | 3,4       | 3,4,5 | 3,4,5 |
| 7. Deliberate waste of materials or supplies.   | 2,3       | 3,4   | 3,4,5 |
| 8. Unauthorized removal of State property.  | 1,2,3,4,5 | 3,4,5 | 5     |
| 9. Permitting inmates to use agency telephones or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by agency policy.        | 3,4,5     | 5     | –     |
| 10. Intentional destruction, damage or loss of property or State equipment.   | 3,4,5     | 3,4,5 | 5     |
| 11. Causing loss of or damage to inmate property due to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. | 2,3,4,5   | 3,4,5 | 3,4,5 |
| <b>N. COMPUTER USAGE VIOLATIONS</b>   |           |       |       |
| 1. Unauthorized or improper use or copying of proprietary software, electronic file(s), program(s), or data.  | 3,4,5     | 5     | –     |
| 2. Unauthorized use or distribution of agency data or programs for other than the administration of agency duties, responsibilities, and business.                          | 3,4,5     | 4,5   | 5     |

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| 3. The introduction, distribution or use of computer hardware or software to or on agency computers or systems, including but not limited to, downloading any such materials without prior authorization.   | 3,4,5 | 5   | – |
| 4. The introduction, distribution or use of computer hardware or software to or on agency computers or systems that causes a breach of security or the bypass of a firewall on or to any Department or State of Nevada computer, system or network.   | 3,4,5 | 5   | – |
| 5. Using another employee's password to access agency computers.  | 3,4,5 | 5   | – |
| 6. Providing or exposing your password to any other person.   | 3,4,5 | 5   | – |
| 7. Failure to secure agency computer or accessing an agency computer which has been left unsecured.   | 3,4,5 | 4,5 | 5 |
| 8. Use of State or agency e-mail, intranet, or Internet system in violation of any statute, State regulation, agency policy or procedure for purposes not directly related to agency duties or unrelated to the agency mission. This includes activities such as access to or distribution of computer games or use for private business. | 3,4,5 | 5   | – |
| 9. Use of State or agency equipment for gambling.   | 5     | –   | – |
| 10. Use for access to or distribution of pornographic material as defined by NAC 284.646(4).  | 5     | –   | – |
| 11. Forging digital signature.  | 5     | -   | - |
| 12. Attempting to, or intentionally using e-mail or internet system 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     | –   | – |
| 13. Unauthorized use of State or agency equipment 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     | –   | – |



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| 14. Intentionally allowing an inmate to have any password protected file.   | 5                    | –                   | –                |
| 15. Permitting an inmate to have access to or be in the vicinity of, privileged, confidential, or sensitive information contained on a computer.  | 4,5                  | 5                   | –                |
| 16. Leaving an inmate unsupervised in any area containing access to privileged, confidential, or sensitive information on an unsecured computer.  | 5                    | –                   | –                |
| 17. Improperly permitting an inmate to work on, use, or otherwise access any computer, computer system, or information system of the State or the agency.                                       | 5                    | –                   | –                |
| 18. Circumventing State or agency internet security for any reason including but not limited to accessing unauthorized internet web sites.  | 3,4,5                | 5                   | –                |
| <b>O. NEGLECT OF DUTY</b>   |                      |                     |                  |
| 1. Careless or sloppy work; frequent mistakes or errors.  | 1,2,3                | 2,3,4               | 3,4,5            |
| 2. Failure to complete work assignments.  | 1,2,3                | 2,3,4               | 3,4,5            |
| 3. Failure to complete and submit required reports to supervisor or other designated person.  | 1,2,3                | 3,4                 | 3,4,5            |
| 4. Failure to take corrective action when warranted.  | 1,2,3                | 2,3,4               | 3,4,5            |
| 5. Willful failure to appropriately intervene or respond to incidents or calls for assistance..   | 3,4                  | 3,4,5               | 5                |
| 6. Wasting time or failure to devote full time, attention and effort to assigned duties.  | 1,2,3                | 2,3,4               | 3,4,5            |
| 7. Conducting outside/personal business on State time.  | 1,2,3                | 3,4,5               | 5                |
| 8. Engaging in an outside employment, activity or enterprise:<br>a) Without authorization<br>b) The appointing authority considers to be inconsistent, incompatible, or a conflict of interest. | a) 1,2<br>b) 2,3,4,5 | a) 2,3<br>b) 3,4, 5 | a) 3,4,5<br>b) 5 |
| 9. Misplacement of State or agency documents or property.   | 1,2                  | 2,3                 | 3,4,5            |
| 10. Intentionally initiating or causing a disruption of normal operations.  | 4,5                  | 5                   | –                |
| 11. Failure to maintain telephone or other method of delivering messages at residence.  | 1,2                  | 2,3                 | 3,4,5            |
| 12. Failure to maintain required uniform or wear appropriate  | 1,2                  | 2,3                 | 3,4,5            |

