

NDOC Temporary Administrative Regulations Summaries

(All regulations to be reviewed at least once every three years)

August 30, 2017

AR 114 Board of Prison Commissioners Meeting	Made Temporary Date: 6/15/17	Previous AR Date: 8/13/10
Summary of changes: Open meeting law requirements addressed. Mandatory regulation review. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 123 Divisional Reporting	Made Temporary Date: 6/16/17	Previous AR Date: 5/20/10
Summary of changes: Language update to include legislative mandatory reporting. Mandatory regulation review. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 153 Critical Incident Review	Made Temporary Date: 6/01/17	Previous AR Date: 12/17/13
Summary of changes: Mandatory regulation review. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 300 Recruitment and Hiring	Made Temporary Date: 7/20/17	Previous AR Date: 9/16/14
Summary of changes: Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 302 Meet and Confer	Made Temporary Date: 6/16/17	Previous AR Date: 8/13/10
Summary of changes: Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 305 Sexual Harrassment Prevention	Made Temporary Date: 6/15/17	Previous AR Date: 8/13/10
Summary of changes: Mandatory regulation review. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance, processes and investigations. Brought AR in compliance with federal and state regulations and the Governor's Policy Against Sexual Harassment.		
AR 306 Employee Grievance Procedure	Made Temporary Date: 7/20/17	Previous AR Date: 9/16/14
Summary of changes: Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for processes.		
AR 317 Employee Awards and Commendations	Made Temporary Date: 7/5/17	Previous AR Date: 3/19/13
Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for processes.		

AR 319 Workplace Safety	Made Temporary Date: 07/05/17	Previous AR Date: 9/16/14
Summary of changes: Ensured updates reflected current federal and state OSHA requirements. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 321 Workplace Violence	Made Temporary Date: 07/05/17	Previous AR Date: 6/17/12
Summary of changes: Significant changes to bring regulation into compliance with federal and state regulations and best practices for a safe work environment and to prevent workplace violence. Language updated to include stalking and the act of extortion. Mandated reporting of specific incidents. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 330 Employee Resignation and Reinstatement/Rehire	Made Temporary Date: 7/20/17	Previous AR Date: 3/19/13
Summary of changes: Mandatory regulator update. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 339 Employee Code of Ethics and Conduct	Made Temporary Date: 7/1/17; 7/20/17	Previous AR Date: 1/14/16
Summary of changes: Updates to reflect changes in recent legislative actions for employee investigations, including defining the difference between an investigation, inquiry or fact-finding. Provided clarification on process measures and timelines to resolve investigatory procedures and actions. Modified prohibitions and penalties to provide greater flexibility for supervisor consideration of disciplinary actions. The regulations requires an internal administrative investigatory guide that will remain confidential within the Inspector General's Office. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 349 Employee/Applicant Alcohol and Drug Testing	Made Temporary Date: 7/20/17	Previous AR Date: 9/16/14
Summary of changes: Provided a review of the policy to reflect peace officer safety provisions that marijuana, whether or not by medical card, creates an impairment and impacts actions while serving in a public safety position. Included in the policy is procedures for random drug testing for drivers. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 350 Grooming and Dress Standards	Made Temporary Date: 7/20/17	Previous AR Date: 12/17/13
Summary of changes: Mandatory regulation review with changes to allow for more flexibility and non-gender specific grooming and dress standards. Worked to ensure flexibility for summer dress standards to allow the wearing of hats which will protect the back of the neck, as well as the face, when on the facility yards as well as polo shirts (at appropriate post assignments). Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 352 Staff Identification Cards	Made Temporary Date: 7/20/17	Previous AR Date: 6/17/12
Summary of changes: Mandatory regulation review. Formalized the process for employee		

identification. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 357 Summons and Complaint Service of Process	Made Temporary Date: 7/20/17	Previous AR Date: 6/17/12
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Summary of changes: Mandatory regulation review to update the current processes in line with the Attorney General’s Office. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 364 Respiratory Protection Program	Made Temporary Date: 7/5/17	Previous AR Date: 10/15/13
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Summary of changes: Updated the respiratory protection program with the OSHA guidelines in the CFR 29. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 430 Transportation of Inmates	Made Temporary Date: 07/20/17	Previous AR Date: 10/15/13
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Summary of changes: Significant changes to the transportation of inmates to determine the authorized transportation; inspection of vehicles for contraband; the process for chase vehicles; pregnant inmates shall not be transported in waist and leg restraints; and restrict the armed officers from physically handling an inmate. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 431 Transportaton of Inmates to Court	Made Temporary Date: 7/20/17	Previous AR Date: 10/15/13
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Summary of changes: Modified regulations to clarify practices and procedures for the transport of inmates to court to include criteria for separating security threat group members and transportation requirements for the safety of inmates and staff. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 494 Evaluation, Placement, and Treatment of Transgender and/or Intersex Inmates	Made Temporary Date: 7/20/17	Previous AR Date: New
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Summary of changes: NDOC has worked with community partners from the LGBTQ community to implement a policy to ensure policies were enacted for evaluation, placement, and treatment of inmates who have undergone transgender treatment; are identified as transgender, intersex, or gender-variant, and to manage inmate safety and access to appropriate medical and mental helath care. AR 494 works in concert with NDOC’s PREA Compliance Regulation.

AR 545 Serious Illness/Escorted Leave	Made Temporary Date: 7/20/17	Previous AR Date: 6/17/12
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Summary of changes: Mandatory regulation update to define immediate family; and in what situations and criteria that that escorted leave would and would not be permissible. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.

AR 610 Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome AIDS	Made Temporary Date: 06/07/17	Previous AR Date: 10/12/16
Summary of changes: Incorporated last FY 17 legislative changes to statute to comply with federal regulations by updating information on when and who notification of confidential medical information is released. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 638 – Consent/Refusal of Treatment	Made Temporary Date: N/A	Previous AR Date: 6/17/12
Summary of changes: Mandatory regulation review to update the policy on consent and/or refusal of medical care. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 734 Inmate Disciplinary Detention	Made Temporary Date: N/A	Previous AR Date: 6/17/12
Summary of changes: Mandatory regulation review. Updates reflect compliance with other enacted regulations to ensure mental health professionals and correctional staff are ensuring that inmates are evaluated and treated appropriately prior to disciplinary action; to review and ensure the minimum level of sanctions are being applied to the appropriate level of offense; due-process is provided; and supervision and monitoring is being provided for those with the sanctions. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 740 Inmate Grievance Procedure	Made Temporary Date: N/A	Previous AR Date: 03/07/17
Summary of changes: After implementation of AR 740 in March and April 2017, NDOC staff identified necessary amendment to ensure a smooth flow of operations to ensure the intent of the policy is executed efficiently. Revisions reflect administrative flow modifications; administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		
AR 817 Community Re-Entry Program	Made Temporary Date: 7/10/17	Previous AR Date: 10/15/13
Summary of changes: Mandatory regulation review to clarify roles and responsibilities of program staff to ensure the effective delivery of re-entry programs that are evidence-based and consistent with the legislative direction as provided. Revisions included administrative language and technical amendments to clarify processes; updated applicable statutes and regulations; and ensured clear direction on responsibilities for compliance.		

Nevada Department of Corrections Glossary

A

Abandonment : The termination of review of any addressable grievance, at any level of the Inmate Grievance Procedure, resulting from the inmate's failure to file a timely, proper or procedurally sufficient grievance. (AR 740)

Accounting Inquiry Form: The accounting inquiry form, DOC-544, is the form used by an inmate to resolve fiscal issues regarding the inmate's account. (AR 201)

Administration of Medication: The direct, single dose application of a medication to the body of a patient whether by injection, ingestion, or any other means. (AR 635)

Administrative Regulations (AR): Nevada Department of Corrections administrative rules and administrative decisions derived by the authority from the state legislature. The Director is responsible to the Board of Prison Commissioners, which prescribes regulations for carrying on the business of the Board and Department. (NRS 209.111; 209.131)

Administrative Regulations Project Coordinator: Management Analyst IV (Policy Administrator) is responsible for managing and coordinating the development of the Administrative Regulations. (AR 100)

Admission/Intake: The process of receiving a newly committed inmate, parole violator or safekeeper into the custody of the Department. (AR 504)

Administrative Investigation: A formal investigative process regarding a complaint of employee misconduct. (AR 340)

Administrative Officer of the Day: A designated administrator, who will be notified by the institution/facility of any unusual incident during off-duty hours, weekends, and holidays, facilitates communication and advises the institution/facility on-duty supervisors. (AR 113, 420)

Administrative Segregation: A form of separation from the general population imposed by the classification committee, when the continued presence of the inmate in the general population or protective segregation would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly operation of the institution. (AR 507)

Adulterated Mail: Items of correspondence or publications that have an unknown substance on or in it. Adulteration includes, but is not limited to, lipstick, stickers, white out, perfumes and other unknown foreign substances. (AR750)

Adverse Action: Action taken to try and keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. (AR 305)

Adult Community Residential Service: Also referred to as halfway house, a community-based program providing group residence (such as a house, work release center, pre-release center) for probationers, parolees, residents in incarcerated status, and referrals through the courts or other agencies. Clients also may receive these services from the agency on a non-residential basis.

Age Discrimination in Employment Act of 1967 (ADEA): Prohibits individuals who are 40 years of age or older from employment discrimination based on age. (AR304)

Agency Issue: Items purchased by the Department and utilized by the custody employee in the course of their duties. (AR 328)

Aggravating/Mitigating Circumstances: Issues that the appointing authority considers, before recommending discipline, which may justify lesser or greater discipline for a particular offense. Examples of aggravating circumstances include but are not limited to repeated violations, refusal to commit to change and damage to the Department's image. Examples of mitigating circumstances include but are not limited to admission of complicity, remorse, commitment to appropriate subsequent behavior. (AR 343)

Agreed Upon Placement: Results of the Child Abuse and Neglect System (CANS) investigation indicate the potential caregiver successfully met the screening process and had no findings of substantiated child abuse and neglect. The potential caregiver could be an appropriate placement for the child. (AR 624)

Ambulatory Restraints: Soft wrist and leg restraints that are designed to allow the inmate to walk while restrained. (AR 645)

American Correctional Association (ACA): The American Correctional Association (ACA; called the National Prison Association before 1954) is a private, non-profit, non-governmental trade association and accrediting body for the corrections industry, the oldest and largest such association in the world. The organization was founded in 1870 and has a significant place in the history of prison reform in the U.S.

Annual Certificate Statement: A document that an accredited agency submits to American Correctional Association (ACA) to verify continued compliance with standards, report on its progress of implementing plans of action, and advise the Association of any significant events that may have occurred. It is due on the anniversary of the accreditation award.

Appliance: Medical device or product that augments a medical treatment or regimen and is used by an individual for a specific disease or disorder. (AR 245)

Applicant Agency: An agency involved in the exchange of materials, information, and correspondence with the American Correctional Association (ACA) while preparing to participate in the accreditation process.

Appointing Authorities: Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing authorities may include Assistant Directors, Medical Director, Wardens, and the Correctional Programs Division Administrator. (AR 141, 223, 300 Series, 491, 740)

Armed Services Vocational Aptitude Battery (ASVAB): A multiple choice test, administered by the United States Military Entrance Processing Command, used to determine qualification for enlistment in the United States Armed Forces that measures developed abilities and helps predict future academic and occupational success in the military. It's administered annually to more than one-million military applicants, high school and post-secondary students.

Archived Files: An archived file is a file that is composed of one or more computer files along with metadata. Archived files are used to collect multiple data files together into a single file for easier portability and storage, or simply to compress files to use less storage space. Archived files often store directory structures, error-detection and corrective information, arbitrary comments and sometimes use built-in encryption.

Americorp: AmeriCorp is a civil society program supported by the U.S. federal government, foundations, corporations and other donors engaging adults in public service work with a goal of "helping others and meeting critical needs in the community." Members commit to full-time or part-time positions offered by a network of non-profit community organizations and public agencies, to fulfill assignments in the fields of education, public safety, health care and environmental protection. The program is often seen as a domestic Peace Corps. It employs more than 75,000 Americans in intensive service each year.

Assessment: Appraisal of a medically related problem or condition. (AR 601)

Assessment Tool: An assessment tool is primarily designed to help Educators identify the strengths and weaknesses of Learners' literacy and numeracy skills. This allows Educators to develop programs for Learners that match their needs and strengthen their literacy and numeracy skills. The Assessment Tool also allows Learners to track their progress over time and enables Educators and organizations to report on the progress made by different groups of Learners. It provides the ability to create different assessments for various circumstances. The Assessment Tool does not attempt to teach or instruct Learners. Rather, it is a specialized tool for the assessment of the Learner's ability, including strengths and weaknesses that can be used as an input into the teaching or instruction process.

Apprenticeship Program: An Apprenticeship Program is a combination of on-the-job training (OJT) and related classroom instruction under the supervision of a journey-level craft person or trade professional, in which workers learn the practical and theoretical aspects of a highly-skilled occupation. After completing an apprenticeship program, the worker's journey-level status provides an additional benefit of nation-wide mobility at a journey-level scale. The purpose of the registered apprenticeship program is to allow employers to develop and apply industry standards in training programs for registered apprentices, in order to increase productivity and improve the quality of the workforce.

Aftercare: The care, treatment, help or supervision given to persons discharged from an institution (such as a hospital or Prison).

Agency Administrator: Agency Administrator or Executive: Chief executive officer (or designee) of the agency or jurisdiction that holds responsibility for incidents occurred. Agency Dispatch: The agency or jurisdictional facility from which resources are allocated to incidents.

Acquired Immune Deficiency Syndrome (AIDS): An inmate who has been exposed to the HIV virus and has progressed to stage 6 of the “Walter Reed Classification” criteria. (AR 610)

Authorized Contact: A contact receiving authorization of assigned duties or which has been specifically approved by the Warden/Division Head upon written notice. (AR 345)

Automatic Stop Order: After a predetermined time, a drug order is stopped unless: (1) the order indicates a specific number of doses to be given; (2) an exact period of time for the administration of the drug is indicated; or (3) the attending physician reorders the drug. (AR 635)

B

Beds in Excess of Capacity: Those beds added to individual housing areas or facilities in excess of the emergency capacity threshold for temporary housing. (AR 510)

Blended Funding: Utilizing funding streams by different sources of income, which could include federal grant dollars, general funds, inmate welfare funds or others.

Behavior Health System: The terms "behavioral health" and "mental health" are often used interchangeably. Behavioral health includes not only ways of promoting well-being by preventing or intervening in mental illness such as depression or anxiety, but also has as an aim preventing or intervening in substance abuse or other addictions. Behavioral health encompasses behavioral factors in chronic-illness care, care of physical symptoms associated with stress rather than diseases, and health behaviors, as well as mental health and substance abuse conditions and diagnoses. The choice was made with recognition that the term “behavioral health” may be less familiar to some audiences than the term mental health. It is also recognized that, in some circles, “behavioral health” may be used in a different manner than it is being used here. The intention of the IBHC Measures Atlas is to broaden and include the thought concerning the role of behavioral health clinicians in medical settings, and not to create a debate about proper terminology.

Behavior Modification Unit: A designated housing area within a Department institution which provides an intermediate, transitional level of supervision from disciplinary segregation or chronic level of mental health services to inmates who do not require in-patient care, but need more care and supervision than what is provided for general population inmates.

Board of Prison Commissioners: The Department of Corrections is governed by the Board of State Prison Commissioners. This Board consists of the Governor as Chairperson, the Secretary of State, and the Attorney General.

Body Cavity Search: The physical inspection of any bodily orifice by a medical staff person that is qualified to conduct to this type of search. (AR 492, 624)

Boot Camp: A Short-term correctional unit designed to combine elements of basic military training programs and appropriate correctional components.

Brass Slip: The Inmate Account Transaction Request Form, DOC-509, by which inmates can access their individual trust account in the Prisoners Personal Property Fund (PPF). (AR 201, 245, 260, 815)

Budget Authority: The amount approved by the State Legislature for a Department or Agency to expend funds within that amount, with appropriate Contract Authority.

Bureau Justice of Administration: The Bureau of Justice Assistance (BJA) is a component of the Office of Justice Programs, within the United States Department of Justice. BJA provides leadership and assistance to local criminal justice programs that improve and re-inforce the nation's criminal justice system.

C

Call Back Pay: A full-time classified employee must be paid 2 hours of call back pay at the rate of time and one half of their normal rate of pay if their employer calls them back to work during their scheduled time off without having notified them before the completion of their last normal working day. (AR 320)

Camp: A non-secure residential program which houses minimum custody inmates and is located in a relatively remote area. The residents participate in a structured program that emphasizes outdoor work, including fire-fighting and conservation related activities.

Candidate Status: The period after an agency has completed its self-evaluation report. Candidate status continues until standards compliance is verified during the audit and the accreditation decision is made.

Canteen Inventory Control System (CSID): The computer software developed by Inmate Services for the overall operation of the Inmate Store/Coffee Shop. (AR 204)

CANS: Child Abuse and Neglect Registry System

Cardiopulmonary Resuscitation (CPR): A means of resuscitation approved by the American Heart Association and/or the American Red Cross. (AR 630)

Career Development Plan: The planned sequence of promotions within an agency that contains provision for (1) vertical movement throughout the entire range of a particular discipline, (2) horizontal movement encouraging lateral and promotional movement among disciplines, and (3) opportunity for all to compete for the position of head of the agency. Progression along these three dimensions can occur as long as the candidate has the ambition, ability, and required qualifications.

Caregiver: A person or persons providing foster, adoptive, relative or friend (fictive kin) care for a child or a person who receives care in a treatment home or residential treatment facility in which a child is placed.(AR 624)

Case Review: An analysis, upon request, of a complete medical record by qualified medical staff experienced in medical record review to make a determination of the nature and quality of care delivered to the patient. (AR 245)

Casework: The function of the correctional caseworker, social worker or other professional in providing services, such as counseling, to individuals in custody.

Case Management: Case management is a collaborative process of assessment, planning, facilitation, care coordination, evaluation, and advocacy for options and services to meet an individual's needs through communication and available resources to promote quality, cost-effective outcomes.

Case Manager: The role of the case manager is to undertake assessment, monitoring, planning, advocacy and linking of the consumer with rehabilitation and support services. Its function is focused on illness management and relapse prevention.

Casa Grande Transitional Housing (CGTH): The Casa Grande Transitional Housing center has been operating since December 2005. The dormitory-style facility was built to house non-violent, non-sex crime inmates who are within 18 months of their parole eligibility date. The main purpose of Casa Grande was, and still is to allow these "residents" the opportunity to seek employment and secure permanent housing prior to being reintegrated into society. Since its inception, Casa Grande has expanded its programs to include parolees, probation violators and ex-offenders.

Carlin Conservation Camp (CCC): Located in Elko County, the Carlin Conservation Camp was constructed in 1987. The Carlin Conservation Camp houses 150 minimum custody inmates for the state of Nevada. Inmates at the Carlin Conservation Camp work for the Nevada Division of Forestry completing conservation projects, roadside clean-up, local area assistance and firefighting during the fire season.

Caustic Material: A substance capable of destroying or causing a destruction of other material by chemical reaction. (OSHA)

Central Classification: The term that describes the administrative function carried out by the Offender Management Administrator/designee including, but not limited to final approval of certain specified classification actions. (AR 503, 506, 509)

Central File (C-File): A partial compilation of criminal records, documents and records of correctional supervision maintained by the OMD for the purpose of sentence management, detainers, classification and for use in management information and statistics. (AR 560, 568, 569)

Central Monitoring System (CMS): The specific application within the Nevada Corrections Information System which separately documents and monitors Central case data. (AR 522)

Chronic Care: Health care provided to patients over long periods of time (AR 625)

Classification: A process for determining the need and requirements of those for whom confinement has been ordered and to properly assign them to housing units and programs according to their needs and existing resources. (AR 503, 504)

Clinical Service Clinician: Healthcare professional that works as a primary care giver to a patient in a hospital, , clinic, ore, in which the clinician diagnoses and treats the patient. Clinicians take comprehensive exams to become licensed and some receive graduate degrees (Master's or Doctoral) in

their field of expertise. Although a clinician must follow evidence-based best-practices and other professional codes of conduct set by legal and professional governing bodies, a clinician can choose to practice without another's supervision.

Clark County School District (CCSD): Serves all of Clark County, Nevada, including the cities of Las Vegas, Henderson, North Las Vegas, Boulder City, and Mesquite; as well as the census-designated places of Laughlin, Blue Diamond, Logandale, Bunkerville, Goodsprings, Indian Springs, Mount Charleston, Moapa, Searchlight, and Sandy Valley. The district is divided into seven regions and in addition to the general schools; it also operates 25 alternative schools and programs. The district has limited involvement with charter schools, and with the exception of providing some transportation services, it does not have any association to or with private schools in the county.

Code of Federal Regulations (CFR): The codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States. The CFR is divided into 50 titles representing broad areas that are subject to federal regulation.

Codification: The action or process of arranging rules and laws according to a system or plan. Example: Approved bills from the legislature are codified in the Nevada Revised Statutes (NRS), Nevada state law.

Cognitive Behavioral Interventions (CBI): Cognitive behavioral interventions are designed to reflect concepts from cognitive behavioral therapy (CBT), which examines the association among thoughts, feelings and behaviors. Cognitive behavioral interventions do not involve full CBT psychotherapy; however they do assist patients in identifying negative or unhelpful thoughts and beliefs in order to change them. Cognitive behavioral intervention approaches also help individuals to identify helpful and unhelpful behaviors, establish goals and develop problem-solving skills and implement new behaviors to facilitate effective coping. Structured programs based on cognitive behavioral approaches may include activities such as relaxation training. The programs may be provided in an individual or group setting and may be administered in person, or through other methods.

Community Authority: The agency or court responsible for placing a juvenile in a program.

Community-Based Program: Also referred to as a half-way house, a community-based program which provides group residence (such as a house, work release center or pre-release center) for probationers, parolees or residents in an incarcerated status, and also receives referrals from the courts and other agencies. Clients also may receive these services from the agency on a nonresidential basis.

Community Resource Guide: A community resource detailing the human services agencies, service clubs, citizen interest groups, self-help groups and volunteers who offer services, facilities and perform other functions that meet the needs of the individual. These various resources, which may be public, private, local or national, may provide material and financial support, guidance, counseling and support services.

Community Supervision: A program evaluation created by University of Cincinnati Correctional Institute (CCI) for use with probation and parole departments. The indicators are taken from the

Correctional Program Checklist (CPC) as well as available meta-analyses on community supervision. The CPC measures the ability to deliver evidence-based supervision and treatment services and adherence to RNR, but in two different contexts - examining this at the probation/parole agency level and at the referral agency level.

Controlled Substance: Any drug regulated by the Drug Enforcement Act.

Control Group (TC): The control group (sometimes called a comparison group) is used in an experiment as a way to ensure that the experiment actually works. The experimental group is given the experimental treatment and the control group is given either a standard treatment or nothing. A control group is used as a baseline measure. The control group is identical to all other items and subjects that are being examined, with the exception that the group does not receive the treatment or the experimental manipulation in which the treatment group receives.

Co-located Services: Refers to services that are located in the same physical space though not necessarily fully integrated with one another. Co-location can involve shared space, equipment, and staff for health and human services; coordinated care between services, or a partnership between health providers and human services providers. Co-location can streamline referrals, increase access to care and increase communication between different providers. The types of services offered depend on the goals of the program and the needs of the rural community. Services that may be integrated include: Counseling, Health services, Job training services, Child welfare and family services, Housing assistance, Transportation, Domestic violence services and other health and human-related services.

Co-Correctional Facilities: Co-correctional facilities housed men and women in the same institution, and under the direction of one administration. Some allowed a significant amount of interaction between the sexes, while others had no interaction between male and female inmates. These prisons were sometimes referred to as coed institutions. Although most states began to build separate institutions for women during the reformation era, a portion of women still remained confined to prisons with men. By the late 1980s, about 25-percent of the female prison population were housed in "co-correctional" facilities. The Federal Bureau of Prisons pioneered the use of co-correctional facilities, but the number of facilities nation-wide dwindled in the 1990s. Most scholars agreed that placing women in an environment with male prisoners created a distinct disadvantage. While a sexually integrated prison appeared to approximate "real world" social conditions and may have offered more programs found in female-only institutions, the research showed that women who were more often subjected to restrictive security were less likely to take advantage of increased programming opportunities. In light of the move toward "gender-responsive" programming, the use of co-correctional facilities seemed to have run its course.

Communal Items Box: A box maintained in the chapel or other assigned religious area, in which the approved items for group worship are kept. (AR 810)

Communicable Disease: A disease caused by an infectious agent, which can be transmitted directly or indirectly, from one individual to another. (AR 614)

Community Assignment: Any work or housing assignment, which is outside of the security perimeter of an institution, is considered a community assignment area. This includes, but is not limited to: conservation camps, restitution centers, work release and outside government work. (AR 614)

Complainant: The individual that reports an allegation of misconduct against the Department and any of its employees. (AR 340)

Computed Custody: The objective custody level dictated by a numerical score given to selected case factors relevant to the classification process and calculated through the Objective Classification Instrument. The computed custody is determined when an inmate falls within a specified score range or when a specific limitation exclusion is entered. (AR 123, 503, 504)

Confirmed Hold: A confirmed hold or detainer is one in which the Warrant Coordinator has received a certified copy of the judgment or warrant from the other agency. (AR 548)

Confiscated Cash: Any unauthorized cash found on an inmate incarcerated in the Nevada Department of Corrections. (AR 258)

Contraband: 1) Any item or article not authorized by departmental regulations, or in excess of the maximum quantity permitted, or which is received or obtained from an unauthorized source is contraband; or 2) Any item or article of property that poses a serious threat to the security of an institution and ordinarily never approved for possession or admission into the institution, and any item or article which may be, or has been authorized for possession at one time, but now is prohibited for possession due to health, fire or safety concerns; or 3) Any authorized property that has been altered. (AR 711, 722)

Contract: The written, signed agreement between the Nevada Department of Corrections and the agency specifying responsibilities, activities and financial obligations.

Contract Authority: The amount of funds authorized to be spent by the Board of Examiners or the Clerk of the Board, in order to expend funds for a specific amount after the Budget Authority is established.

Contract Service Provider: A private person or organization that agrees to furnish materials in order to perform services for the Department and any of its institutions for a specified amount. A contract service provider is subject to all applicable rules and regulations of the Department. (AR 352, 750)

Control Terminal Agency (CTA): The state agency, designated by the NCIC advisory policy board, which has responsibility over all users of the state NCIC users. (AR 139)

Controlled Substance: Class(es) of drugs designated by the State Board of Pharmacy as Controlled Substance(s). These drugs require enhanced licensing, accountability and control in ordering, storing, prescription and administration. (AR 635)

Convalescent Care: Health care provided to patient recovering from illness or injury. (AR 625)

Cooperative Agreements: An agreement between two or more public agencies for the “joint exercise of powers, privileges and authority,” including, but not limited to law enforcement. (AR 212)

Core Correctional Practices (CCP): A two-day training that instructs correctional staff on the core skills needed to support cognitive behavioral programming. The training is relevant to direct-care, security and treatment staff.

Correctional Facility: A facility used for the incarceration of individuals accused of or convicted of criminal activity. A correctional facility is managed by a single chief executive officer, with broad authority for the operation of the facility. This authorization typically includes the final authority for decisions concerning the employment, and facility operation and programming within guidelines established by the present agency or governing body. A correctional facility must also have (1) A separate perimeter that precludes the regular commingling of the inmates with inmates from other facilities, (2) A separate facility budget managed by a chief executive officer within guidelines established by the present agency or governing authority, and (3) Staff that are permanently assigned to the facility.

Correctional Program Check-list (CPC): A tool developed for assessing correctional intervention programs. It is used to ascertain how closely correctional programs meet known principles of effective intervention.

Corrective Action: Verbal counseling, written counseling, special evaluation or letters of instruction. (AR 343)

Correspondent Status: The initial period after an agency applies for accreditation. At this time, the agency evaluates its compliance with the standards and prepares a self-evaluation report.

Counseling: Planned discussion regarding interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving the individual's problems. At least three types of counseling may be provided: Individual (one-to-one relationship), small-group counseling, and large-group counseling within a housing unit.

Court Detail Officer: An officer who escorts an inmate from an institution to court and returns with the inmate following the court session. (AR 431)

Custody: Level of restriction regarding inmate movement within a detention/correctional facility, usually separated into minimum, medium and maximum risk levels.

Criminogenic Factors: Risk factors, characteristics and/or problems that relate to a person's likelihood of re-offending or recidivating. There are also "static" factors such as age of first arrest and criminal history that cannot change.

Criminogenic Needs: Are the characteristics, traits, problems or issues of an individual that directly affect the individual's likelihood to re-offend or recidivate.

Crime Victim Services: Government program that provides information and aid to persons who have suffered from direct physical, emotional and/or pecuniary harm as a result of the commission of a crime.

These programs provide information to victims concerning their rights, as well as emotional and financial support services.

Content Management Interoperability Services (CMIS): An open standard that allows different content management systems to inter-operate over the Internet. Specifically, CMIS defines an abstract layer for controlling diverse document management systems and repositories using web protocols. Implementations of the Content Management Interoperability Services standard provides a set of generic services and protocols to support communication to and from enterprise content management (ECM) systems.

Cyclic Physical Inventory Procedure: A continuous procedure performed by the retail storekeeper, whereby a portion of the inventory items are counted and corrected each week. The schedule is such that all items at a location are counted twice a year, in addition to the annual physical inventory count. (AR 204)

D

Daily Departmental Count Sheet: A summary of the movement reported by each institution, facility and the Central Statistician, and computed by the Nevada Corrections Information Systems (NCIS). (AR 570)

Daily Movement Sheet: A document produced by each institution and facility and the Network Specialist, reporting specific inmate movement occurring over a 24-hour period. This document records important changes in an inmate's status and provides the Department with the means to conduct a daily reconciliation of the count. (AR 570)

Department Charge Account: The account that various inmate charges are posted to when the inmate has non-sufficient funds in their PPF account. (AR 258, 722)

Department Intelligence Coordinator: The Security Threat Group Unit Supervisor. (AR 446)

Design Capacity: The design capacity of each cell is one bed per cell. Dormitory-style housing areas will have individual design capacities provided as determined by Public Works. The number of inmates will not exceed a facility rated (design) bed capacity. (AR 510)

Detainer: Refers to a notice of intent to pursue a felony prosecution of an untried indictment, information or complaint by a prosecuting official. (AR 548)

Diagnostic Care or Study: Tests and examinations performed to determine a disease's progress. A radiographic examination (X-ray), MRI or CT Scan. (AR 623, 624)

Direct Line of Authority: An employee's immediate supervisor and each subsequent level of supervision through the employee's chain of command to the Director. (AR 346)

Direct Supervision: A method of inmate management that ensures continuing direct contact between inmates and staff by posting an officer(s) inside each housing unit. Officers in general housing units are not separated from inmates by a physical barrier. Officers provide frequent, non-scheduled observation of and personal interaction with inmates.

Disabling Damage: Refers to one or more vehicles that cannot be driven from an accident scene. (AR 348)

Disclose: To reveal, release, transmit, transfer, disseminate or otherwise make accessible or communicate all or any part of any record orally, in writing, electronically or by any other means to the data, subject or any other person, agency or entity by the Department. (AR 568, 569)

Disruptive Event: Disruptive event is one where outside law enforcement has to respond to the institution in order to re-gain control from inmates.

Disruptive Group: An STG that the Deputy Director of Operations and the Inspector General certify as formally posing a threat to the security of the institutions, based upon their activity, behavior, status and/or whose activity, behavior or involvement in an event associated with an STG jeopardizes the safety and security of the staff, institution(s), inmate(s), or the community, and who cannot be managed by routine measures. (AR 446)

Division of Welfare and Supportive Services: Serves clients with such programs as Medicaid, Child Care Assistance, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs (SNAP). Programs are offered for single and two-parent households with dependent children, non-parent relatives caring for dependent children and others who meet the program definition and requirements.

Division of Health Care Financing and Policy (DHCFP - Nevada Medicaid): The Division of Health Care Financing and Policy (DHCFP) works in partnership with the Centers for Medicare & Medicaid Services (CMS) to assist in providing quality medical care for eligible individuals and families with low incomes and limited resources. Services are provided through a combination of traditional fee-for-service provider networks and managed care.

Deliverables: A thing able to be provided, especially as a product of a development process. A deliverable differs from a project milestone in that a milestone is a measurement of progress toward an output, whereas the deliverable is the result of the process. For a typical project, a milestone might be the completion of a product design, while the deliverable might be the technical diagram or detailed design report of the product.

Demographics: Statistical data relating to the population and particular groups within it.

Developmental Disabilities: A diverse group of chronic conditions that are due to mental or physical impairments. Developmental disabilities cause individuals living with them many difficulties in certain areas of life, especially in "language, mobility, learning, self-help and independent living". Developmental disabilities can be detected early on, and do persist throughout an individual's lifespan. Developmental

disability that affects all areas of a child's development is sometimes referred to as global developmental delay.

Department of Health and Human Services (DHHS): Is an agency of the State of Nevada that provides health services and human services. The Nevada Department of Health and Human Services (DHHS) promotes the health and well-being of its residents through the delivery or facilitation of a multitude of essential services to ensure families are strengthened, public health is protected and individuals are able to achieve their highest level of self-sufficiency. The Department is the largest in the state's government, comprised of five Divisions along with additional programs and offices overseen by the DHHS' Director's Office.

Department of Motor Vehicles (DMV): In the United States, a department of motor vehicles (DMV) is a state-level government agency that administers vehicle registration and driver licensing. The name "DMV" is not used in every state or province, nor are the traditional DMV functions handled by a single agency in every state, but the generic term is universally understood, particularly in the context of driver's license issuance and renewal.

Department of Training Rehabilitation and Employment (DETR): The Department of Employment, Training & Rehabilitation consists of divisions that offer assistance in job training and placement, vocational rehabilitation, workplace discrimination and in collecting and analyzing workforce and economic data. Many of these services are provided through DETR's partnership with the Nevada Job Connect system. DETR's divisions include: the Employment Security Division, Rehabilitation Division, Nevada Equal Rights Commission, Research and Analysis Bureau Information Development and Processing.

Disciplinary Segregation: A form of separation from the general population for a specified period of time, for those inmates who have committed serious violations of prison rules.

Drug Offenses – A drug offense refers to the possession, use, sale or furnishing of any drug or intoxicating substance or drug paraphernalia, that is prohibited by law. Most drug offenses are felonies.

Drug Court – Is a tool the University of Cincinnati developed for assessing drug court programs, and is used to ascertain how closely drug courts (and other therapeutic courts) meet known principles of effective intervention.

DUCATS: Books of coupons with various denominations used by Department staff, retirees and employees occupying office space in department locations for the purchase of hobby craft items, employee services and coffee shop/canteen purchases. (AR 204, 260)

E

Education Program: A program of formal academic education or a vocational training activity designed to improve employment capability.

Effective Practices in Community Supervision (EPICS): The EPICS model is designed to use a combination of monitoring, referrals, and face-to-face interactions to provide the offenders with a sufficient “dosage” of treatment interventions, and make the best possible use of time to develop a collaborative working relationship. The EPICS model helps translate the risk, needs and responsivity principles into practice. Community supervision officers or case managers are taught to increase dosage to higher risk offenders, stay focused on criminogenic needs, especially the thought-behavior link, and to use a social learning, cognitive behavioral approach to their interactions. The EPICS model is not intended to replace other programming and services, but rather is an attempt to more fully utilize staff as agents of change.

Eligible Criteria: Each study's protocol has guidelines for who can or cannot participate in the study. These guidelines, called eligibility criteria, describe characteristics that must be shared by all participants. The criteria differ from study to study. They may include age, gender, medical history, and current health status.

Ely State Prison (ESP): Ely State Prison opened in July 1989 and is the designated maximum-security prison for the State of Nevada. The facility is located approximately nine miles north of Ely in White Pine County. The prison was built in two phases: Phase I was completed and opened in August 1989 and Phase II was completed in November 1990. The original design was for 1,054 inmates, but it’s capacity has subsequently increased to 1,183 inmates.

Ely Conservation Camp (ECC): Ely Conservation Camp was constructed in 1984. The camp is located approximately seventeen miles south of Ely on Horse and Cattle Camp Road. The camp houses minimum security inmates

Emergency Capacity Threshold: The point at which the population density of the individual housing unit or institution requires the use of unconventional housing or the population represents significant wear and tear on the physical plant or the normal supervision ability of the staff or the ability of the utility infrastructure to support the population. (AR 510)

Emergency Grievance: A grievance that poses an immediate threat to the welfare, safety, or security of an inmate when processed through normal channels. (AR 740)

Emergency Situation: Any significant disruption or normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action or any other serious incident. (AR 107)

Escorted Leave: A period of time in which an inmate is allowed to leave the facility and enter the community, with staff supervision. (AR 545)

Evaluation: Review of an offender based upon assessment of data from psychological testing, file review, criminal history, behavioral background, prison conduct, staff observation and other relevant materials submitted for the panel’s consideration. (AR 813)

Evidence-Based Program: Are based on rigorous study of the effects or outcomes of specific interventions or model programs. They demonstrate reliable and consistently positive changes in important health-related and functional measures.

Evidence Based Practice: Integrating individual clinical expertise with the best available external clinical evidence from systematic research. The integration of clinical expertise, patient values and the best research evidence into the decision making process for patient care.

Exceptional Circumstance: Circumstance involving safety, security and inmate management necessitating exceptions to procedures. (AR 722)

Exclusions for Placement: Refusal by the potential caregiver to sign the "Consent for Child Abuse & Neglect Substantiated Report Check and Authorization for Release of Information"; results of the CANS check indicate the potential caregiver did not successfully meet the screening process due to a history of substantiated child abuse and neglect finding(s); failure to provide proof of marriage or failure to provide proof of paternity. In these instances, the potential caregiver would not be an appropriate placement for the child or there is an inability to determine appropriateness of the placement. (AR 624)

Expected Practices: These are actions and activities that if implemented properly (according to protocols) will produce the desired outcome. These actions are what we think is necessary to achieve and maintain compliance with the standard – but not necessarily supported by research. As the field learns and evolves, so will the practices.

Expendable Property: Property items that, through normal use, are consumed or worn out; items which have been designated as more economical to replace than to repair or salvage. (AR 711)

F

Facility: A place, institution, building, (or part thereof), set of buildings or area (whether or not enclosing a building or set of buildings) that is used for the lawful custody and/or treatment of individuals. It may be owned and/or operated by public or private agencies and includes the staff and services as well as the buildings and grounds.

Fictive Kin: A person not related by birth or marriage, but who has a significant emotional and positive relationship with the child and/or identified as "family" as a result of their active role in the functioning of the nuclear family. (AR 624, 569)

Forty Millimeter (40 mm): The 40 millimeter is a less-lethal type of firearm that is used to fire “non-lethal” ammunition for the purpose of suppression of a riot or aggressive actions. Less lethal rounds include, but are not limited to chemical agents or impact projective (rubber bullets).

Field Services: Services provided to delinquent juveniles, status offenders, or adult offenders in the community by probation, parole, or other agencies.

Florence McClure Women's Correctional Center (FMWCC): Nevada's only women's prison located in Las Vegas, Nevada.

G

Gang or Security Threat Group Member: As defined by NRS 193.168, any combination of persons, organized formally or informally, which will continue its operations and existence even if individual members leave the organizations and which: has a common name or identifying symbol; has particular customs, conduct or status; and has one of its common activities, the commission of criminal activities in pursuit of the interests of the gang. (AR 446)

Gatekeeper: A facility or individual designated to make medical decisions for a conservation camp's medical issues. (AR 630)

General Population (GP): Status that refers to those individuals incarcerated that do not have a special status. For example, a special or disciplinary status could be protective or disciplinary segregation.

Getting It Right Series – Contributing to the Community Program applies the latest research in criminal justice and personal change theory for participants preparing to leave the criminal justice system. The program features Rational Self-Counseling as used by the Federal Bureau of Prisons, the Trans-theoretical Model of Change (Stage Model of Change), Social Learning Theory and Interactive Journaling, providing structured programming to facilitate successful transition and community reintegration. There are five Journals in the Getting it Right Program to help participants make the transition into the community and toward responsible living.

Good Time – A system established by law whereby a convicted offender is credited a set amount of time, which is subtracted from his or her sentence, for specified periods of time served in an acceptable manner.

Goal Statement – This is a general statement of what is sought within the functional area of the performance-based standard.

Grievance: A written complaint consisting of one claim, issue, circumstance or action considered by the inmate to be injurious or unjust, and which is addressable as outlined in this Regulation. (AR 740)

Group Assessment: Is a program evaluation tool created by University of Cincinnati Corrections Institute (UCCI). It is very similar to the Correctional Program Checklist (CCP), but is designed for use on a stand-alone treatment group or outpatient treatment group versus a larger treatment program. It contains a smaller number of indicators than the original CPC.