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| clothing consistent with assigned duties.  |           |         |       |
| 13. Failure to appear for court or administrative hearing when duly notified or subpoenaed.  | 3,4       | 3,4,5   | 5     |
| 14. Failure to comply with any court order or judgment.  | 3,4,5     | 5       | –     |
| 15. Failure to maintain personal appearance appropriate to the job.  | 1,2       | 2,3     | 3,4,5 |
| 16. Negligent failure to appropriately identify and secure seized, found, or recovered property.   | 1,2       | 2,3     | 3,4,5 |
| 17. Willful failure to appropriately identify and secure seized, found, or recovered property.   | 2,3       | 3,4     | 3,4,5 |
| 18. Allowing unauthorized personnel to enter work areas.   | 2,3       | 3,4     | 4,5   |
| 19. Failure to ensure subordinate employees perform required duties.   | 1,2,3,4,5 | 2,3,4,5 | 5     |
| 20. Failure to notify a supervisor when feeling tired or ill, when fatigue or illness negatively impacts employee's ability to perform his or her assigned duties.   | 2,3       | 3,4     | 3,4,5 |
| 21. Sleeping on duty or failing to remain fully awake while on duty.   | 3,4,5     | 3,4,5   | 5     |
| 22. Failure to assure safety and security as part of effective job performance, or failure to remain alert, aware of, attentive and responsive to employee's surroundings while on duty.   | 2,3,4,5   | 3,4,5   | 5     |
| 23. Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, events of immediate interest or concern, or matters impacting PREA which take place within the jurisdiction of, or which impact, the agency. | 2,3,4,5   | 3,4,5   | 5     |
| 24. Failure to exercise proper supervision over offenders.   | 2,3,4,5   | 3,4,5   | 5     |
| 25. Concealing or covering-up of defective workmanship.  | 2,3       | 3,4     | 3,4,5 |
| 26. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of employee's next shift.   | 3,4,5     | 5       | –     |
| 27. Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position.   | 2,3       | 3,4     | 3,4,5 |
| 28. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in  | 2,3       | 3,4     | 3,4,5 |

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| cases involving rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee.                        |         |     |       |
| 29. Preferential treatment of subordinates or offenders.  | 2,3     | 3,4 | 3,4,5 |
| 30. Failure to respond to radio call.   | 2,3     | 3,4 | 3,4,5 |
| 31. Unauthorized possession of weapons or security equipment on State property.   | 3,4,5   | 5   |       |
| 32. Failure to perform security functions or violating or endangering the security of an institution.   | 4,5     | 5   | –     |
| 33. Failure to perform duties, whether custodial or other job responsibilities, resulting in the escape of a prisoner or the serious physical injury, sexual assault or death of another person.                                      | 5       | –   | –     |
| 34. Engaging in any act or communication information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to dispose of or conceal evidence.                      | 5       | –   | –     |
| 35. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment.  | 5       | –   | –     |
| 36. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law.   | 3, 4, 5 | 5   | –     |
| 37. Taking any action that interferes with the administration of criminal justice, including interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. | 5       | –   | –     |
| 38. Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct, investigation, arrest, or other administrative or enforcement action.           | 5       | –   | –     |
| 39. Unauthorized removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report  | 5       | –   | –     |

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| or other official document maintained by the State, agency or any other criminal justice agency.  |           |         |       |
| 40. Leaving an assigned post, including a hospital, or department or facility grounds, while on duty without authorization of a supervisor and/or without proper relief.  | 5         | –       | –     |
| 41. Failure to meet Peace Officer Standards & Training (POST) requirements.   | 5         | –       | –     |
| 42. Failure to maintain a valid driver's license when a condition of employment.  | 5         | –       | –     |
| 43. Failure to maintain license, certification, or permit when a condition of employment.   | 5         | –       | –     |
| 44. Bringing a telecommunication device as described in NRS 212.165 into an institution.  | 5         | –       | –     |
| 45. Unintentionally bringing a telecommunications device into an institution if the employee immediately self-reports the device, makes or receives no calls or text messages through the device during the time it has been inside the institution, and the employee has been discipline-free during the previous 12 months. | 2,3       | 3,4     | 3,4,5 |
| 46. Bringing non-intoxicant contraband into an institution or duty post. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval from the Warden or designee to possess any personal items while on duty.   | 3,4,5     | 3,4,5   | 5     |
| 47. Bringing intoxicant contraband, including controlled substance or alcohol, into an institution or duty post.  | 5         | –       | –     |
| 48. Providing contraband to an inmate.  | 5         | –       | –     |
| 49. Failure to cooperate with official investigations conducted by the agency or other criminal justice agencies, when such failure does not violate an accused's Constitutional self-incrimination protection.   | 3,4,5     | 5       | –     |
| 50. Failure to participate in an administrative investigation authorized by the employee's appointing authority.  | 1,2,3,4,5 | 2,3,4,5 | 3,4,5 |

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| <b>P. SEXUAL MISCONDUCT</b>  |           |       |       |
| 1. Any sexual activity including but not limited to, oral sexual contact, including kissing any body part or sexual penetration, masturbation, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual <i>other than an inmate</i> on State time and/or involving State property or equipment.  | 5         | –     | –     |
| <b>Q. SEXUAL MISCONDUCT WITH OR SEXUAL ABUSE OR HARRASSMENT OF INMATES</b>   |           |       |       |
| 1. Any behavior or act of a sexual nature, either consensual or non-consensual, directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative.   | 5         | –     | –     |
| 2. Unauthorized, intentional touching of the clothed or unclothed genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse or gratify sexual desire.  | 5         | –     | –     |
| 3. Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship.   | 5         | –     | –     |
| 4. Completed, attempted, threatened, or requested sexual acts.   | 5         | –     | –     |
| 5. Occurrences of indecent exposure, invasion of privacy or staff voyeurism, which is defined as invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions. | 5         | –     | –     |
| 6. Sexual harassment of any inmate by a staff member, volunteer, or contractor including, but is not limited to, repeated instances of: (a) verbal comments of a sexual nature to an inmate; (b) demeaning references to gender; (c) sexually suggestive or derogatory comments about body   | 1,2,3,4,5 | 3,4,5 | 3,4,5 |