H

Halfway House: A community-based program providing group residence (such as a house, work release center, prerelease center) for probationers, parolees, residents in incarcerated status, and referrals through the courts or other agencies. Clients also may receive these services from the agency on a nonresidential basis.

Health Insurance Portability and Accountability Act (HIIPA): HIPAA is the acronym for the Health Insurance Portability and Accountability Act that was passed by Congress in 1996. HIPAA does the following: Provides the ability to transfer and continue health insurance coverage for millions of American workers and their families when they change or lose their jobs; reduces health care fraud and abuse; mandates industry-wide standards for health care information on electronic billing and other processes; and requires the protection and confidential handling of protected health information. Correctional facilities are responsible to comply according to the Final Rule.

Heavy Equipment Operator: Is the blanket term for numerous types of machines. Cranes, bulldozers, front-end loaders, rollers, backhoes, graders, dredges, hoists, drills, pumps and compressors are some of the equipment used by operating engineers.

Helping Men Recover: Helping Men Recover is the first gender-responsive, trauma-informed treatment program for men. A Man's Workbook offers a companion product that is tied seamlessly to the Helping Men Recover Facilitator's Guide. This curriculum addresses what is often missing in prevailing treatment modes: a clear understanding of the impact of male socialization on the recovery process, a consideration of the relational needs of men, and a focus on the issues of abuse and trauma.

High Desert State Prison (HDSP): The High Desert State Prison is the largest major institution in the Department of Corrections. It was the first institution in becoming a Southern Nevada prison complex. High Desert was designed to incorporate much of the best technology available to corrections in order to provide for officer safety and the management and control of inmates. The complex totals approximately 1,576,000 square feet of space. The institution opened on September 1, 2000 and became the reception center for Southern Nevada.

High Risk Offender: High Risk Offenders are a heterogeneous group of offenders that have been convicted of some of the most heinous crimes. They can be murderers, rapists, pedophiles, robbers and a multitude of other criminals.

High Risk Potential (HRP): A designation given through the classification process to inmates who have assaulted staff or inmates or represent a serious escape risk on or off institutional grounds. (AR 521)

Hobbycraft: A program which provides inmates an opportunity for self-improvement, leisure activities and supplemental income. (AR 620)

Humboldt Conservation Camp (HCC): Located in Humboldt County, Humboldt Conservation Camp officially opened in 1986 and consists of 22 trailers brought down from the Alaskan pipeline project. Humboldt Conservation Camp is a Nevada Division of Forestry fire camp and can have as many as six 12-man crews fighting fires at any given time. During the off time of firefighting, the crews spend their time doing project work, such as highway clean-up for Department of Transportation or working in the local community.

I

Indigent Inmate: Inmates whose trust account balance is \$10 or less for the entire previous month. (AR 711, 722)

Informed Consent: The voluntary competent consent of agreement to a treatment, examination, or procedure by the patient after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure. (AR 638)

Inmate: Any individual, whether in pretrial or un-sentenced, who is confined in a correctional facility.

Inmate Advisory Counsel: An elected group of inmates, who are ethnically proportionate to the inmate population, which is formed for the purpose of communication and problem solving concerning issues which mutually affect staff and the general population. (AR 805)

Inmate Contract Transfers: Inmates received from another state under a contractual agreement separate from interstate transfers. (AR 550)

Inmate Welfare Fund: A budget account within a special revenue fund consisting of transfers from the Offender's Store Fund (OSF) and other incidental revenues.

Institutional File (I-File): The institutional file is a compilation of criminal records, documents and records of correctional supervision concerning individual inmates. This complete record is maintained at the institution where the inmate is housed. (AR 560, 568, 569)

Intensive Out-Patient (IOP): An intensive outpatient program (IOP) is a kind of treatment service and support program used primarily to treat eating disorders, depression, self-harm and chemical dependency that does not rely on detoxification. IOP operates on a small scale and does not require the intensive residential or partial day services typically offered by the larger, more comprehensive treatment facilities.

Interdisciplinary Classification Committee: A committee consisting of the Warden/designee, caseworker, custody staff and a mental health professional, including but not limited to: a psychiatrist, psychologist, or psychiatric nurse regarding admission and discharge from MHU. (AR 653)

Intermediate Sanctions: Suspended sentences for offenders that fall between a probation sentence and a **prison** sentence. Programs to provide alternative punishment options to the default approach of incarceration, prior to incarceration or prior to parole or probation revocation.

Inpatient Drug Rehabilitation Services: Generally refers to physician and therapy services you receive during a stay in a hospital. Outpatient rehabilitation refers to services you receive when you are not admitted to the hospital, such as physician services and physical, occupational, and speech therapy. Inpatient, or residential, treatment offers a number of benefits Inpatient drug rehab offers 24-hour-a-day care that allows you to focus solely on recovering from your addiction and your newfound sobriety. Inpatient treatment often includes at least: Supervised detoxification, Administration of medication, if appropriate, and group and individual therapy.

Intake Process: All male and female offenders who are sentenced and admitted to a facility are taken first to a receiving or a reception area where they will optimally have a screening done by classification that includes age, gender, tendency for disruptive behavior, PREA concerns, and the governing charge that caused the present incarceration. Other factors should be looked into as well including past criminal history, other pending court matters, needs for special housing, number of prior incarcerations, previous institutional record, and the inmate's program needs. All prisoners are given a TB test and a physical, including a blood test for HIV and venereal disease. A review is made of all the material collected about the prisoner, including the pre-sentence report. The Receiving/Reception process is basically considered "quarantine" because movement for new prisoners is so limited.

J

Job Connect: Nevada JobConnect oversees and provides workforce development services to employers and job seekers of Nevada. For employers, Nevada JobConnect offers recruiting, retention, training and retraining, and outplacement services, as well as valuable information on labor law and labor market statistics. For job seekers, Nevada JobConnect offers career development information, job search resources, training programs, and as appropriate, unemployment benefits. While targeted populations receive intensive assistance to overcome barriers to employment, all Nevadans can benefit from the services offered by Nevada JobConnect and our network of workforce partners. Nevada JobConnect is part of a local/state network dedicated to developing the workforce of Nevada. The network is comprised of the statewide efforts of the Governor's Workforce Investment Board coupled with planning and service provision on a regional level by two local workforce boards. This network gives customers access to local workforce solutions and statewide services in a single location – Nevada JobConnect Career Centers. Primary services of Nevada JobConnect and our network partners are funded by federal tax revenue and are generally free to all Nevadans.

Jean Conservation Camp (JCC): Located in Jean, Nevada, the Jean Conservation Camp was constructed in 1988 and houses 240 minimum-custody female offenders for the State of Nevada. Currently Jean Conservation Camp is the only camp within Nevada that houses female offenders. Offenders at the Jean Conservation Camp work for the Nevada Division of Forestry by fighting fires during the fire season,

completing conservation projects, performing highway clean-up for the Department of Transportation, and assisting with the local community.

K, L

Keep On Person (KOP) Medications: Certain medications, excluding narcotics and psychotropics, which may be kept on person by the inmate for self-administration, if approved by the attending physician. (AR 608, 634, 635)

Kite: Information term for inmate request form.

Labor Market Information (LMI): Labor market information includes all quantitative or qualitative data and analysis related to employment and the workforce. The goal of LMI is to help customers make informed plans, choices, and decisions for a variety of purposes, including business investment decision making, career planning and preparation, education and training offerings, job search opportunities, hiring, and public or private workforce investments.

Leisure Time: An inmate's free or unoccupied time that does not interfere with work, training or school programs.

Lindane: A medication used to treat lice and crab lice topically. (AR 627)

Lockbox: The main means by which inmates incarcerated in the Nevada Department of Corrections receives funds from family and friends through a central post office box. (AR 258)

Lovelock Correctional Center (LCC): Located in Pershing County, Lovelock Correctional Center, the department's seventh major institution, was constructed and opened in two phases. The first phase opened in August 1995 with two 168-cell housing units. Each 80 square foot cell has the capacity to house two inmates. Construction on phase two began shortly after, and two additional 168-cell units and two 84-cell units were added to the institution, bringing the budgeted capacity to 1,680 offenders.

M

Man Days: Amount of days an inmate is confined by another state. (AR 550)

Management Information System (MIS): MIS is short for management information system or management information services. Management information system, or MIS, broadly refers to a computer-based system that provides managers with the tools to organize, evaluate and efficiently manage departments within an organization. In order to provide past, present and prediction information, a management information system can include software that helps in decision making, data resources such as databases, the hardware resources of a system, decision support systems, people management and project management applications and any computerized processes that enable the department to run efficiently.

Medical Response Code: The systematic method of responding to medical emergencies. (AR 630)

Medicine Bag: A small pouch hanging from a necklace or rope around the neck, in which is placed the particular combination of authorized herbs and artifacts that each individual Native American finds healing for themselves (AR 809)

Mental Health Reasons or Purposes: Action taken not solely for security reasons but to control suicidal, violent, or potentially violent behavior by inmates with apparent mental illness. (AR 645)

Mental Health Seclusions: Inmate housing consisting of a single cell under close observation by medical/mental health staff with only limited property allowed (e.g., hygiene and clothing items). (AR 645)

Mental Health Unit: A designated housing area within an institution that provides inpatient, acute mental health care to inmates. (AR 643)

MET (Metabolic Equivalent): Metabolic Equivalent, defined as a unit of metabolic energy. The term MET is used to describe the metabolic capacity required to perform various levels of intensity of physical activity. One MET is the energy level at rest. This is the amount of oxygen consumed and the person's related energy output in regard to maintaining heartbeat, circulation, breathing, and other physiological processes at rest. Peace officer positions are considered to be at least a medium to medium-heavy duty job based on the need to pursue, arrest or detain individuals, which is equivalent to 10.1 METS.

Medicated Assisted Treatment (MAT): Medication assisted treatment (MAT) is the use of medications in combination with counseling and behavioral therapies for the treatment of substance use disorders. A combination of medication and behavioral therapies is effective in the treatment of substance use disorders, and can help some people to sustain recovery.

Meta-analyses: Meta-analysis uses a statistical approach to combine the results from multiple studies in an effort to increase power (over individual studies), improve estimates of the size of the effect and/or to resolve uncertainty when reports disagree. Meta-analysis is a quantitative statistical analysis of several separate but similar experiments or studies in order to test the pooled data for statistical significance. A quantitative statistical analysis that is applied to separate but similar experiments of different and usually independent researchers and that involves pooling the data and using the pooled data to test the effectiveness of the results.

Moral Recondition Therapy (MRT): Moral Recondition Therapy (MRT) seeks to decrease recidivism among both juvenile and adult criminal offenders by increasing moral reasoning. MRT is systematic and implements a cognitive-behavioral approach, which positively addresses an adolescent's ego, social, moral, and positive behavioral growth. MRT uses 12-16 objectively defined steps, which focus on seven basic treatment issues: Confrontation of beliefs, attitudes, and behaviors, Assessment of current relationships, Reinforcement of positive behavior and habits, Positive identity formation, Enhancement of self-concept, Decrease in hedonism and development of frustration tolerance, Development of higher stages of moral reasoning. Expectations of Sessions: Individual and groups sessions. Groups meet once or

twice weekly and can range in length from 3-6 months. Recommended Populations: 18-25 (Young adult,) 26-55 (Adult,) Male and Female, Black or African American, White, and the non-U.S. population.

Movement: In the context of the regulation the movement is defined as changes in the number, location, and status of the Department's total inmate population to include inmates received, inmates transferred, inmates released, and internal changes in an inmate's housing, custody, and assignment (AR 570)

Multidisciplinary Treatment Team: A group of mental health staff that includes several disciplines: psychiatry, psychology, social work, nursing, substance abuse counseling and recreation. (AR 643)

Mutual Aid: An agreement between various governmental agencies to provide assistance in times of emergency. (AR 107)

N

National Crime Information Center (NCIC): A nationwide computerized information system established as a service to all criminal justice agencies, local, state and federal. The National Crime Information Center system used to obtain criminal histories, and to communicate with criminal justice agencies. The NCIC computer is located at FBI headquarters in Washington, D.C. The system stores vast amounts of criminal justice information which can be instantly retrieved and furnished through an NCIC terminal to any authorized agency. The NCIC data bank can best be described as a computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest. NCIC is operated and managed by the U.S. Department of Justice, Federal Bureau of Investigation. (AR 139, 503)

Nevada Criminal Justice Information System (NCJIS): A statewide computerized information system established as a service to all Nevada criminal justice agencies, local, state and federal. The NCJIS makes it possible for the Nevada Highway Patrol to carry out its responsibilities as this state's gateway to the NCIC. NCIC record inquiries, from all Nevada agencies, are routed automatically through NCJIS. NCJIS provides first level telecommunication message switching services to authorized users that require online access to the national criminal justice community. Some inquiries are handled by NCJIS, others are directed to NLETS (see definition). In addition to message switching services, a centralized repository system has been created within NCJIS to index this state's criminal history records and wanted persons information. Each of the 50 states has a similar service. (AR 139)

Nevada Inmate Store System (NISS): The complete group of Inmate Stores and Coffee Shops located at various locations statewide at the institutions/facilities.

Nevada Offender Tracking Information System (NOTIS): An integrated, micro-computer based information system used to manage the inmate population through the employment of applications related to count, supervision, sentence management, classification, casework, planning, and statistical activities. (AR 740)

Nevada Offense Code (NOC): The numerical value assigned to a crime by the Nevada Criminal History Repository. (AR 641)

New Commitment: A person who is arriving at the Department to begin serving a prison sentence, or to continue serving one after having been revoked from parole. A new commitment must complete the full reception process. (AR 504, 511, 614)

Non-Custody Basic (NCB) Training Program: The Department's mandated 40-hour course of basic orientation to the correctional system for non-custody staff of all occupational groups. (AR 604)

Non-violent Offenses: Non-violent crimes are those crimes that do not involve the use of any force or injury to another person. The seriousness of a non-violent crime is usually measured in terms of economic damage or loss to the victim. Most non-violent crimes involve some sort of property crime such as larceny or theft. Non-violent crimes can cover a broad spectrum of offenses. They usually involve some sort of "property crime" resulting in damage to another person's property. Some of the more common non-violent offenses may include: Most property crimes, such as theft, embezzlement, receipt of stolen goods, and arson of personal property Fraud, tax crimes, other forms of white collar crime Drug and alcohol-related crimes Prostitution Racketeering and gambling Bribery.

Northern Nevada Correctional Center (NNCC): Northern Nevada Correctional Center (NNCC) opened in 1964 with three housing units. From that date until 2008, seven additional housing units were added. NNCC is a medium custody facility. NNCC also is the Intake Center for the Northern region. The Regional Medical Facility for the Nevada is located here. This includes an in-patient medical and mental health unit. In addition, there is the MIC (Medical Intermediate Care) and SCU (Structured Care Unit) units for those inmates whose medical and mental health situations are stable but which require additional staff monitoring. NNCC also has the Regional Warehouse which is the distribution center for the facilities in Carson City and Reno.

Northern Nevada Transitional Center (NNTH): In 1979, the State Legislature passed a law authorizing the establishment of a Restitution Center Program for non-violent, non-sex offender inmates who are within one year of term expiration or parole eligibility. Through this program, these inmates are given the opportunity to establish employment in the community to better prepare them for release and to address court-ordered fees, fines, and restitution obligations. In October 1979, the Northern Nevada Restitution Center opened in Reno with four residents. In August 1987, the Northern Nevada Restitution Center had a maximum capacity of 48 male and 12 female residents. In April 1993, NNRC was moved to its last location and housed up to 103 inmates, male only. NNRC's last day of occupancy was on October 23, 2015.

Nevada Risk Assessment Score (NRAS): The Nevada Risk Assessment System (NRAS) is a dynamic risk/needs assessment system to be used with adult offenders. It offers criminal justice actors the ability to assess individuals at various decision points across the criminal justice system.

O

Offender: An individual convicted or adjudicated of a criminal offense.

Office of Management and Budget (OMB): The Office of Management and Budget (OMB) serves the President of the United States in overseeing the implementation of his vision across the Executive Branch. Specifically, OMB's mission is to assist the President in meeting his policy, budget, management and regulatory objectives and to fulfill the agency's statutory responsibilities.

Organic Impairment: Behavioral and cognitive disorders resulting from brain damage due to a variety of causes, including (but not limited to) injury, substance abuse, or physical illness. (AR 643)

Originating Agency (ORI): Originating Agency Identifier used to address messages and entries made to the NCIC.

Out-client: An individual who does not live at the facility but who may use facility services and programs.

Outcome Measures: These are measurable events, occurrences, conditions, behaviors, or attitudes that demonstrate the extent to which the condition described in the performance standard has been achieved. Outcome measures describe the consequences of the program's activities, rather than the activities themselves. Outcome measures can be compared over time to indicate changes in the conditions that are sought. Outcome measure data are collected continuously but usually are analyzed periodically.

P

Panel: Three members appointed pursuant to NRS 213.1214 to perform certifications of offenders. (AR 813)

Pardon: A pardon can take the form of a commutation of sentence, which is a moderation of the severity of a criminal penalty. A pardon can also release an offender from the legal penalties or consequences of a conviction, also known as clemency. Persons convicted of violating the laws of this state may apply to the Board of Pardons for clemency or commutation. The Board's authority is unrestricted. The Board of Pardons is considered to be the court of last resort. (AR 537)

Parole authority/Parole board/ Parole commission: Decision-making body that has responsibility to grant, deny, and/or revoke parole. The term "parole authority" includes all of these bodies.

Parole Hearing: Procedure conducted by a parole authority member and/or hearing examiner in which all pertinent aspects of an eligible inmate's case are reviewed to make a decision or recommendation that would change the inmate's legal status and/or degree of freedom.

Partially Implemented: The Department has taken action to the extent possible to partially satisfy the recommendations of the audit as of the date of the six-month report and has taken steps such as requesting additional resources which may be necessary to implement the remaining recommendations. (AR 128)

Performance-Based Standard: This standard describes a state of being, a condition, and does not describe the activities or practices that might be necessary to achieve compliance. Performance standards and reflect the program's overall mission and purpose.

Perpetual Inventory: An item inventory that has its quantity on hand counts maintained continuously by a computer software program. The program accounts for all receipts, sales and adjustments, to insure the shelf count is always the same as the count in the program. (AR 204)

Pill Call: Administration of prescribed medications by licensed medical staff to inmates. (AR 245)

Population Center: Geographical area containing at least 10,000 people along with public safety services, professional services, employment and educational opportunities, and cultural/recreational opportunities.

Possible Release: A projected or assigned parole eligibility date in which the decision of the Parole Board is not taken into account. A possible release might also be used as a discharge date. This is the date that is used to determine when a DUI inmate is to be enrolled in the DUI Treatment Program. (AR 521)

Post Orders: A set of rules that details the duties and responsibilities of a given post.(AR 401)

Prison Rape Elimination Act (PREA): The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape." (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

Privileged Correspondence: Mail between an inmate and the following person(s): 1. State elected officials 2. State officials appointed by the Governor 3. City, County, State and Federal officials that have responsibility for an inmate's present, prior or future custody, including probation and parole supervisors, and parole board commissioners 4. All state and federal judges and officials of the courts 5. The Attorney General, Deputy Attorney Generals or an attorney listed with a State Bar Association, a recognized legal assistance agency, or an attorney representative 6. State and local chief executive officers 7. The Director, Assistant Directors, Wardens of the Department of Corrections 8. Diplomatic personnel 9. Co-defendants or co-plaintiffs in litigation.

Phoenix Program: Substance Abuse Program.

Probation: Court ordered disposition alternative through which a convicted adult offender or an adjudicated delinquent is placed under the control, supervision, and care of a probation field staff member.

Programming: Plan or system through which a correctional agency works to meet its goals. This program may require a distinct physical setting, such as a correctional institution, community residential facility, group home, or foster home.

Proof Status: A specific type of Letter of Instruction which requires an employee to provide proper medical certification whenever sick leave is utilized. Immediate Family – See NAC 284.5235. “The employee’s parents, spouse, children, regardless of age, brothers, sisters, grandparents, great-grandparents, uncles, aunts, nephews, grandchildren, nieces, great-grandchildren and stepparents; and, if they are living in the employee’s household, the employee’s father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather-in-law, grandmother-in-law, great-grandfather-in-law, great-grandmother-in-law, uncle-in-law, aunt-in-law, brother-in-law, sister-in-law, grandson-in-law, granddaughter-in-law, nephew-in-law, niece-in-law, great-grandson-in-law and great-granddaughter-in-law.”

Protective Segregation: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. (AR 507, 509, 522)

Pioche Conservation Camp (PCC): Established in 1980, the Pioche Conservation Camp (PCC) was the first Conservation Camp established by the Nevada Department of Corrections in Rural Nevada. It provides Initial Attack Wildland Firefighting Crews operated by the Nevada Division of Forestry for Lincoln County and the state of Nevada. Along with community project crews, Emergency Crews have been dispatched to other Natural Disasters including the 1997 Floods in Carson City and 2003 in Caliente, Nevada. Crews from PCC also participated in the recovery efforts of the Space shuttle COLUMBIA in May 2003. In 2008 Emergency Crews responded twice to California (Chico and Grass Valley). Every year fire crews are sent out statewide to render assistance with major fires.

R, S

Recidivism: The tendency to relapse into a previous undesirable type of behavior, usually related to crime and incarceration.

Safekeeper: An inmate housed in the Department from a county jail or another state correctional agency under the Interstate Compact Agreement. (AR 550)

Seven Hundred (700) Hour Client: An individual who has been certified by Vocational Rehabilitation, as an individual with a disability. These individuals may be placed on a certified hiring list as an option for interview. (AR 300)

Static-99 Report: STATIC-99R is a risk assessment tool provided for at Penal Code 290.04(b)(1). It is usually a one or two page report designed specifically for adult male sex offenders. Its purpose is to

evaluate an offenders danger risk to society. It is most often used with registered sexual offenses pursuant to Penal Code 290. The STATIC-99R consists of 10 items and produces estimates of future risk based upon the number of risk factors present in any one individual. The risk factors include: 1) The presence of prior sexual offenses. 2) Having committed a current non-sexual violent offense. 3) Having a history of non-sexual violence. 4) The number of previous sentencing dates. 5) One's age. 6) Having male victims. 7) Having never lived with a lover for two continuous years. 8) Having a history of non-contact sex offenses. 9) Having unrelated victims. 10) Having stranger victims. An offender is then assigned a score between 1 and 50. A score of 1 indicates that the offender has a very low-risk of recidivism and conversely, a score of 50 indicates that the study predicts that the defendant most likely will re-offend in the future.

Stewart Conservation Camp (SCC): The Stewart Conservation Camp (SCC) is located adjacent to the Northern Nevada Correctional Center. It originally opened in 1978. In 1995, a new SCC was constructed to replace and more than double the size of the original camp. SCC houses minimum custody and community trustee inmates in five dormitory type units.

Southern Desert Correctional Center (SDCC): Located in Clark County, just north of Las Vegas, Southern Desert Correctional Center opened in February 1982. The department's fourth major institution has seven 102-cell housing units, one of which housed federal prisoners until the state took it over in 1987. Each 60-square foot cell housed one inmate at that time. A new 200-cell housing unit opened in 1989, and two 240-bed dormitory-style housing units were added in March 2008, bringing the population capacity from 714 in 1982 to its present capacity of 2,149.

T

Target Population: Target population refers to the ENTIRE group of individuals or objects to which researchers are interested in generalizing the conclusions. The target population usually has varying characteristics and it is also known as the theoretical population. The target population for a survey is the entire set of units for which the survey data are to be used to make inferences. The target population defines those units for which the findings of the survey are meant to generalize. Establishing study objectives is the first step in designing a survey. Defining the target population should be the second step. Target populations must be specifically defined, as the definition determines whether sampled cases are eligible or ineligible for the survey. The geographic and temporal characteristics of the target population need to be delineated, as well as types of units being included. In some instances, the target population is restricted to exclude population members that are difficult or impossible to interview.

Tonopah Conservation Camp (TCC): The Tonopah Conservation Camp opened its doors in January 1991, as a female facility. It's located approximately 12 miles northeast of the historic mining town of Tonopah, Nevada. TCC was converted to an all-male facility in September 1991. TCC is currently a camp dedicated to fire suppression with guidance from Nevada Division of Forestry.

Therapeutic Community: A designed social environment with programs for substance-use-disordered patients within a residential or day unit in which the social and group process is used with therapeutic intent.

Therapy: Therapy (often abbreviated as Tx) is the attempted remediation of a health problem, usually following a diagnosis. In the medical field, it is usually synonymous with treatment. Among psychologists and other mental health professionals, including psychiatrists, psychiatric nurse practitioners, counselors and clinical social workers, the term may refer specifically to psychotherapy (sometimes dubbed 'talking therapy').

Treatment Plan: Series of written statements that specify the particular course of therapy and roles of medical and non-medical personnel in carrying it out. A treatment plan is individualized, based on assessment of the individual patient's needs, and includes a statement of the short-and long-term goals and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides inmates with access to a range of supportive and rehabilitative services, such as individual or group counseling and/or self-help groups that the physician deems appropriate.

Thinking for a Change: Evidenced-based program to prepare an offender to make better decisions upon re-entry into society.

Three Lakes Valley Conservation Camp (TLVCC) and Three Lakes Valley Boot Camp (TLVBC): Located in Clark County, just north of Las Vegas, Indian Springs Conservation Camp was opened in 1983 with five 20-bed housing units. After a new 210-bed housing unit was opened in 1994, the Camp was moved into it and the old buildings demolished, bringing the population capacity from 100 in 1983 to the present day population capacity of 192. In 2008, the name was officially changed to Three Lakes Valley Conservation Camp, referencing the United States Geological Survey designation for the location of the Camp. The Three Lakes Valley Conservation Camp supplies inmates to the Nevada Division of Forestry for work projects that include roadside litter removal, landscape beautification, and fighting wildfires. The Three Lakes Valley Conservation Camp facility compound also encompasses the Three Lakes Valley Boot Camp.

Treatment Group (TX): A control group is used as a baseline measure. The control group is identical to all other items or subjects that you are examining with the exception that it does not receive the treatment or the experimental manipulation that the treatment group receives.

Training: An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or training center, at an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager, or official; physical training; or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion. Meetings of professional associations are considered training where there is clear evidence of this.

U, V

Volunteer: Individual who donates his or her time and effort to enhance the activities and programs of the agency. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religion, and so forth.

Vivitrol: Vivitrol (naltrexone) blocks the effects of opioid medication, including pain relief or feelings of well-being that can lead to opioid abuse. An opioid is sometimes called a narcotic. Vivitrol is used as part of a treatment program for drug or alcohol dependence. Vivitrol injection is used to prevent relapse in people who became dependent on opioid medicine and then stopped using it. Naltrexone can help keep you from feeling a "need" to use the opioid. Vivitrol injection is also used to treat alcoholism by reducing your urge to drink alcohol. This may help you drink less or stop drinking altogether. Naltrexone will not decrease the effects of alcohol you recently consumed. You should not be drinking at the time you receive your first Vivitrol injection. Naltrexone is not a cure for drug addiction or alcoholism.

Veteran Housing:

W, X, Y, Z

Warm Springs Correctional Center (WSCC): The Warm Springs Correctional Center (WSCC) was authorized by and constructed through appropriations from the 1961 legislative session and was known as the Nevada Women's Correctional Center until September 1997. It was converted to a medium security men's prison in 1998, then to a minimum custody facility in July 2003. The institution has been remodeled and expanded four times over the past 47 years. A second housing unit was added in 1979, and a third in 1987. The core services building, which houses food services, health care services, education facilities and the gymnasium, was added in 1981. The 1995 and 1997 legislatures authorized a fourth housing unit, two towers, a new security fence, additional classrooms and a complete remodel of the kitchen, dining room and entrance building. The completion of this project in July 1998 (funded in part with federal monies) brought the budgeted capacity of WSCC from 260 to 510 inmates. In July 2008, WSCC was converted back to a men's medium custody institution.

Work Release: Formal arrangement sanctioned by law whereby an inmate/resident is released into the community to maintain approved and regular employment.

Wrap Around Services: The process that enables an inmate who is discharging or paroling is provided with access to services which may include but not limited to housing, medical care, mental health treatment, vocational training, substance and or alcohol treatment.

Warm Handoff: The process by which NDOC caseworkers, mental health clinicians or physicians provide the community services staff and or parole and probation staff transition the inmate to these staff in community organizations so that there is no break in services needed by the offender.

Wells Conservation Camp (WCC): Wells Conservation Camp is located at exit 365 on interstate 80 in Independence Valley, approximately 14 miles east of Wells, Nevada. Construction of the facility began in the fall of 1984 with the utilization of inmate labor and the official opening of the camp was in March of 1985. WCC houses minimum custody offenders and operates under a cooperative partnership with the Nevada Division of Forestry. NDF operates 7 inmate work crews at WCC providing wildland firefighting support as well as working on a variety of projects locally including, but not limited to, wildland conservation, community projects, senior citizen assistance and highway cleanup and beautification projects with the Nevada Department of Transportation.

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
114**

BOARD OF PRISON COMMISSIONERS MEETING

Supersedes: AR 114 (Temporary, 06/21/10); 08/13/10; (Temporary, 06/15/17)
Effective Date: 08/15/17

AUTHORITY:

NRS 209.101; 209.111; 209.116; 209.121; 209.021; 241.035; 239.052; 241.020;

PURPOSE

To ensure the safety of the residents of the State of Nevada, the Board of Prison Commissioners shall adopt regulations establishing the maximum number of prisoners who may be incarcerated in a private facility or institution based upon the standards adopted by the American Correctional Association or its successor organization; regulate the number of officers and employees of the Department of Corrections; and prescribe regulations for carrying on the business of the Board and the Department.

RESPONSIBILITY

The Governor serves as the President of the Board.

The Secretary of State serves as the Secretary of the Board of Prison Commissioners.

The Director of the Nevada Department of Corrections/designee shall be responsible for the scheduling of the Board meetings in coordination with the President and Secretary of the Board.

The Management Analyst IV is responsible to manage, revise and submit all administrative regulations for review by the Board in compliance with AR 100.

The Executive Assistant to the Director is responsible to prepare the agenda; minutes; meeting materials and scheduling to ensure compliance with the open meeting law.

114.01 MEETING PREPARATION

1. The Director/designee shall develop the Department's agenda for the Board meeting.
2. The Director/designee should obtain the review and approval of the Secretary of State for the agenda.

3. Items which require Board approval shall be identified on the agenda with a required action notation.

4. The Secretary of State/designee shall post written notice of all Board meetings as required by NRS 241.020.

5. The Director/designee shall ensure that either an audio recording or minutes of the meeting shall be available for inspection by the public within 30 working days after the adjournment of the meeting pursuant to NRS 241.035.

6. The Director/designee shall prepare electronic versions all documents for distribution to the Board members, media, and members of the public. Printed versions will be provided upon request.

114.02 CONDUCT OF THE MEETING

1. The Governor shall be the Chair of the Board.

2. The Director/designee shall place a sign-up sheet at the door to document attendance in both northern and southern Nevada.

3. Two members of the Commission shall constitute a quorum.

4. The Chair of the Board shall make available the opportunity for public comment in compliance with the open meeting law.

5. The Director/designee shall make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge.

114.03 DOCUMENTATION

1. The Secretary of State/designee shall store the meeting documents and minutes as required by records retention and open meeting laws.

2. The Secretary of State may charge a fee as authorized in NRS Chapter 239 for copies of the minutes or recordings of the meeting.

THIS SECTION LEFT BLANK INTENTIONALLY

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
114**

BOARD OF PRISON COMMISSIONERS MEETING

Supersedes: AR 114 (Temporary, 06/21/10); 08/13/10; (Temporary, 06/15/17)
Effective Date: 08/15/17–08/13/10

AUTHORITY:

NRS 209.101; 209.111; 209.116; NRS 209.121; 209.021;
NRS 241.035;
NRS 239.052;
NRS 241.020;
Nevada Constitution, Article 5, section 21

PURPOSE

To ensure the safety of the residents of the State of Nevada, the Board of Prison Commissioners shall adopt regulations establishing the maximum number of prisoners who may be incarcerated in a private facility or institution based upon the standards adopted by the American Correctional Association or its successor organization; regulate the number of officers and employees of the Department of Corrections; and prescribe regulations for carrying on the business of the Board and the Department.

RESPONSIBILITY

The Governor serves as the President of the Board.

The Secretary of State serves as the Secretary of the Board of Prison Commissioners.

The Board of Prison Commissioners and/or the Director of the Nevada Department of Corrections/designee will shall be responsible for the scheduling of the Board meetings in coordination with the President and Secretary of the Board.

The Management Analyst IV is responsible to manage, revise and submit all administrative regulations for review by the Board in compliance with AR 100.

The Executive Assistant to the Director is responsible to prepare the agenda; minutes; meeting materials and scheduling to ensure compliance with the open meeting law.

114.01 MEETING PREPARATION

1. The Director/designee ~~shall~~^{ould} develop the Department's agenda for the Board ~~of Prison Commissioners~~ meeting.
2. The Director/designee should obtain the review and approval of the Secretary of State for the agenda.
3. Items which require Board approval ~~should~~^{shall} be identified on the agenda with a required action notation.
4. The Secretary of State/designee shall post written notice of all Board ~~of Prison Commissioner~~ meetings as required by NRS 241.020.
5. The ~~Secretary of State/designee~~^{Director/designee} shall ensure that either an audio recording or minutes of the meeting shall be available for inspection by the public within 30 working days after the adjournment of the meeting pursuant to is completed or that the meeting is transcribed by a certified court reporter as required by NRS 241.035.
6. The Director/designee ~~should~~^{shall} prepare electronic versions all documents for distribution to the Board members, media, and members of the public. Printed versions will be provided upon request.

114.02 CONDUCT OF THE MEETING

1. The Governor shall be the Chair of the Board ~~of Prison Commissioners.~~
2. The Director/designee ~~will~~shall place a sign-up sheet at the door to document attendance in both northern and southern Nevada~~and to identify all who wish to speak.~~
3. Two members of the Commission shall constitute a quorum.
4. The Chair of the Board shall make available the opportunity for public comment in compliance with the open meeting law.
35. The Director/designee ~~shall will~~ distribute meeting documents to any person making that request. make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge.
4. ~~The Director/designee will obtain signed approval of actions at the close of the meetings.~~

114.03 DOCUMENTATION

1. The Secretary of State/designee ~~shall~~ould store the meeting documents and minutes as required by records retention and open meeting laws.
2. The Secretary of State may charge a fee as authorized in NRS Chapter 239 for copies of the minutes or recordings of the meeting.

THIS SECTION LEFT BLANK INTENTIONALLY

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

~~Howard Skolnik~~James Dzurenda, Director
Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
123**

DIVISIONAL REPORTING

Supersedes: (Temporary, 02/08/10); 05/20/10; (Temporary, 06/16/17)
Effective Date: 08/15/17

AUTHORITY: NRS 209.221NRS 209.4244; NRS 209.4299; NRS 209.459

PURPOSE

To ensure compliance with all divisional reporting policies and procedures and to ensure valid, reliable and complete data and information is provided to federal and state departments.

RESPONSIBILITY

The Deputy Director of each respective Division is responsible to ensure compliance with all reporting requirements.

Administrators, Wardens, and Division Heads are responsible to identify and develop reports for internal use as well as to comply with external requirements.

123.01 PROCEDURES

1. Operational guidelines shall be developed to identify the specific data and performance measurements required for each Unit by the respective Deputy Director. Reports will be developed, collected, and distributed to the respective Deputy Directors not less than quarterly, and shall include major developments in each department or administrative unit, including major incidents, offender data, and program performance by the following units:

- A. Offender Management Division;
- B. Medical Administration;
- C. Support Services/Fiscal Division;
- D. Personnel/Training Division;
- E. Victim Services;
- F. Institution/Facilities;
- G. Programs (Re-entry, Education, Substance Abuse, Mental Health); and

H. Inspector General Office.

2. The type, frequency (if required more than quarterly), and information contained within these reports will be determined by the requirements of the Department as well as applicable state and federal laws and statutes.

A. Information developed should be relevant to the mission of the Department.

3. Information contained within these reports will not be considered for public distribution unless prior approval has been obtained by the Deputy Director of each respective Division, under the authority of the Director.

4. Requests for new reports/information must be reviewed and approved by the appropriate Division Head.

123.02 LEGISLATIVE MANDATED REPORTING

Reporting data will be provided to the Management Analyst IV, a minimum of thirty days prior to the deadline for submission by the Director.

A. Pursuant to NRS 209.4299, the Director of the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety shall jointly submit a report at least twice annually to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee to include:

1. The number of probationers participating in the diversion program;
2. The reasons the probationers entered the program;
3. The number of probationers who satisfied the terms and conditions of their participation in the program; and
4. The status of the probationers who are in the program at the time the report is prepared.

B. Pursuant to NRS 209.4244, the Director of the Department of Corrections shall provide the following information to the Interim Finance Committee on or before January 31 of each even-numbered year and to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of each regular session of the Legislature.

1. The number of offenders who are currently participating in therapeutic communities and programs of aftercare;
The number of offenders who have participated in therapeutic communities and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses; and
2. The number of offenders who have successfully completed treatment in therapeutic communities and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses; and

APPLICABILITY

1. This procedure requires an Operational Procedure for all Divisions.
2. This regulation requires an audit.

REFERENCES

ACA Standards, 4th edition 4-4017-8

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
123**

DIVISIONAL REPORTING

Supersedes: ~~AR 123~~ (Temporary, 02/08/10); ~~05/20/10~~; (Temporary, 06/16/17)
Effective Date: ~~05/20/10~~ 08/15/17

AUTHORITY: NRS 209.2241; ~~NRS 209.341~~; ~~NRS 209.351~~ NRS 209.4244; NRS 209.4299;
NRS 209.459;

PURPOSE

To ensure compliance with all divisional reporting policies and procedures and to ensure valid, reliable and complete data and information is provided to federal and state departments.

RESPONSIBILITY

The Deputy Director of each respective Division is responsible to ensure compliance with all reporting requirements.

Administrators, Wardens, and Division Heads are responsible to identify and develop reports for internal use as well as to comply with external requirements. ~~(4-4019)~~

123.01 PROCEDURES

1. ~~Reports will be developed, collected, and distributed~~ Operational guidelines shall be developed to identify the specific data and performance measurements required for each Unit by the respective Deputy Director. Reports will be developed, collected, and distributed to the respective Deputy Directors not less than quarterly, and shall include major developments in each department or administrative unit, including major incidents, offender data, and program performance by the following units:

~~by:~~

- A. Offender Management Division;
- B. Medical Administration;
- C. Support Services/Fiscal Division;
- D. Personnel/Training Division;
- E. Victim Services;

F. Institution/Facilities;

G. Programs ~~(~~-Re-entry, Education, Substance Abuse, Mental Health); and

H. Inspector General Office.

~~I.~~

2. The type, frequency (if required more than quarterly), and information contained within these reports will be determined by the requirements of the Department as well as applicable state and federal laws and statutes.

A. Information developed should be relevant to the mission of the Department.

3. Information contained within these reports will not be considered ~~for~~ public distribution unless prior approval has been obtained by the Deputy Director of each respective Division, under the authority of the Director.

4. Requests for new reports/information must be reviewed and approved by the appropriate Division Head.

123.02 LEGISLATIVE MANDATED REPORTING

Reporting data will be provided to the Management Analyst IV, a minimum of thirty days prior to the deadline for submission by the Director.

A. Pursuant to NRS 209.4299, the Director of the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety shall jointly submit a report at least twice annually to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee to include:

1. The number of probationers participating in the diversion program;
2. The reasons the probationers entered the program;
3. The number of probationers who satisfied the terms and conditions of their participation in the program; and
4. The status of the probationers who are in the program at the time the report is prepared.

B. Pursuant to NRS 209.4244, the Director of the Department of Corrections shall provide the following information to the Interim Finance Committee on or before January 31 of each even-numbered year and to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of each regular session of the Legislature.

1. The number of offenders who are currently participating in therapeutic communities and programs of aftercare;

- The number of offenders who have participated in therapeutic communities and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses; and
2. The number of offenders who have successfully completed treatment in therapeutic communities and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses; and

APPLICABILITY

1. This procedure requires an Operational Procedure for all Divisions.
2. This regulation requires an audit.

REFERENCES

ACA Standards, 4th edition 4-401 7-8

~~Howard Skolnik~~James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
153**

CRITICAL INCIDENT REVIEW

Supersedes: AR 153 (11/13/09); and AR 153 (Temporary, 11/25/13); 12/17/13;
(Temporary, 06/01/17)

Effective Date: 08/15/17

AUTHORITY: NRS 209.131

PURPOSE

The purpose of the critical incident regulation is to ensure that the Nevada Department of Corrections prepares for and effectively responds to critical incidents through the appropriate use of resources. The prevention and effective management of critical incidents can assist minimize the negative impact of an unexpected event.

RESPONSIBILITY

The Director is responsible to establish policy and procedures for reviewing critical incidents which occur within the Nevada Department of Corrections that may reduce potential recurrence of similar critical incidents.