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| or clothing; or (d) profane or obscene language or gestures.   |           |         |       |
| 7. Failure to report an inmate's sexual activity.  | 5         | –       | –     |
| <b>R. UNAUTHORIZED USE OF FORCE</b>  |           |         |       |
| 1. Creating a situation where force must be used unnecessarily or willfully employing or permitting the use of unnecessary, unauthorized, or excessive force.  | 3,4,5     | 4,5     | 5     |
| 2. Failure to report any use of force either as a participant or a witness.  | 3,4       | 3,4,5   | 5     |
| <b>S. UNBECOMING CONDUCT</b>   |           |         |       |
| 1. Engaging in horseplay with co-workers.  | 2,3,4     | 3,4,5   | 5     |
| 2. Engaging in horseplay with inmates.   | 3,4,5     | 5       |       |
| 3. Gambling on State property, while on duty or while in uniform.  | 2,3       | 3,4     | 3,4,5 |
| 4. Unprofessional remark to an inmate.   | 1,2       | 2,3     | 3,4,5 |
| 5. Misuse and/or abuse of supervisory authority or privilege.  | 2,3,4,5   | 3,4,5   | 5     |
| 6. Any violation of agency policy regarding unauthorized relationships between agency staff, volunteers, educational staff, or contract service providers, with persons currently or formerly under the supervision of the agency or within the jurisdiction of a criminal justice agency and/or their families. | 1,2,3,4,5 | 2,3,4,5 | 3,4,5 |
| 7. Divulging criminal records, medical records or other legally protected information, except when necessary to conduct agency business.   | 3,4,5     | 5       | –     |
| 8. Unauthorized disclosure of confidential agency matters.   | 3,4,5     | 3,4,5   | 5     |
| 9. Compromising the confidentiality of inmate affairs or violation of agency policy.   | 3,4,5     | 4,5     | 5     |
| 10. Conducting unauthorized transactions with an inmate or an inmate's family.   | 5         | –       | –     |
| 11. Transmitting prohibited messages to or for inmates.  | 3,4,5     | 4,5     | 5     |
| 12. Identifying self, displaying badge or identification, appearing in uniform, or making improper use of your status as an agency employee other than is necessary, whether on or off duty.   | 2,3,4,5   | 3,4,5   | 5     |
| 13. Retaliating against another employee or an inmate for reporting a complaint of misconduct, including complaints of sexual harassment or sexual abuse   | 3,4,5     | 5       | –     |

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| of an inmate, or retaliating against another employee or an inmate who cooperates with an official PREA investigation.  |           |       |       |
| 14. Inciting another to fight.  | 3,4,5     | 3,4,5 | 5     |
| 15. Unauthorized use, misuse, destruction or waste of property belonging to another employee, a member of the public, or an inmate.   | 1,2,3,4,5 | 3,4,5 | 5     |
| 16. Displaying, viewing, or distributing pornographic material as defined in NRS 201.2581 and NAC 284.646(4), including pictures, movies, videos or text to inmates, employees or to persons outside of the agency while on paid status or on State property. | 5         | –     | –     |
| 17. Any conduct whether on or off duty which may negatively reflect upon the image of the State of Nevada or the Department of Corrections or disgraceful personal conduct which impairs the performance of an essential job function.                        | 2,3,4,5   | 3,4,5 | 5     |
| 18. Verbal threats or display of intimidating behavior towards a staff member.  | 3,4       | 3,4,5 | 5     |
| 19. Any unauthorized surreptitious audio or video recording by a staff member while on State property.  | 3,4,5     | 5     | –     |
| <b>T. SAFETY AND HEALTH</b>   |           |       |       |
| 1. Failure to keep work area clean and uncluttered causing a work hazard.   | 1,2       | 2,3   | 3,4,5 |
| 2. Disregard or violation of safety rules.  | 2,3,4     | 3,4,5 | 5     |
| 3. Failure to safely operate a motor vehicle while on duty –when the failure results in significant damage, bodily injury or death.   | 5         | –     | –     |
| 4. Failure to safely operate a motor vehicle while on duty - when the failure results in minimal damage and/or minor injuries.  | 3,4       | 3,4,5 | 5     |

**CERTIFICATION OF UNDERSTANDING**

I \_\_\_\_\_, have read the Department of Corrections' Prohibitions and Penalties as approved by the Personnel Commission on June 21, 2019 and have discussed any questions about it with my immediate supervisor. I understand the Prohibitions and Penalties and have been given a personal copy for future reference. I agree to comply with them.

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Employee Signature

Date

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Immediate Supervisor Signature

Date