153.01 CRITICAL INCIDENT REVIEW PROCEDURE

1. Critical Incident Reviews shall only be ordered by the Director.
 - A. Any member of the executive staff may recommend that a Critical Incident Review be conducted.
 - B. The Inspector General or designee shall manage a Critical Incident Review, which includes the following:
 - (1) Setting location for the review.
 - (2) Gathering all written reports, materials and evidence pertaining to the incident.
 - (3) Arrange for witnesses and interviews.
2. A Deputy Director, Inspector General and a Warden from an institution/ facility where the incident did not occur will review all written reports and evidence pertaining to the incident.
 - A. In the case of reviewing a death, every effort will be made to have the autopsy report prior to the review.

3. A determination should be made, if possible, as to what exactly happened, who the participants were, why the incident occurred, and how the incident was handled by staff.
4. The Committee must evaluate the adequacy of those policies and procedures that may have been employed regarding the incident in order to determine whether any changes should be recommended to the Director.
 - A. This evaluation should also include whether additional training is needed or whether an existing training program should be modified; and/or
 - B. Whether a corrective action plan will be recommended. If a corrective action plan is recommended, the Warden at the institution will respond to the Director or designee within thirty-\ days.
5. The Critical Incident Review process is not a disciplinary action for staff.
 - A. Should it appear to the Critical Incident Review Committee that there was less than satisfactory performance by one or more employees, the Committee may recommend the initiation of a separate internal administrative investigation against the employee(s).
 - (1) A summary of the particular specifics, surrounding the actions by one or more employees that may have been less than satisfactory performance, shall be documented by the Inspector General in a separate incident report in NOTIS and assigned for investigation.
 - B. Should the Committee determine that an employee(s) engaged in exemplary behavior, the Committee may recommend a written commendation be prepared by the Director.
 - C. Should the Committee determine that the actions of the officers violated department policy, but do not warrant an investigation, a tactical debrief will be conducted to advise the officers involved of the violation.
6. In order to maintain the security of the Department, the review and the finale report shall be confidential.
 - A. The Inspector General shall stamp the original finalized report of the Committee's findings "confidential" and shall submit the report to the Director.
 - B. Only the Deputy Directors and Inspector General are authorized to maintain a copy.
 - C. No other copies will be duplicated or maintained by any person unless specifically approved by the Director.
7. The Director will review the recommendations of the Committee and take appropriate action as deemed necessary.

REFERENCE: ACA 4th Edition: 4-4018

APPLICABILITY

1. This AR does not require an Operational Procedure.
2. This AR does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
153**

CRITICAL INCIDENT REVIEW

Supersedes: AR 153 (11/13/09); and AR 153 (Temporary, 11/25/13); 12/17/13;
(Temporary, 06/01/17)
Effective Date: ~~12/08/15/17/13~~

AUTHORITY: NRS 209.131

PURPOSE

The purpose of the critical incident regulation is to ensure that the Nevada Department of Corrections prepares for and effectively responds to critical incidents through the appropriate use of resources. The prevention and effective management of critical incidents can assist minimize the negative impact of an unexpected event.

RESPONSIBILITY

The Director is responsible to establish policy and procedures for reviewing critical incidents which occur within the Nevada Department of Corrections that may reduce potential recurrence of similar critical incidents.

153.01 CRITICAL INCIDENT REVIEW PROCEDURE

1. Critical Incident Reviews mayshall only be ordered by the Director.
 - A. Any member of the executive staff may recommend that a Critical Incident Review be conducted.
 - B. The Inspector General or designee willshall manage a Critical Incident Review, which includes the following:
 - (1) Setting location for the review.
 - (2) Gathering all written reports, materials and evidence pertaining to the incident.
 - (3) Arrange for witnesses and interviews.
2. A Deputy Director ~~of Operations~~, Inspector General and a Warden from an institution/ facility where the incident did not occur will review all written reports and evidence pertaining to the incident.

A. In the case of reviewing a death, every effort will be made to have the autopsy report prior to the review.

3. –A determination should be made, if possible, as to what exactly happened, who the participants were, why the incident occurred, and how the incident was handled by staff.

4. The Committee must evaluate the adequacy of those policies and procedures that may have been employed regarding the incident in order to determine whether any changes should be recommended to the Director.

A. This evaluation should also include whether additional training is needed or whether an existing training program should be modified; and/or

B. Whether a corrective action plan will be recommended. If a corrective action plan is recommended, the Warden at the institution will respond to the Director or designee within thirty\ days.

5. The Critical Incident Review process is not a disciplinary action for staff.

A. Should it appear to the Critical Incident Review Committee that there was less than satisfactory performance by one or more employees, the Committee may recommend the initiation of ana separate internal administrative investigation against the employee-(s).

(1) Should the recommendationA summary of the Critical Incident Review result in disciplinary action being brought against an employee, only the particular specifics, surrounding the actions of the involved employee will be addressed.

(2) Specificity of Charges against any employee as by one or more employees that may have been less than satisfactory performance, shall be documented by the Inspector General in a result of a Critical Incident Review will not refer to the finalizedseparate incident report, but rather summarize the findings of the Committee as they relate specifically to the involved employee in NOTIS and assigned for investigation.

B. Should the Committee determine that an employee-(s) engaged in exemplary behavior, the Committee may recommend to the Director that a written commendation be prepared by the Director.

C. Should the Committee determine that the actions of the officers violated department policy, but do not warrant an investigation, a tactical debrief will be conducted to advise the officers involved of the violation.

6. In order to maintain the security of the Department, the review and the finalizedfinale report shall be confidential.

A. The Inspector General willshall stamp the original finalized report of the Committee's findings "confidential" and willshall submit the report to the Director.

B. Only the Deputy Directors; and Inspector General are authorized to maintain a copy.

C. No other copies will be duplicated or maintained by any person unless specifically approved by the Director.

7. The Director will review the recommendations of the Committee and take appropriate action as deemed necessary.

REFERENCE: ACA 4th Edition: 4-4018

APPLICABILITY

1. This AR does not require an Operational Procedure.
2. This AR does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
300**

RECRUITMENT AND HIRING

Supersedes: AR 300 (12/17/12); (Temporary, 06/17/14); 09/16/14; (Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY: NRS Chapter 284; NRS 617.455 – 617.457; NAC 284. 295-441, 646; 650; 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. § 115.17; and NRS 179A.080

PURPOSE

To ensure guidelines are established for compliance with federal and state recruitment and hiring regulations.

RESPONSIBILITY

The Deputy Director of Support Services shall ensure administration of this regulation.

The Nevada Department of Corrections (NDOC) Human Resource Division is responsible for implementation and Department compliance.

The Appointing Authority is responsible for making hiring recommendations to the Department's Human Resources Division.

The Human Resources Division is responsible for validating all offers of employment and completing necessary paperwork.

The Inspector General's Office, Prison Rape Elimination Act (PREA) Management Team, is responsible for confirming and documenting within NOTIS any positive response resulting from criminal background records checks for all new applicants, promotions and required employment background checks.

300.01 TYPES OF RECRUITMENT/LIST CERTIFICATION

1. Open Competitive – This type of recruitment is open to anyone without regard to current State employment. The ranking on the list is based on total overall scores.
2. Divisional/Departmental/Statewide/Open Competitive – This type of recruitment is open to everyone, current State employee or not. Candidates employed within the division which is recruiting for the vacancy are ranked first followed second by those candidates employed within the department recruiting for the position; third by those candidates employed within State

service; and last would be those candidates who are not currently employed within State service.

3. Divisional – This type of recruitment is limited to promotional candidates employed within the division of recruitment and who have been employed at least six (6) months within State service.

4. Departmental – This type of recruitment is limited to promotional candidates employed within the Department of recruitment and who have been employed at least six (6) months within State service.

300.02 METHODS OF CERTIFICATION

1. Ranked List - Top five ranked candidate shall be interviewed or contacted for interviews. There may be more than one (1) candidate per rank.

2. Unranked List – Names are listed in random order. Anyone on the list may be interviewed, but every attempt should be made to interview five (5) candidates for the position. If there are fewer than five (5) candidates on the list, all should be interviewed.

300.03 FILLING A VACANCY

1. The Appointing Authority, upon notification of an impending vacancy, shall prepare and submit a Staffing Requisition to the Department Human Resources Division.

A. The requisition should include information regarding the type of recruitment, the existence of a certified list or whether it is another type of appointment such as:

(1) Reinstatement or Rehire;

(2) Reappointment;

(3) Transfer; or

(4) Voluntary demotion

2. Selective criteria must be established prior to opening any recruitment and will require the approval of the State DHRM.

3. The Human Resources Recruiter will forward the list of certified applicants and interview packet to the Appointing Authority.

A. Certified lists are strictly confidential and shall not be disseminated to anyone outside of the Human Resources Division or the relevant position's supervisory chain.

B. Certified lists are official State documents and may not be edited, tampered with, or

altered in anyway. Alterations of any kind may result in disciplinary action.

C. Failure to comply with either A or B will result in the cancellation of the recruitment and may result in disciplinary action.

4. Interview Packets shall consist of:

A. Memorandum of requirements for submission of a personnel packet.

B. Personnel Packet Checklist.

C. Certified List.

D. Interview Questions and benchmark responses shall include applicable PREA related questions as identified in PREA § 115.17 and on PREA Questionnaire (DOC 057).

E. Interview Rating Sheet.

F. Consent for Release of Criminal History Records.

G. Essential Functions for the position.

H. Work Performance Standards.

5. Upon receipt of the Interview Packet and Certified list, interviews may be scheduled.

6. To schedule interview, the candidates may be contacted via:

A. *Telephone* message on voice mail, candidate must respond within three (3) days; and/or

B. *Mail*, candidate must respond within six (6) days of postmark; and/or

C. *E-mail*, candidate must respond within three (3) days.

7. Prior to conducting interviews, each candidate must be allowed time to review and acknowledge via signature the Essential Functions for the position. The signed Acknowledgement page is retained for recruitment packet submission. The remainder of the Essential Functions document may be given to the interviewee.

A. If the candidate indicates they cannot perform the essential functions of the position, they should be referred to the Department's Human Resources Administrator.

8. The supervisor should review and modify the work performance standards as outlined in Administrative Regulation 310, Work Performance Standards, prior to the interview process.

9. The interview panel shall consist of at least three employees, each of whom must be at the same grade or higher unless approved by the Deputy Director, and one must be in the chain-of-command.

10. Each candidate must be asked the same questions.

A. The Benchmark Interview Questions form must be utilized to record the responses. Each interviewer is responsible for independently scoring candidate responses. At the completion of the candidate's interview, interviewers will tally the scores, sign the Benchmark Interview Questions form and forward to the panel chair.

B. A written explanation is required to be included in the hiring packet if an applicant who did not have the highest ranked score has been selected.

11. The Structured Interview Process for Correctional Officer/Trainee interviews is as follows:

A. A panel of three (3) must be utilized; including a minimum of two custody interviewers with the rank of Warden, Associate Warden or Lieutenant. The third panel member will be outside of the custody chain of command.

B. A Human Resources representative must be present during the interview process.

C. The rating panel must utilize the Structured Interview Questions and Rating Sheet form.

D. Structured Interview Questions will be selected randomly by the Human Resources Division for use prior to each interview date.

E. The Correctional Officer/Trainee Structured Interview Panel Recommendation form will be completed for each candidate interviewed.

F. All documentation will be submitted to the Recruiter at the conclusion of the interview process.

12. Each candidate interviewed must complete the Consent for Release of Criminal History form, and pre-interview documents (Essential Job Functions, Work Performance Standards, Variable Work Schedule, and PREA Disclosure Form) prior to the interview.

(A) The agency shall not hire anyone who may have contact with any inmates who:

(1) Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;

(2) Have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Have been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) of this section.

300.04 PRE-EMPLOYMENT TESTING

1. Medical Physical Testing

A. Police/Fire applicants selected for appointment must be referred to the Human Resources Division to schedule the required medical physical examination as a condition of employment.

B. The examination requirements are documented in the State of Nevada Risk Management contract maintained in the Human Resources Division.

C. Failure to obtain a fit for duty certification from the contract medical provider will result in rescission of the conditional offer of employment.

2. Tuberculosis (TB) testing

A. A negative test for TB, using current CDC (Centers for Disease Control and Prevention) guidelines, is mandatory for individuals employed within the perimeter of a correctional facility and having direct contact with inmates.

B. An applicant for employment who tests positive must, at their own expense, provide written documentation from a qualified medical professional verifying that they are non-infectious.

C. A negative test result or documentation of being non-infectious must be obtained prior to an offer of employment.

3. Drug Testing

A. Per NRS 284.4066, all applicants for positions designated as affecting public safety must participate in a drug screening within 24 hours, as a condition of employment.

B. Failure to obtain a drug screening test clearance shall result in rescission of the conditional offer of employment.

4. Psychological Testing

A. All custody applicants must participate in a pre-employment psychological examination.

B. Review and recommendations regarding appointment are conducted via the contract medical provider.

C. Failure to secure a successful recommendation shall result in rescinding the conditional offer of employment.

5. Background Check

A. All applicants considered for appointment must pass the mandated PREA related background check, as defined in PREA § 115.17, including but not limited to, an NCIC background check. Background checks are conducted by staff of the Office of the Inspector General.

B. All applicants considered for promotion must pass the NCIC background check as a condition of employment.

C. Failure to secure clearance of a post-hire background check shall invalidate a conditional offer of employment or promotion.

D. NRS 289.470 defines the Inspector General of the Department and any person employed by the Department as a Criminal Investigator as a Category II Peace Officers. NAC 289.110 requires the use of a lie detector as defined in NRS 613.440 for a Peace Officer being appointed as a Category II officer.

E. All applicants selected for appointment will be required to pass periodic post-hire background checks. Failure to secure clearance of a post-hire background check shall result in termination of employment.

300.05 SUBMISSION OF A HIRING PACKET

1. Upon completion of the interview process, the Appointing Authority will make a selection.

A. The selected and non-selected applicants must not be advised of the decision until final review by the Department's Human Resources Division.

2. The hiring packet will be forwarded to the Department's Human Resources Division and shall include:

A. Personnel Packet Checklist – completed

B. Appointment memo to the Human Resources Division Administrator with the name of the selected candidate(s) and respective position control assignment.

C. Certified List – coded with selection.

D. Interview questions and responses.

E. Interview Rating Sheets.

- F. Fingerprint receipt, FBI results, and Background Checks document.
 - G. Essential Functions Acknowledgement Form – completed and signed by selected candidate.
 - H. Appropriate appointment letters, signed by the Appointing Authority (located on the Stewart shared drive).
 - I. Work Performance Standards – signed by the selected candidate(s).
 - J. Compensatory Agreement – completed and signed by selected candidate(s).
 - K. Variable Work Schedule – completed and signed by selected candidate(s).
3. A request for an appointment at an accelerated rate of pay above a step 1, shall detail the justification to support an accelerated step. A salary above a step 1 must not be quoted to any applicant.
- A. Human Resources Division staff shall review equivalent classifications/appointments to determine equity and/or superior qualifications prior to making a request to the Department's Fiscal Division. The Request for Accelerated Salary Form NPD-4 shall be utilized and appropriately justified.
 - B. An accelerated salary request must be submitted to the Fiscal Division for approval and then sent to the State DHRM for further approval prior to an offer of appointment.
4. The Human Resources Division shall review the packet for compliance with the Rules for Personnel Administration (NAC), and obtain any required approvals from the Appointing Authority pursuant to the Personnel Packet Distribution memorandum.
5. The Human Resources Division shall notify the Appointing Authority when the hiring packet review is complete, and shall mail letters.
6. The selected candidate may now be contacted and offered the position. An appointment will be scheduled for completion of the required paperwork with the Human Resources Division.
- A. Should the position require pre-employment drug testing, a medical physical, or other pre-employment requirements, including, but not limited to, PREA related mandatory background check; the Human Resources Division shall make an offer of employment contingent upon successful completion of any and all pre-hire requirements.
 - B. Appointment of an applicant who has not completed mandatory pre-hire testing, i.e., medical physical, TB testing, shall require the approval of an emergency appointment by a Human Resources Officer.

- C. Unsatisfactory employment history or background checks, or falsification of employment history or background, may be grounds for rescission of the conditional offer.

300.06 PROCESSING NEW HIRE PAPERWORK

1. Upon approval of the hiring packet and successful completion of the required tests, the Human Resources Division shall schedule an appointment to complete necessary paperwork:

- A. Appointment of an applicant who has not completed mandatory pre-hire testing, i.e., medical physical, TB testing, shall require the approval of an emergency appointment by a Human Resources Officer.

2. Any unsatisfactory employment history background checks or falsification of employment history or background may be grounds for rescinding of the conditional offer.

4. The Human Resources Division shall process all necessary paperwork and provide the employee with an Employment Packet containing Administrative Regulations.

APPLICABILITY

1. This regulation applies to all new employees and promotions.

2. This regulation requires an Operational Procedure for the Human Resources Division and the Inspector General's PREA Management Team.

3. This regulation requires an audit by the State DHRM.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
300**

RECRUITMENT AND HIRING

Supersedes: AR 300 (12/17/12); ~~and AR 300~~ (Temporary, 06/17/14); 09/16/14;
(Temporary, 07/20/17)

Effective Date: 08/15/17 ~~09/16/14~~

AUTHORITY: NRS Chapter 284; NRS 617.455 – 617.457; NAC 284. 295-441, 646; 650; 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. § 115.17; and NRS 179A.080

PURPOSE

To ensure guidelines are established for compliance with federal and state recruitment and hiring regulations.

RESPONSIBILITY

The Deputy Director of Support Services shall ensure administration of this regulation.

The Nevada Department of Corrections (NDOC) Human Resource Division is responsible for implementation and Department compliance.

The Appointing Authority is responsible for making hiring recommendations to the Department's Human Resources Division.

The Human Resources Division is responsible ~~forte~~ validating all offers of employment and completing necessary paperwork.

The Inspector General's Office, Prison Rape Elimination Act (PREA) Management Team, is responsible ~~forte~~ confirming and documenting within NOTIS any positive response resulting from criminal background records checks for all new applicants, promotions and required employment background checks.

300.01 TYPES OF RECRUITMENT/LIST CERTIFICATION

1. Open Competitive – This type of recruitment is open to anyone without regard to current State employment. The ranking on the list is based on total overall scores.

2. Divisional/Departmental/Statewide/Open Competitive – This type of recruitment is open to everyone, current State employee or not. ~~The ranking on the list shall first contain those~~ eCandidates employed within the division which is recruiting for the vacancy are ranked first followed; second by those candidates employed within the department recruiting for the position; third by those candidates employed within State service; and last would be those candidates who are not currently employed within State service.

3. Divisional – This type of recruitment is limited to promotional candidates employed within the division of recruitment and who have been employed at least six (6) months within State service.

4. Departmental – This type of recruitment is limited to promotional candidates employed within the Department of recruitment and who have been employed at least six (6) months within State service.

300.02 METHODS OF CERTIFICATION

1. Ranked List - ~~The supervisor is required to interview the T~~top five ranked ~~candidate~~ candidate ~~willing to accept the position shall be interviewed or contacted for interviews.~~ There may be more than one (1) candidate per rank.

~~3. Waived List—A list with five or less interested candidates or as designated by the DHRM. If less than 5 all individuals must be interviewed.~~

42. Unranked List – Names are listed in random order. Anyone on the list may be interviewed, but every attempt should be made to interview five (5) candidates for the position. If there are fewer than five (5) candidates on the list, all should be interviewed.

300.03 FILLING A VACANCY

1. The Appointing Authority, upon notification of an impending vacancy, shall prepare and submit a Staffing Requisition to the Department Human Resources Division.

A. ~~This requisition request~~ should include information regarding the type of recruitment, the existence of a certified list or by another appointment method such as whether it is another type of appointment such as:

(1) Reinstatement or Rehire;

(2) Reappointment;

(3) Transfer; or

(4) Voluntary demotion

2. Selective criteria must be established prior to opening any recruitment and will require the approval of the State DHRM.

3. The Human Resources Recruiter will forward the ~~certification list~~ of certified applicants and interview packet to the ~~appropriate~~ Appointing Authority.

A. ~~The eCertification~~ lists are strictly confidential and ~~information~~ shall not be disseminated to shown or shared with anyone outside of the Human Resources Division or the relevant position's supervisory chain.

B. ~~The eCertification~~ lists ~~is an~~ official State documents and may not be edited, tampered with, or altered in anyway. Alterations of any kind may result in disciplinary action.

C. Failure to comply with either A or B will result in the cancellation of the recruitment and may result in disciplinary action.

4. Interview Packets shall consist of:

A. Memorandum of requirements for submission of a personnel packet.

B. Personnel Packet Checklist.

C. ~~Certification~~ List.

D. Interview Questions and benchmark responses shall include applicable PREA related questions as identified in PREA § 115.17 and on PREA Questionnaire (DOC 057).

E. Interview Rating Sheet.

F. Consent for Release of Criminal History Records.

G. Essential Functions for the position.

H. Work Performance Standards.

~~I. Compensatory Agreement.~~

~~J. Variable Work Schedule Request.~~

5. Upon receipt of the Interview Packet and ~~Certification~~ list, ~~the supervisor may schedule~~ interviews may be scheduled.

6. To schedule interview, the candidates may be contacted via:

A. *Telephone* message on voice mail, candidate must respond within three (3) days; and/or

B. *Mail*, candidate must respond within six (6) days of postmark; and/or

C. *E-mail*, candidate must respond within three (3) days.

7. Prior to conducting ~~the~~ interviews, ~~the~~each candidate must be allowed time to review and acknowledge via signature the Essential Functions for the position. The signed Acknowledgement page is retained for recruitment packet submission. T; ~~the~~ remainder of the Essential Functions document may be given to the interviewee.

A. If the candidate indicates they cannot perform the essential functions of the position, they should be referred to the Department's Human Resources Administrator.

8. The supervisor should review and modify the work performance standards as outlined in Administrative Regulation 310, Work Performance Standards, prior to the interview process.

9. The interview panel shall consist of at least three employees, each ~~of whom interviewer~~ must be at ~~the same grade or higher~~least equivalent grade-wise unless approved by the Deputy Director, and one must be in the chain-of-command.

10. Each candidate must be asked the same questions.

A. The Benchmark Interview Questions ~~document form~~ must be utilized to record the responses. Each interviewer is responsible for independently scoring candidate responses. At the completion of the candidate's interview, interviewers will tally the scores, sign the Benchmark Interview Questions ~~document form~~ and forward to the panel chair.

B. A written explanation is required to be included in the hiring packet if an applicant ~~has been selected~~ who did not have the highest ranked score has been selected.

101. The Structured Interview Process for Correctional Officer/Trainee interviews is as follows:

A. A panel of three (3) ~~Three panel members~~ must be utilized; including a minimum of two custody interviewers with the rank of Warden, Associate Warden or Lieutenant. ~~T~~; the third panel member will be outside of the custody chain of command.

B. A Human Resources representative must be present during the interview process.

C. The rating panel must utilize the Structured Interview Questions and Rating Sheet form.

D. Structured Interview Questions will be selected randomly by the Human Resources Division for use, prior to each interview date.

E. The Correctional Officer/Trainee Structured Interview Panel Recommendation form will be completed for each candidate interviewed.

F. All documentation will be submitted to the Recruiter at the conclusion of the interview process.

112. Each candidate interviewed must complete the Consent for Release of Criminal History form, and pre-interview documents (Essential Job Functions, Work Performance Standards, Variable Work Schedule, and PREA Disclosure Form) prior to the interview.

(A) The agency shall not hire anyone who may have contact with any inmates who:-

(1) ~~Has~~ve engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;

(2) Has~~ve~~ been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has~~ve~~ been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) of this section.

300.04 PRE-EMPLOYMENT TESTING

1. Medical Physical Testing

A. Police/Fire applicants selected for appointment must be ~~forwarded-referred~~ to the Human Resources Division to schedule the required medical physical examination as a condition of employment.

B. The examination requirements are documented in the State of Nevada Risk Management contract maintained in the Human Resources Division.

C. Failure to ~~obtain secure~~ a fit for duty ~~certification authorization~~ from the ~~contract~~ medical ~~contract~~ providers will result in rescissio~~n~~~~ding~~ the conditional offer of employment.

2. Tuberculosis (TB) testing

A. A negative test for TB, using current CDC (Centers for Disease Control and Prevention) guidelines, is mandatory for individuals employed within the perimeter of a correctional facility and having direct contact with inmates.

B. ~~If a~~An applicant for employment ~~who~~ tests positive ~~must~~, at their own expense, ~~they are required to~~ provide written documentation from a qualified medical professional ~~verifying~~ that they are non-infectious.

C. ~~A n~~Negative test~~ing~~ ~~result~~ or documentation of being non-infectious must be obtained prior to an offer of employment.

3. Drug Testing

A. Per NRS 284.4066, all ~~applicants for~~ positions designated as affecting public safety must participate in a drug screening within 24 hours, as a condition of employment.

B. Failure to ~~obtain secure~~ a drug ~~screening test~~ clearance shall result in rescissio~~n~~~~ding~~ of the conditional offer of employment.

4. Psychological Testing

- A. All custody applicants must participate in a pre-employment psychological examination.
- B. Review and recommendations regarding appointment are conducted via the contract medical provider.
- C. Failure to secure a successful recommendation shall result in rescinding the conditional offer of employment.

5. Background Check

A. All applicants considered for appointment must pass the mandated PREA related background check, as defined ~~in~~under PREA § 115.17, including but not limited to, an NCIC background check. Background checks are conducted by staff of the Office of the Inspector General.

B. All applicants considered for promotion must pass the NCIC background check as a condition of employment.

C. Failure to ~~secure clearance of a post-hire background check~~ ~~secure clearance on a background check~~ shall invalidate a conditional offer of employment or promotion.

D. NRS 289.470 defines the Inspector General of the Department and any person employed by the Department as a Criminal Investigator as a Category II Peace Officers. NAC 289.110 requires the use of a lie detector as defined in NRS 613.440 for a Peace Officer being appointed as a Category II officer.

E. All applicants selected for appointment will be required to pass periodic post-hire background checks. Failure to secure clearance of a post-hire background check shall result in termination of employment.

300.05 SUBMISSION OF A HIRING PACKET

1. Upon completion of ~~the~~ interview process, ~~the~~ Appointing Authority will make a selection.

A. The selected and non-selected applicants must not be advised of the decision until final review by the Department's Human Resources Division.

2. The hiring packet will be forwarded to the Department's Human Resources Division, ~~the hiring packet and~~ shall include:

A. Personnel Packet Checklist – completed

B. Appointment memo to ~~the Division Administrator,~~ Human Resources Division Administrator -with the name of the selected candidate(s) and respective position control

assignment.

C. Certification List – coded with ~~considerations and~~ selection.

D. Interview ~~q~~Questions and responses.

E. Interview Rating Sheets.

F. Fingerprint receipt, FBI results, and Background Checks document.

G. Essential Functions Acknowledgement Form – completed and signed by selected candidate.

H. Appropriate appointment letters, signed by the Appointing Authority (located on the Stewart shared drive).

I. Work Performance Standards – signed by the selected candidate(s).

J. Compensatory Agreement – completed and signed by selected candidate(s).

K. Variable Work Schedule – completed and signed by selected candidate(s).

3. ~~A. When requesting for an accelerated~~ appointment at an accelerated rate of pay above a step 1, ~~the Appointing Authority~~ shall include a request detailing the justification to support an accelerated step. ~~A. Never quote a salary~~ above a step 1 must not be quoted to ~~the any~~ applicant.

A. Human Resources Division staff shall review equivalent classifications/appointments to determine equity and/or superior qualifications prior to making a request to the Department's Fiscal Division. The Request for Accelerated Salary Form NPD-4 shall be utilized and appropriately justified.

B. An accelerated salary request must be submitted to the Fiscal Division for approval and then sent to the State DHRM for further approval prior to an offer of appointment.

4. The Human Resources Division shall review the packet for compliance with the Rules for Personnel Administration (NAC), and obtain any required approvals from the Appointing Authority pursuant to the Personnel Packet Distribution memorandum.

5. The Human Resources Division shall notify the Appointing Authority when the hiring packet review is complete, and shall mail letters.

6. The selected candidate ~~may~~ now be contacted and offered the position. An ~~and schedule~~ an appointment will be scheduled for completion of the required paperwork with the Human Resources Division.

A. A. Should the position require pre-employment drug testing, a medical physical, or other pre-employment requirements, including, but not limited to, PREA related mandatory background check; the Human Resources Division shall make an offer of employment contingent upon successful completion of any and all pre-hire requirements.

B. Appointment of an applicant who has not completed mandatory pre-hire testing, i.e., medical physical, TB testing, shall require the approval of an emergency appointment by a Human Resources Officer.

C. Unsatisfactory employment history or background checks, or falsification of employment history or background, may be grounds for rescission of the conditional offer.

300.06 PROCESSING NEW HIRE PAPERWORK

1. Upon approval of the hiring packet and successful completion of the required tests, the Human Resources Division shall schedule an appointment to complete necessary paperwork:

A. Appointment of an applicant who has not completed mandatory pre-hire testing, i.e., medical physical, TB testing, shall require the approval of an emergency appointment by a Human Resources Officer.

2. Any unsatisfactory employment history background checks or falsification of employment history or background may be grounds for rescinding of the conditional offer.

4. The Human Resources Division shall process all necessary paperwork and provide the employee with an Employment Packet containing Administrative Regulations.

APPLICABILITY

1. This regulation applies to all new employees and promotions.

2. This regulation requires an Operational Procedure for the Human Resources Division and the Inspector General's PREA Management Team.

3. This regulation requires an audit by the State DHRM.

James Dzurenda, Director _____

_____ Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
302**

ADMINISTRATION/EMPLOYEE ORGANIZATION MEETINGS

Supersedes: (Temporary, 07/07/10); 08/13/10; (Temporary, 06/16/17)
Effective Date: 08/15/17

AUTHORITY: NRS 209.131

PURPOSE

To improve collaborations between employee organizations and the Department and ensure consistency with communicating activities that address operational issues and concerns.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of Support services, or designee, is responsible for identifying approved employee associations by July 1st, annually.

The Human Resources Administrator is responsible for identifying an annual meeting with approved employee associations for the purpose of identifying, discussing, and attempting to resolve operational and employee concerns.

Wardens are responsible for establishing quarterly meetings with approved employee associations to identify, discuss, and attempt to resolve operational and employment concerns in an informal manner.

302.01 MEET AND CONFER PROCEDURES

1. The Director shall approve all employee associations/groups eligible for meet and confer privileges.
2. The Deputy Director of Support Services or designee shall identify approved employee associations and provide the list to all Deputy Directors, Wardens, and Administrators, not less than annually each year on or before July 1st.
3. All Department or institutional/facility meetings shall be conducted in a professional manner.
 - A. No specific personnel matters involving employees will be discussed.
 - B. Meetings shall be recorded.

- C. Institutional/Facility meetings shall be limited to specific matters relating to the institution, not the Department as a whole.
3. Either side (employee associations or NDOC management) shall prepare and submit agenda items not less than five (5) days prior to the established date of the meeting. This submittal will allow for thorough research and subsequent discussion of all agenda items.
 4. The Warden and the Associate Wardens will represent the institution. The Warden/designee will officiate. A minimum of two institutional administrators will attend the meeting.
 5. Approved employee associations'/groups' attendance will be limited to four (4) member representatives of their choosing.
 6. A representative of the NDOC Human Resources office shall be present at the Institution/Facility meetings to represent the Department.
 7. Additional meetings may be scheduled with the Deputy Director and/or Director, as needed.
 - A. Additional meetings will not be recorded, without prior permission.
 - B. Additional participants may be selected to participate on an "as needed" basis.
 8. Cancellation of meetings
 - A. Written notification should be submitted five (5) days prior to the scheduled meeting to request a cancellation and/or rescheduling of the meeting.
 - (1) A reason should be noted in this notification.
 - (2) The notification should offer a tentative new meeting date and time.
 - (3) If no notification is received, the next meeting will automatically be scheduled for the next quarterly meeting date.
 - B. Telephonic notifications for cancellations or rescheduling of meetings may occur under exceptional circumstances. Written notification should be forwarded as soon as practicle after telephone notification.
 9. Both the employee association and institution will designate a "point of contact" to coordinate these meetings.
 10. Institutional administrators will forward a summary of the issues discussed to the Director and the Deputy Directors within five (5) working days after the meeting.

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
302**

ADMINISTRATION/EMPLOYEE ORGANIZATION MEETINGS

Supersedes: AR 302 (Temporary, 07/07/10); 08/13/10; (Temporary, 06/16/17)
Effective Date: 08/15/17 ~~08/13/10~~

AUTHORITY: NRS 209.131

PURPOSE

To improve collaborations between employee organizations and the Department and ensure consistency with communicating activities that address operational issues and concerns.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of Support services, or designee, is responsible for identifying approved employee associations by July 1st, annually.

The Human Resources Administrator is responsible for identifying an annual meeting with approved employee associations for the purpose of identifying, discussing, and attempting to resolve operational and employee concerns.

Wardens are responsible for establishing ~~monthly~~ quarterly meetings with approved employee associations to identify, discuss, and attempt to resolve operational and employment concerns in an informal manner.

302.01 MEET AND CONFER PROCEDURES

1. ~~1.~~—The Director ~~shall~~will approve all employee associations/groups eligible for meet and confer privileges.

2. The Deputy Director of Support Services or designee shall identify approved employee associations and provide the list to all Deputy Directors, Wardens, and Administrators, not less than annually each year on or before July 1st.

3. All ~~Department or~~ institutional/facility meetings ~~shall~~will be conducted in a professional manner.

A. No specific personnel matters involving employees will be discussed.

B. Meetings ~~shall~~will be recorded.

C. Institution/Facility meetings Issues ~~shall~~ould be limited to specific matters relating to the institution, not the — Department as a whole.

~~E.~~

3. Either side (~~E~~mployee ~~A~~ssociations or NDOC ~~A~~mmanagement) shall prepare and submit agenda items not less than five (5) days prior to the established date of the meeting. This submittal will allow for thorough research and subsequent discussion of all agenda items.

4. The Warden and the Associate Wardens will represent the institution. The Warden/designee will officiate.

~~A.~~ A minimum of two ~~i~~nstitutional ~~A~~administrators will attend the meeting.

5. Approved employee associations'/groups' attendance will be limited to four (4) members representatives of their choosing.

6. A representative of the NDOC Human Resources office shall be present at the Institution/Facility meetings to represent the Department.

67. Additional meetings may be scheduled with the Deputy Director and/or Director, as needed.

A. Additional mMeetings will not be recorded, without prior permission.

B. Additional participants may be selected ~~to~~and participate on an "as needed" basis.

78. Cancellation of meetings

A. Written notification should be submitted five (5) days prior to the scheduled meeting to requesting a cancellation and/or rescheduling of the meeting.

(1) A reason should be noted in this ~~notati~~onnotification.

(2) The notification should offer a tentative new meeting date and time.

(3) If no notification is received, the next meeting will automatically be scheduled for the next quarterly ~~monthly~~ meeting date.

B. Telephonice notifications for cancellations or rescheduling of meetings may occur under exceptional circumstances. Written ~~notification~~information should be forwarded as soon as practicle after telephone notification. ossible.

| 89. Both the employee association and institution will designate a “point of contact” to coordinate these meetings.

| 910. Institutional ~~a~~Administrators will forward a summary of the issues discussed to the Director and the Deputy Directors ~~North/South and Director~~ within five (5) working days after the meeting.

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

~~Howard Skolnik~~James Dzurenda, Director

_____ Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
305**

SEXUAL HARASSMENT PREVENTION

Supersedes: (Temporary, 06/07/10); 08/13/10; (Temporary, 06/15/17)
Effective Date: 08/15/17

AUTHORITY:

Title VII Civil Rights Act of 1964, amended; NRS 209.131; 209.251; 613.310; 613.330;
Governor's Policy Against Sexual Harassment/Discrimination; MEMO PERD #21/07

PURPOSE

All employees of the Department are entitled to work in a workplace free of sexual harassment. The purpose of this regulation is to implement a zero tolerance policy regarding sexual harassment.

RESPONSIBILITY

The Deputy Director of Support Services is responsible to ensure administration, compliance and implementation of the Department's sexual harassment prevention policies.

All levels of the administration, management, and supervision are responsible for the enforcement of the State's and Department's zero tolerance policy regarding sexual harassment. Each is responsible for preventing and eliminating acts of sexual harassment in their areas of supervision and/or responsibility.

All levels of the administration, management, and supervision are responsible for taking immediate and corrective action in response to sexual harassment complaints.

Administrators, managers, and supervisors shall cooperate with the discrimination investigative complaint processes. The Human Resources office and Equal Employment Opportunity (EEO) Administrator ensures compliance with EEO investigative processes and other requirements related to sexual harassment complaints.

The Human Resources and Equal Employment Opportunity Administrator manages and provides oversight and coordination of the Department's EEO Program.

The NDOC has a designated EEO Officer for northern Nevada and southern Nevada that are responsible for implementing the mandatory EEO investigative processes and other requirements related to sexual harassment complaints.

305.01 SEXUAL HARASSMENT

1. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.
2. Sexually harassing conduct undermines the integrity of the employment relationship and shall not be tolerated by anyone at the workplace or in any work related environment. Sexual harassment and the creation of a sexually hostile work environment is a violation of Federal and State employment laws. Additionally, incidents of sexual harassment violate Department administrative regulations against sexual harassment and discrimination.
3. Sexual Harassment also violates the Governor's Policy Against Sexual Harassment and Discrimination. Disciplinary action may be taken against persons who commit sexual harassment, including first time offenders. Sexual harassment is defined as:

“Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) the submission to such speech or conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or the rejection of such speech or conduct is used as the basis for employment decisions affecting that person, or (3) such speech or conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.”

4. The Department regards sexual harassment as a very serious disciplinary infraction. Accordingly, the appointing authority shall, commensurate with the principles of progressive discipline, consider disciplinary action for any infraction. Serious discipline may be imposed, up to and including termination, even for a first offense.
5. The Department provides a mechanism whereby employees and applicants for employment may file complaints alleging sexual harassment, to have their allegations fairly investigated, and for the Department, take appropriate corrective and/or disciplinary action.

305.02 INFORMAL COMPLAINT PROCEDURES

1. Individuals who believe they have been a victim of sexual harassment should make every effort to advise the alleged harasser that the conduct/behavior is unwelcome, undesirable, and/or offensive. Tell them to STOP!
2. The individual may elect not to confront the alleged harasser. In this case, or if the conduct persists after an objection, the individual may report the incident to their immediate supervisor, any other management or supervisory official, or any EEO Officer.
3. Employee may also report sexual harassment to the Attorney General, the Division of Human Resource Management, or a personnel representative of the Department.

4. Alternatively, employees may report incidents of sexual harassment to the State Department of Administration's EEO and Discrimination Investigation Unit's Hotline, at (800)767-7381, from anywhere in the State.
5. When notified of a sexual harassment complaint, managers, administrators, and supervisors shall:
 - A. Immediately enter the allegations into NOTIS and classify access to the allegations at the Inspector General (IG) Supervisory level or above. After review, the IG retains the authority to reclassify the allegation within NOTIS.
 - B. Notify the EEO Officer in their region, submitting all documentation pertaining to the incident.
 - C. Notify their immediate chain of command, if not named in the complaint.
 - D. Determine if the alleged victim and alleged harasser need to be separated immediately, on a temporary or permanent basis, until the Director has made a final decision.
 - E. Temporary reassignments shall be carried out with the assistance of Human Resources Department.
 - F. The alleged victim cannot be involuntarily reassigned or retaliated against.
6. Management officials shall take precautions to ensure that the employee making the allegation is not subject to retaliation or intimidation.
7. EEO Officers shall conduct Intake Interviews as soon as is practical, and complete the Intake Report. The Intake Report will be transmitted to the State Department of Administration EEO and Discrimination Unit; to the Office of the Inspector General; and the Personnel Division of the Attorney General's Office. All interviews shall comply with notice and other requirements as set forth in NRS Chapter 284 and NRS Chapter 289.
 - A. EEO Officers are responsible for NOTIS entries regarding allegations of sexual harassment filed directly with their offices. EEO Officers shall ensure that all allegations entered by them directly into NOTIS have an access level of IG Supervisory level or above. After the IG reviews the allegation(s), the IG may reclassify it within NOTIS.
8. EEO staff and all involved management officials shall maintain confidentiality for the alleged victim and the alleged harasser to the extent possible.
9. Department staff shall allow State Department of Administration Investigators or EEO Officers access to any staff they believe to be relevant to the investigation of a complaint.
10. Completed NDOC Unit Investigation reports shall be provided to the Director and the EEO officials.

- A. After the investigation is complete, the Director will determine the appropriate resolution of the case.
- B. The Director may consult with any persons regarding a finding in a case to include, but not limited to the employee, EEO Officer, Inspector General, Attorney General, and/or witness.
- C. The Director may require a finding to be reviewed by the EEO Officers and the Inspector General.
- D. The Director may determine no action is necessary for a complaint based on the results of an investigation and/or EEO review.
- E. The Director may find a basis for disciplinary action and refer the case to the Inspector General for further action.

11. When a management official receives a complaint from a Department employee and the allegations of sexual harassment are against a non-employee, the non-employee alleged to be responsible shall not be allowed in the employee's work area until the Director has made a final decision.

12. Filing an informal complaint with the Department and/or the State Department of Administration's investigative unit does not prohibit employees from exercising their right to file a formal complaint, regarding the same matter. Formal complaints *must* be filed with either the State Nevada Equal Rights Commission (NERC) or the Federal Equal Employment Opportunity Commission (EEOC) regulatory agencies.

13. Informal discrimination complaint case files and records are the property of the Department and confidential, unless otherwise provided by law or regulation.

305.03 EXTERNAL FORMAL COMPLAINT PROCESS

- 1. Employees electing to file a formal complaint with NERC must file their charges not later than 300 calendar days from the date of the alleged violation and/or the last action by the agency, to ensure a timely complaint.
- 2. Employees electing to file a formal complaint with the EEOC must file their charges not later than 180 calendar days from the date of the alleged violation and/or the last action by the agency, to ensure a timely complaint.
- 3. NERC and/or EEOC will determine whether they will accept a charging party's allegations for investigation. If accepted, a formal charge notice will be sent to the EEO, Division Administrator.

4. Department staff who mistakenly receives a charge notice shall contact the EEO Office immediately. The charge notice shall be handled as confidential. Non-EEO officials are prohibited from responding to any formal charge or making copies of a formal charge notice.
5. EEO officers are responsible for making any inquiries required for the preparation of the Department's official agency response to NERC and/or EEOC. All interviews shall comply with notice and other requirements as set forth in NRS Chapter 284 and NRS Chapter 289.
6. NERC and/or EEOC will provide all findings of discrimination and/or the dismissal of a case to the EEO Division Administrator.
 - A. If the decision does not render a finding of sexual harassment or discrimination, a Notice of Dismissal and a "Right to Sue" letter will be provided to the Charging Party and the EEO Office.
7. EEO officers shall refer any orders for conciliation to the Office of the Attorney General.
8. EEO discrimination complaint case files and records are confidential and are the property of the Department and shall be kept confidential unless otherwise provided by law or regulation.

305.04 INVESTIGATIONS

Employees are responsible for cooperating in the investigation of complaints of alleged sexual harassment and cooperating with the efforts of the Department to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged sexual harassment is cause of disciplinary action.

305.05 ILLEGAL RETALIATION

Acts of retaliation against any individual who elects to file a charge of sexual harassment, who assists with the filing of a complaint, who voices their opposition to an alleged discriminatory act, policy, or procedure, and/or who participates in an investigation are prohibited. Federal and State law protects participation in any of the above aspects of the complaint and investigative processes. The Department shall take immediate and appropriate action to stop and eliminate any retaliatory misconduct by employees or non-employees.

305.06 TRAINING

1. The Human Resources Office and EEO Administrator shall include topics on all forms of illegal discrimination and harassment in the curriculums for Pre-Service Training (custody/non-custody), Supervisory Training, and Refresher Training.

2. The Human Resources Office and EEO Administrator are responsible for EEO, Prevention of Sexual Harassment and Cultural Awareness training. EEO Officers conduct the prevention of sexual harassment training for all Department staff including administrators, managers, supervisors, non-supervisory personnel, and new hires. EEO Officers also conduct refresher and specialty training, on the subject of sexual harassment.

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
305

SEXUAL HARASSMENT PREVENTION

Supersedes: ~~AR 305~~ (Temporary, 06/07/10); 08/13/10; (Temporary, 06/15/17)
Effective Date: ~~08/13/10~~ 08/15/17

AUTHORITY:

Title VII Civil Rights Act of 1964, amended;
NRS 209.131; 209.251; 613.310; 613.330;
Governor's Policy Against Sexual Harassment/
Discrimination; MEMO PERD #21/07

PURPOSE

All employees of the Department are entitled to work in a workplace free of sexual harassment. The purpose of this regulation is to implement a zero tolerance policy regarding sexual harassment.

RESPONSIBILITY

The Deputy Director of Support Services is responsible to ensure administration, compliance and implementation of the Department's sexual harassment prevention policies.

All levels of the administration, management, and supervision are responsible for the enforcement of the State's and Department's zero tolerance ~~policy position~~ regarding sexual harassment. Each is responsible for preventing and eliminating acts of sexual harassment in their areas of supervision and/or responsibility.

All levels of the administration, management, and supervision are responsible for taking immediate and corrective action in response to sexual harassment complaints.

Administrators, ~~m~~Managers, and ~~S~~supervisors shall cooperate with the discrimination investigative complaint processes. The Human Resources office and Equal Employment Opportunity (EEO) Administrator ensures compliance with EEO investigative processes and other requirements related to sexual harassment complaints.

The ~~EEO, Human Resources and Equal Employment Opportunity Division~~ Administrator manages and provides oversight and coordination of the Department's EEO Program.

~~The Division Administrator oversees EEO training on the subjects of the Prevention of Sexual Harassment, Employer Responsibilities and Employee Rights are under the purview of the EEO Division Administrator. The EEO, Division Administrator ensures compliance with mandatory EEO investigative processes. The NDOC has a designated EEO Officer for northern Nevada and southern Nevada that are responsible for implementing the mandatory EEO investigative processes and other requirements related to sexual harassment complaints.~~

~~305.01~~ **305.01- SEXUAL HARASSMENT**

~~1. 1-~~ An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexually harassing conduct undermines the integrity of the employment relationship and ~~shall will~~ not be tolerated by anyone at the workplace or in any work related environment. Sexual harassment and the creation of a sexually hostile work environment is a violation of Federal and State employment laws. Additionally, incidents of sexual harassment violate Department administrative regulations against sexual harassment and discrimination.

2.

~~2-3.~~ Sexual Harassment also violates the Governor's State Policy Against Sexual Harassment and Discrimination and is considered unlawful discrimination under Federal and State law. ~~Harsh d~~Disciplinary action may be taken against persons who commit sexual harassment, including first time offenders. ~~Illegal s~~Sexual harassment is defined as:

"Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a ~~a~~-sexual nature when (1) the submission to such speech or conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or the rejection of such speech or conduct is used as the basis for employment decisions affecting that person, or (3) such speech of conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile, or offensive working environment."

~~constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."~~

~~4. 3-~~ The Department regards sexual harassment as a very serious disciplinary infraction. Accordingly, the appointing authority shall, commensurate with the principles of progressive discipline, consider disciplinary action for any infraction ~~imposition on this very sanction;~~ Serious discipline may be imposed, up to and including termination, even for any first egregious offense.

~~5. 4.~~—The Department provides a mechanism whereby employees and applicants for employment may file complaints alleging sexual harassment, to have their allegations fairly investigated, and for the Department, take to make certain that appropriate corrective and/or disciplinary action, is realized.

305.02 INFORMAL COMPLAINT PROCEDURES

1. Individuals who believe they have been a victim of sexual harassment should make every effort to advise the alleged harasser that the conduct/behavior is unwelcome, undesirable, and/or offensive. Tell them to STOP!

2. The individual may elect not to confront the alleged harasser. In this case, or if the conduct persists after an objection, the individual may report the incident to their immediate supervisor, any other management or supervisory official, or any EEO ~~Program~~ Officialer.

3. Employee may also report sexual harassment to the Attorney General, the Division of Human Resource Management, or a personnel representative of the Department.

34. Alternatively, employees may report incidents of sexual harassment to the State Department of Administration's EEO and Discrimination Investigation Personnel's Investigative Unit's Hot Line, at (800)-767-7381, from anywhere in the State.

~~5. 4.~~—When notified of a sexual harassment complaint, Managers, Aadministrators, and Supervisors shall:

A. Immediately enter the allegations into NOTIS and classify access to the allegations at the Inspector General (IG) Supervisory level or above. After review, the IG retains the authority to reclassify the allegation at a lower level within NOTIS.

B. Notify the EEO ~~e~~ Officialer in their region, submitting all relevant documentation pertaining to the incident.

C. Notify their immediate chain of command, if not named in the complaint.

D. Determine if the alleged victim and alleged harasser need to be separated immediately, on a temporary or permanent basis, until the Director has made a final decision.

E. Temporary reassignments will-shall be carried out with the assistance of Human Resources Department ~~Central Personnel staff.~~

F. The alleged victim cannot be involuntarily reassigned or retaliated against.

65. Management officials shall will take precautions to ensure that the employee making the allegation is not subject to retaliation or intimidation.

76. EEO ~~e~~Officials ~~ers shall will~~ conduct Intake Interviews as soon as is practical, and complete the Intake Report. The Intake Report will be transmitted to the State ~~Personnel Investigative~~ Department of Administration EEO and Discrimination Unit; ~~and~~ to the Office of the Inspector General; ~~and the Personnel Division of the Attorney General's Office.~~ All interviews shall comply with notice and other requirements as set forth in NRS Chapter 284 and NRS Chapter 289.

A. EEO ~~e~~Officials ~~ers~~ are responsible for NOTIS entries regarding allegations of sexual harassment filed directly with their offices. EEO ~~e~~Officials ~~ers will shall~~ ensure that all allegations entered by them directly into NOTIS have an access level of IG Supervisory level or above. After the IG reviews the allegation(s), the IG may reclassify it ~~to a lower level~~ within NOTIS.

87. EEO staff and all involved management officials shall ~~endeavor to~~ maintain confidentiality for the alleged victim and the alleged harasser to the extent possible.

98. Department staff ~~shall will~~ allow State Department of ~~Administration~~ Personnel Investigators or ~~EEO Officers~~ access to any staff they believe to be relevant to the investigation of a complaint.

~~9~~10. Completed NDOC Unit Investigation reports ~~will shall~~ be provided to the Director and the EEO officials.

A. After the investigation is complete, the Director will determine the appropriate resolution of the case.

A.B. _____ The Director may consult with any persons regarding a finding in a case to include, but not limited to the employee, EEO Officer, Inspector General, Attorney General, and/or witness.

B.C. _____ The Director may require a finding to be reviewed by the EEO Officer ~~er~~ and the Inspector General.

C.D. _____ The Director may determine ~~no action is necessary~~ "no finding" for a complaint based on the results of an investigation and/or EEO review.

D.E. _____ The Director may find a basis for disciplinary action and refer the case to the Inspector General for further action.

101. When a management official receives a complaint from a Department employee and the allegations of sexual harassment are against a non-employee, the non-employee alleged to be responsible ~~shall~~ ould not be allowed in the employee's work area until the Director has made a final decision.

142. Filing an informal complaint with the Department and/or the State Department of Personnel's Administration's Investigative Unit does not prohibit employees from exercising their right to file a formal complaint, regarding the same matter. Formal complaints *must* be filed with either the State Nevada Equal Rights Commission (NERC) or the Federal Equal Employment Opportunity Commission (EEOC) regulatory agencies.

123. Informal discrimination complaint case files and records are the property of the Department and confidential, unless otherwise provided by law or regulation.

305.03 EXTERNAL FORMAL COMPLAINT PROCESS

1. ~~1.~~ Employees electing to file a formal complaint with NERC ~~or EEOC~~ must file their charges not later than 300 calendar days from the date of the alleged violation and/or the last action by the agency, to ensure a timely complaint.

2. ~~Employees electing to file a formal complaint with the EEOC must file their charges not later than 180 calendar days from the date of the alleged violation and/or the last action by the agency, to ensure a timely complaint.~~

3. ~~2.~~ NERC and/or EEOC will determine whether they will accept a charging party's allegations for investigation. If accepted, a formal charge notice will be sent to the EEO, Division Administrator.

4. ~~3.~~ Department staff who mistakenly receives a charge notice shall contact the EEO Office immediately. The charge notice shall be handled as confidential. Non-EEO officials are prohibited from responding to any formal charge or making copies of a formal charge notice.

5. ~~4.~~ EEO officers are responsible for making any inquiries required for the preparation of the Department's official agency response to NERC and/or EEOC. All interviews shall comply with notice and other requirements as set forth in NRS Chapter 284 and NRS Chapter 289.

6. ~~5.~~ NERC and/or EEOC will provide all findings of discrimination and/or the dismissal of a case ~~charge~~ to the EEO Division Administrator.

A. If the decision does not render a finding of sexual harassment or discrimination, a Notice of Dismissal and a "Right to Sue" letter will be provided to the Charging Party and the EEO Office.

67. EEO officers shall refer any orders for conciliation to the Office of the Attorney General.

78. EEO discrimination complaint case files and records are confidential and are the property of the Department, and shall be kept confidential unless otherwise provided by law or regulation.

305.04 INVESTIGATIONS

Employees are responsible for cooperating in the investigation of complaints of alleged sexual harassment and cooperating with the efforts of the Department to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged sexual harassment is cause of disciplinary action.

305.045 ILLEGAL RETALIATION

~~1. Acts of illegal retaliation are prohibited~~ against any individual who elects to file a charge of sexual harassment, who assists with the filing of a complaint, who voices their opposition to an alleged discriminatory act, policy, or procedure, and/or who participates in an investigation are prohibited. Federal and State law protects participation in any of the above aspects of the ~~discrimination~~ complaint and investigative processes. The Department ~~shall will~~ take immediate and appropriate action to stop and eliminate any retaliatory misconduct by employees or non-employees.

305.056 TRAINING

1. The ~~Employee Development Manager, in coordination with the EEO, Division Human Resources Office and EEO~~ Administrator, shall will include topics on all forms of illegal discrimination and harassment in the curriculums for Pre-Service Training (custody/non-custody), Supervisory Training, and Refresher Training.

2. The Human Resources Office and EEO, Division Administrator ~~is~~ are responsible for EEO, Prevention of Sexual Harassment and Cultural Awareness training. EEO ~~Officials~~ Officials conduct the prevention of sexual harassment training for all Department staff including administrators, managers, supervisors, non-supervisory personnel, and new hires. EEO ~~Officials~~ Officials also conduct refresher and specialty training, on the subject of sexual harassment.

APPLICABILITY

1. This regulation does not require an Operational Procedure.
2. This regulation does not require an audit.

|

~~Howard Skolnik~~ James Dzurenda, Director
Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
306**

EMPLOYEE GRIEVANCE PROCEDURE

Supersedes: AR 306 (08/13/10); (Temporary, 07/17/14); 09/16/14; (Temporary, 07/20/17)
Effective Date: 08/15/17

PURPOSE

To ensure effective communication and processes for the Department to timely resolve employee issues through grievance processes.

AUTHORITY

NRS 284.384; NAC 284.658 – 284.697

RESPONSIBILITY

Each respective Deputy Director is responsible for ensuring administration of and compliance with the employee grievance procedure.

All Division Heads, Wardens and/or Supervisors are responsible to attempt to resolve employee issues through informal means and in a timely manner, and to comply with the employee grievance procedure.

The Human Resources Division is responsible for informing new employees of this Administrative Regulation and for providing information to staff on how to submit a formal grievance, if requested.

306.01 GRIEVANCE PROCESS

1. A permanent classified State employee may file a grievance and may be assisted or represented by any person of their choosing.
2. Grievances filed must adhere to the time frames set forth in NAC 284.678. A grievance must be filed within 20-working days of the event or issue leading to the grievance from the date when the employee first learns of the event or issue leading to the grievance.
3. Grievances should be filed utilizing the Nevada Employee Action and Timekeeping System (NEATS) system.
 - A. Log on to the NEATS system.

- B. After you have entered your employee ID number and password, go to the Employee tab.
 - C. Click on the double arrow to access the dropdown menu.
 - D. Click on "File a grievance."
 - E. Enter all relevant information.
 - F. Attach documentation supporting your grievance.
 - G. When finished, save your info and submit. Your grievance will now be submitted and saved in Step 1 within the NEATS system.
4. If the permanent classified employee chooses to file on paper using Form NPD-50, the employee is responsible at each escalated Step for providing the NPD-50 along with the employee response on form NPD-51.
- A. NPD -50 forms can be accessed through the Stewart shared drive or on the Department of Administration, Division of Human Resource Management's website (www.dhr.nv.gov) under the Forms/Publications tab.

306.02 FILING OF GRIEVANCE

1. When an issue cannot be resolved through informal discussion, a permanent classified employee may file a grievance to the first step.
2. The employee may initiate the grievance process within an institution by submitting the grievance to his or her immediate supervisor per NAC 284.678.
3. Step 1 is contained in the NEATS system.
 - A. The Supervisor has 10-working days to respond to the grievance prior to the employee filing to Step 2.
 - B. Step 2 will be filed with the Warden/Department Head who will have 10-working days to respond to the grievance prior to the employee escalating to Step 3. It is recommended that the Warden/Department Head meet with the employee to discuss a resolution to the grievance. The employee is not entitled to representation during this informal meeting.
 - C. Step 3 will be filed with the Deputy Director or Director, who will have 10 working days to respond to the grievance prior to the employee escalating to Step 4.
4. Resolution Conference. Per NAC 284.6952, if the employee is not satisfied with the decision rendered by the highest administrator of the department pursuant to NAC 284.690 and submits a

request for consideration of the grievance by the Committee pursuant to NAC 284.695, the employee or the highest administrator or his or her designee may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the grievance and possible resolutions.

5. Step 4 is the Employee Management Committee (EMC) level. After an employee escalates to this step, the EMC committee will determine whether to schedule the grievance for a hearing before the Committee.

306.03 FILING AN EXTENSION OF GRIEVANCE

1. If both parties agree, the deadline to provide a response may be extended as follows utilizing the on-line NEATS process:

- A. Log on to the NEATS system.
- B. After you have entered your ID# and password, go to the Employee tab.
- C. Click on the double arrow to access the dropdown menu.
- D. Click on your grievance.
- E. Check the grievant extension and agency extension boxes.
- F. Click on extend due date and enter any relevant information regarding the extension.
- G. Save.

2. Utilizing the paper method to extend a grievance requires mutual written consent using form TS145 (available through www.dop.nv.gov).

APPLICABILITY

- 1. This regulation applies to permanent classified Department employees.
- 2. This regulation does not require an Operation Procedure (OP).
- 3. This regulation does not require an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
306

EMPLOYEE ~~FORMAL~~ GRIEVANCE PROCEDURE

Supersedes: AR 306 (08/13/10); ~~and AR 306~~ (Temporary, 07/17/14); 09/16/14;
(Temporary, 07/20/17)

Effective Date: ~~09/16/14~~ 08/15/17

PURPOSE

To ensure effective communication and processes for the Department to timely resolve employee issues through grievance processes.

AUTHORITY

NRS 284.384; NAC 284.658 – 284.697

RESPONSIBILITY

Each respective Deputy Director is responsible for ensuring administration of and compliance with the employee grievance procedure.

All Division Heads, Wardens and/or Supervisors are responsible to attempt to resolve employee issues through informal means and in a timely manner, and to comply with the employee grievance procedure.-

The Human Resources Division is responsible for informing new employees of this Administrative Regulation and for providing information to staff on how to submit a formal grievance, if requested.

306.01 GRIEVANCE PROCESS

1. A permanent classified State employee may file a grievance and may be assisted or represented by any person of their choosing.

2. Grievances filed must adhere to the time frames set forth in NAC 284.678. A grievance must be filed within 20 working days of the event or issue leading to the grievance from the date when the employee first learns of the event or issue leading to the grievance. ~~becomes aware of the event.~~

3. Grievances should be filed utilizing the Nevada Employee Action and Timekeeping System (NEATS) system.

A. Log on to the NEATS system.

B. After you have entered your employee ID number# and password, gGo to the Employee tab.

C. Click on the double arrow to access the dropdown menu.

D. Click on "File a grievance."

E. Enter all relevant information.

F. Attach documentation supporting your grievance.

G. When finished, save your info and submit. Your grievance will now be submitted and saved in Step 1 within the ~~Nevada Employee Action and Timekeeping System (NEATS)~~ system.

4. If the permanent classified employee chooses to file on paper using Form NPD-50, the employee is responsible at each escalated Step for providing the NPD-50 along with the employee response on form NPD-51.

A. NPD -50 Paper grievance forms can be accessed through the Stewart shared drive or on the Department of Administration, Division of Human Resource Management's website (www.dhr.nv.gov) under the Forms/Publications tab.

306.02 FILING OF GRIEVANCE

1. When an issue cannot be resolved through informal discussion, a permanent classified employee may file a grievance to the first step.

2. The employee may initiate the grievance process within an institution by submitting the grievance to his or her immediate supervisor per NAC 284.678.

3. Step 1 is contained in the NEATS system.

A. The Supervisory ~~chain~~ has 10_-working days to respond to the grievance prior to the employee filing to Step 2.

B. Step 2 will be filed with the Warden/~~Department Head~~Appointing Authority who will have 10_-working days to respond to the grievance prior to the employee escalating to Step 3. It is recommended that the Warden/~~Department Head~~Appointing Authority meet with the

employee to discuss a resolution to the grievance. ~~and part of that will be to meet with the employee to resolve the grievance. However, t~~The employee is not entitled to representation during this informal meeting.

C. Step 3 will be filed with the Deputy Director or Director, who will have 10 working days to respond to the grievance prior to the employee escalating to Step 4.

4. Resolution Conference. Per NAC 284.6952, if the employee is not satisfied with the decision rendered by the highest administrator of the department pursuant to NAC 284.690 and submits a request for consideration of the grievance by the Committee pursuant to NAC 284.695, the employee or the highest administrator or his or her designee may request a resolution conference to meet informally in the presence of a neutral facilitator to discuss the grievance and possible resolutions.

5. Step 4 is the Employee Management Committee (EMC) level. After an employee escalates to this step, the EMC committee will determine whether to schedule the grievance for a hearing ~~make a decision about scheduling this grievance to be heard~~ before the Committee.

306.03 FILING AN EXTENSION OF GRIEVANCE

1. If ~~both~~ parties agree, the deadline to provide a response may be extended as follows utilizing the on-line NEATS process:

A. Log on to the NEATS system.

B. After you have entered your ID# and password, gGo to the Employee tab.

C. Click on the double arrow to access the dropdown menu.

D. Click on your grievance.

E. Check the grievant extension and agency extension boxes.

F. Click on extend due date and enter any relevant information regarding the extension.

G. Save.

2. Utilizing the paper method to extend a grievance requires mutual written consent using form TS145 (available through www.dop.nv.gov), ~~enter relevant information.~~

APPLICABILITY

1. This regulation applies to permanent classified Department employees.

2. This regulation does not require an Operation Procedure (OP).

3. This regulation does not require an audit.

James Dzurenda, Director

_____ Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
317**

EMPLOYEE AWARDS AND COMMENDATIONS

Supersedes: AR 317 (06/17/12) and AR 317 (Temporary, 03/01/13); 03/19/13;
(Temporary, 07/05/17)
Effective Date: 08/15/17

PURPOSE

To create and encourage programs to acknowledge and formally recognize exemplary performance, and continuous service of our employees.

AUTHORITY:

NRS 209.131, NRS 285.080; NRS 285.005 - 285.070, State Administrative Manual (SAM) 2644, 2646, 2648

RESPONSIBILITY

The Deputy Director of Support Services shall be responsible for administration of this regulation.

The Human Resource Division Administrator shall be responsible to ensure the implementation of this regulation.

All employees are responsible to comply with this regulation.

317.01 WRITTEN COMMENDATION

1. The Director/designee must approve any official written commendation before it is issued.
2. Any supervisor may make a written recommendation via their chain of command.
3. All recommendations for commendation should answer the following questions:
 - A. Who;
 - B. What;
 - C. When;

D. Where; and

E. Why

4. Upon approval by the Appointing Authority, the official written commendation must be prepared on Department letterhead in block format. It should contain the signature block of the Appointing Authority with a concurring signature block for the Director or designated representative.

5. Distribution will be as follows:

A. Original – Employee;

B. Copy – NDOC Human Resources– employee file;

C. Copy – Nevada State Division of Human Resource Management employee file

D. Copy – Supervisory file

317.02 ANNUAL EMPLOYEE AWARDS

1. Institutions with more than 100 employees may select one (1) uniformed and one (1) non-uniformed employee of the year.

2. Facilities with less than 100 employees may select one (1) employee of the year, which may be either uniformed or non-uniformed.

3. Director's Office staff may select one (1) employee of the year.

4. The Director's Office staff may select one (1) supervisor of the year.

5. Prison Industries may select one (1) employee of the year.

6. The Medical Division may select one (1) employee of the year.

7. The Programs Division may select one (1) employee of the year.

8. The Department will recognize one (1) volunteer from each institution. The award/gift for any volunteer shall not exceed \$25.00 pursuant to Section 2646 of the SAM.

9. Nomination Criteria for annual awards:

A. The nominated employee must have worked for the Department for a minimum of one (1)

year prior to nomination;

B. The nominated employee must Personnel File(s) must not contain any disciplinary action (written reprimands, suspensions, or demotions) or a below standard evaluation for at least twelve (12) months prior to nomination;

C. The nominated employee must be recommended by the supervisor, even if nominated by someone else;

D. The nominated employee must be below the rank of Associate Warden; and

E. The nominated employee must not be a Division Head or Appointing Authority.

10. Supervisors below the rank of Associate Warden are eligible for the Supervisor of the Year Award so long as they meet the criteria set forth in Section 318.02(8) of this Administrative Regulation..

11. Those employee(s) selected as Employee of the Year or Supervisor of the Year for their assigned institution/facility/division are eligible to compete for the Director's Award for Excellence. Nominations for the Director's Award for Excellence are to be submitted via the chain of command to the Appointing Authority for a final decision.

12. Final nominations will be forwarded to the Human Resources Division Administrator.

A. Nominations for these awards will be accepted on or after December 1st of each year.

B. The Director or designee shall make the final selection.

13. Presentation of the Director's Award for Excellence will be conducted at an event designated by the Director.

317.03 MERIT AWARD PROGRAM

1. The Merit Award Program and its Board are established by statute. The program was created to reward people for money savings ideas and to recognize efforts and contributions to increase the efficiency and productivity of the State of Nevada. It serves as a program for all state employees and is designated as the "Good Government, Great Employees Award." More information about the Merit Award Board can be found at http://hr.nv.gov/Boards/MeritAward/Merit_Award_Board.

2. If an NDOC employee is suggested to the Board and NDOC received notification of the suggestion, the Director shall report his or her findings and recommendations to the Board within 30 days. The report must discuss the matters set forth in NRS 285.060(2).

3. Submitted suggestions shall be in writing, using the automated suggestion form located at the Merit Board website
<http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Resources/Forms/Employee/MeritAwardBoardSuggestionFormPDF.pdf>

317.04 SERVICE AWARD PROGRAM

1. The Director may present service awards to employees for faithful and exceptional service.

A. Separation from service must not be through unfavorable conditions, including, but not limited to, dismissals or resignations in lieu of termination..

B. An employee must have a minimum of ten (10) years of continuous service with the Department to receive a Service Award.

2. The service award will be a plaque, the cost of which must not exceed \$50.00, and shall be paid from the employee fund. A service award plaque will only be provided if there are sufficient funds available for such awards.

A. An employee with a minimum of 20 years of State service will receive one (1) set of Department coins mounted in the plaque, as available.

B. Shadow Box plaques are available for an additional fee to purchase by the employee. This can only be paid for by check. Cash will not be accepted.

C. A Folger Adams key and/or personal badge may be mounted to the plaque as supplied by employee.

3. The Human Resources Division shall determine qualifying factors from information contained in the employee's personnel file, and shall notify Prison Industries in writing, for the preparation of the award.

317.05 NEVADA STATE EMPLOYEE RECOGNITION WEEK

1. During Nevada State Employee Recognition Week, Appointing Authorities may organize events and activities to celebrate and honor all employees of the Department, as funds are available.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an operational procedure.

3. This regulation requires an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
317**

EMPLOYEE AWARDS AND COMMENDATIONS

Supersedes: AR 317 (06/17/12) and AR 317 (Temporary, 03/01/13); 03/19/13;
(Temporary, 07/05/17)
Effective Date: 08/15/17 ~~03/19/13~~

PURPOSE

To create and encourage programs to acknowledge and formally recognize exemplary performance, and continuous service of our employees.

AUTHORITY:

NRS 209.131, NRS 285.080; NRS 285.0~~10~~⁰⁵ - 285.070, State Administrative Manual (SAM)
~~2644.0, 2646.0, 2648.0~~

RESPONSIBILITY

The Deputy Director of Support Services shall be responsible for administration of this regulation.

The Human Resource Division Administrator shall be responsible to ensure the implementation of this regulation.

~~Appointing Authorities~~ All employees are responsible to comply with this regulation.

317.01 WRITTEN COMMENDATION

1. The Director/designee must approve any official written commendation before it is issued.
2. Any supervisor may make a written recommendation via their chain of command.
3. All recommendations for commendation should answer the following questions:
 - A. Who;
 - B. What;

C. When;

D. Where; and

E. Why

4. Upon approval by the Appointing Authority, the official written commendation must be prepared on Department letterhead in block format. It should contain the signature block of the Appointing Authority with a concurring signature block for the Director or designated representative.

5. Distribution will be as follows:

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2. Facilities with less than 100 employees will may select one (1) employee of the year, which may be either uniformed or non-uniformed.

3. Director's Office staff will may select one (1) employee of the year.

4. The Director's Office staff may select one (1) supervisor of the year.

45. Prison Industries will may select one (1) employee of the year.

56. The Medical Division will may select one (1) employee of the year.

67. The Programs Division will may select one (1) employee of the year.

78. The Department will recognize one (1) a volunteer from of the year for each institution and one rural area. The award/gift for any volunteer shall not exceed \$25.00 pursuant to Section 2646 of the SAM.

89. Nomination Criteria for annual awards:

A. The nominated employee must Must have worked for the Department for a minimum of one (1) year prior to nomination;

B. The nominated employee must ~~Department~~ Personnel File(s) must not contain any disciplinary action (written reprimands, suspensions, or demotions) or a below standard evaluation— for at least twelve (12) months prior to nomination;

C. The nominated employee ~~Must~~ must be recommended by the supervisor, even if nominated by someone else;

D. The nominated employee ~~M~~ must be below the rank of Associate Warden; and

E. The nominated employee ~~M~~ must not be a Division Head or Appointing Authority.

910. Supervisors below the rank of Associate Warden are eligible for the Supervisor of the Year Award so long as they meet the criteria set forth in Section 318.02(8) of this Administrative Regulation.

101. Those employee(s) selected as Employee of the Year or Supervisor of the Year for their assigned institution/facility/division are eligible to compete for the Director's Award for Excellence. Nominations for the Director's Award for Excellence are to be submitted via the chain of command to the Appointing Authority for a final decision.

142. Final nominations will be forwarded to the Human Resources Division Administrator ~~Human Resources.~~

A. Nominations for ~~theses~~ awards will be accepted open on or after December 1st of each year.

B. The Director or designee shall ~~will~~ make the final selection.

123. Presentation of the Director's Award for Excellence will be conducted at an event designated by the Director.

317.03 MERIT AWARD PROGRAM

1. The Merit Award Program and its Board are established by statute. The program was created to reward people for money savings ideas and to recognize efforts and contributions to increase the efficiency and productivity of the State of Nevada. It serves as a program for all state employees and is designated as the "Good Government, Great Employees Award." More information about the Merit Award Board can be found at <http://dep.nv.gov/MABPAGE.html>. http://hr.nv.gov/Boards/MeritAward/Merit_Award_Board.

2. ~~The Department will participate by reporting its findings and recommendations to the Merit Award Board within 30 days. If an NDOC employee is suggested to the Board and NDOC received notification of the suggestion, the Director shall report his or her findings and recommendations to the Board within 30 days. The report must discuss the matters set forth in NRS 285.060(2).~~

3. Submitted suggestions shall be in writing, using the automated suggestion form located at the Merit Board website <http://dop.nv.gov/Forms/MeritAwardSuggestionForm.pdf> ~~http://hr.nv.gov/uploadedFiles/hrmvgov/Content/Resources/Forms/Employee/MeritAwardBoardSuggestionFormPDF.pdf~~

317.04 SERVICE AWARD PROGRAM

1. The Director may present service awards to employees for faithful and exceptional service.

A. Separation from service must not be through unfavorable conditions, including, but not limited to, dismissals or resignations in lieu of termination. ~~such as termination.~~

B. An employee must have a minimum of ten (10) years of continuous service with the Department to receive a Service Award.

2. ~~The service award will be a plaque and may not exceed \$50.00 and it is a liability of the employee fund. The service award will be a plaque, the cost of which must not exceed \$50.00, and shall be paid from the employee fund. A service award plaque will only be provided if there are sufficient funds available for such awards.~~

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B. Shadow Box plaques are available for an additional fee to purchase by the employee. This can only be paid for by check. Cash will not be accepted.

C. A Folger Adams key and/or personal badge may be mounted to the plaque as supplied by employee.

3. The Human Resources Division shall determine qualifying factors from information contained in the employee's personnel file, and shall notify Prison Industries in writing, for the preparation of the award.

317.05 NEVADA STATE EMPLOYEE RECOGNITION WEEK

1. During Nevada State Employee Recognition Week, Appointing Authorities ~~may~~will organize events and activities to celebrate and honor all employees of the Department, as funds are available.

APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation does not require an operational procedure.
3. This regulation requires an audit.

James ~~Dzurenda~~G. Cox, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

319

WORKPLACE SAFETY

Supersedes: AR 319 (08/13/10); (Temporary, 07/17/14); 09/16/14; (Temporary, 07/05/17)
Effective Date: 08/15/17

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119, 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, State Administrative Manual (SAM) 0521.0; United States Department Labor Occupational Safety and Health Administration (OSHA) regulations

PURPOSE

To establish guidelines to be implemented required to be implemented at NDOC institutions and facilities, in compliance with federal and state law, that work to promote the safety and health in the workplace.

RESPONSIBILITY

The Director, through the Deputy Directors, shall be responsible to ensure compliance with all workplace safety regulations.

The Wardens are responsible to ensure implementation with all workplace safety regulations at their respective institutions/facilities including, but not limited to the completion of hazard assessments; and ensure the personal protective equipment (PPE) is utilized, as appropriate.

Department employees are responsible to have knowledge of and comply with this regulation.

319.01 TRAINING

1. At time of new hire appointment, employees must sign an acknowledgement of receipt of the pamphlet, *Nevada Workplace Safety, Your Rights and Responsibilities*.

A. The signed acknowledgement form will be placed in the Department personnel file.

2. The Department Staff/designee shall present topics on workplace safety during Pre-Service Training (PST).

3. The Department Staff/designee shall present topics on workplace safety in refresher training every two (2) years or as required.

A. Employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

4. All proposed safety and health training programs and material shall be submitted to the Compliance Enforcement Unit for review and approval prior to implementation.

5. Safety responsibilities must be included in work performance standards.

319.02 SAFETY RULES

1. Employees are expected to follow safe practices and cooperate with the safety committees.

2. All rules and procedures as identified by the Department or the Occupational Safety and Health Administration (OSHA) are to be followed:

3. All work-related injuries and illnesses are to be reported as outlined in AR 329.

4. Safety hazards are to be reported immediately through the chain of command. Should the chain of command fail to address a reported safety and/or health issue from an employee, the employee has the right to contact the Compliance Enforcement Unit directly.

A. Supervisors shall enforce safety rules.

B. Supervisors shall maintain a safe and healthy work environment by identifying and controlling unsafe work practices and procedures.

C. Supervisors are required to forward a copy of all workers' compensation documents to the loss control coordinator, the insurer and the institution's workers' compensation liaison per AR 329.

5. The Department shall furnish proper and safe tools and equipment to include any personal protective equipment necessary.

6. Supervisors shall immediately investigate all reported accidents and injuries in accordance with AR 329.

7. Employees are encouraged to submit suggestions or comments regarding the workplace safety program through any safety committee member, or submit a Safety Concern Report form (DOC 018) located on the Stewart Shared Drive "Forms."

319.03 SAFETY COMMITTEE – CENTRAL OFFICE

1. The Department shall establish a safety committee at central administration.

2. Members of the Safety Committee shall include:
 - A. One representative from each functional area, such as accounting, fiscal services, offender management, medical, purchasing, personnel, inmate services, and at least one employee representative who is elected by the employees.
 - B. Each elected employee representative will serve a minimum term of two (2) years.
3. Elections shall be announced and conducted.
 - A. A notice of vacancy/election shall be posted in an area accessible to all employees as committee vacancies occur.
 - B. The notice shall include the purpose and duties of the committee and the frequency of meetings.
 - C. Employees interested in serving on the committee should submit their names, through their chain of command.
 - D. The election shall be by ballot distributed to all employees.
 - E. At the time of appointment, the Central Office shall, in writing, notify the Compliance Enforcement Unit of the name of newly elected safety committee member.
4. Duties of the Safety Committee in central office should include:
 - A. Oversee the identification and assessment of training needs and perform inspections.
 - B. Identify patterns that may indicate causes and severity of safety incidents and identify changes necessary to correct these hazards.
 - C. Make arrangements for, and provide updated training as necessary.
 - D. Ensure that all required safety posters and information are posted in a place accessible to all employees.
 - E. Review safety reports and make recommendations to management based upon those reviews.
 - F. Ensure the safety committee's records are kept and a copy provided to the Compliance Enforcement Unit.
5. Safety meetings shall be held on a quarterly basis.

- A. Minutes shall be taken at all meetings and posted or distributed for employee review.
 - B. Minutes of the meetings shall be maintained by the chairperson for at least three years.
 - C. A copy of the minutes shall be forwarded to the Compliance Enforcement Unit.
6. Members of the safety committee shall be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working hours, unless otherwise approved by the Deputy Director of Operations.

319.04 SAFETY COMMITTEE – INSTITUTIONS

1. The Warden shall establish a safety committee for their institution and related facilities.
2. Members of the safety committee shall include:
 - A. An Associate Warden, who shall serve as chairperson.
 - B. One representative from each functional area, such as food services, custody, maintenance, and at least one employee representative who is elected by the employees.
 - C. Each facility that falls under an institution shall have one representative.
 - D. Each elected employee representative will serve a minimum term of two-years.
3. Elections shall be announced and conducted at each location.
 - A. A notice of vacancy/election shall be posted in an area accessible to all employees.
 - B. The notice shall include the purpose and duties of the committee and the frequency of the meetings.
 - C. Employees interested in serving on the committee should submit their name through their chain of command.
 - D. The election shall be by ballot. The ballots shall be distributed to all employees.
 - E. At the time of appointment, the Warden shall, in writing, notify the Compliance Enforcement Unit of the name of newly elected safety committee member.
4. Duties of the safety committee should include:
 - A. Assess the vulnerability of workplace safety based upon incident reports.

- B. Coordinate and recommend preventive actions to the Warden.
 - C. Identify and assess training needs, perform inspections, respond to and analyze reported incidents and audit the institution's workplace safety program.
 - D. Review safety incidents from institution, camp or facility associated with institution.
 - E. Analyze and review existing records identifying patterns that may indicate causes and severity of safety incidents; recommend changes necessary to mitigate hazards.
 - F. Conduct or assist with safety inspections to determine underlying causes of incidents or hazards and assist in developing preventive measures.
 - G. Support a safe and healthy work environment by identifying and controlling unsafe working conditions, practices and procedures.
 - H. Alert management to the need for proper tools, equipment, and safety mechanisms.
 - I. Make scheduled safety checks and forward reports to the Compliance Enforcement Unit.
 - J. Ensure that all required safety posters and information are posted in a place accessible to all employees.
 - K. Communicate safety concerns of employees to management.
 - L. Communicate unresolved safety issues and hazards to the Compliance Enforcement Unit.
5. Safety meetings shall be held on a quarterly basis.
- A. Minutes shall be taken at all meetings and posted or distributed for employee review.
 - B. Minutes of the meetings shall be maintained by the chairperson for at least three years.
 - C. A copy of the minutes shall be forwarded to the Compliance Enforcement Unit.
6. Members of the safety committee shall be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working hours, unless otherwise approved by the Warden.

319.05 Personal Protective Equipment

- 1. Personal Protective Equipment (PPE) is designed to protect employees from serious workplace injuries or illnesses. There are many types of PPE to protect the eyes, face, feet, head, and extremities.

2. PPE shall be provided in the size that fits the employee.
3. PPE shall be made available to the employee so they can adequately protect themselves.
4. The employer is required to train employees who are required to wear PPE in the following:
 - A. Use PPE properly,
 - B. Beware of when PPE is necessary,
 - C. Know what kind of PPE is necessary,
 - D. Understand the limitations of PPE in protecting employees from injury/illness,
 - E. Don, adjust, wear, and doff PPE, and
 - F. Maintain PPE properly.

319.06 HAZARD ASSESSMENTS

1. The Warden or designee at each facility and their related facilities shall conduct hazard assessments of their workplace to determine what hazards are present that require the use of PPE, provide workers with appropriate PPE, and require them to use and maintain it in a sanitary and reliable condition.
2. Each essential function shall have a completed hazard assessment that identifies PPE.
3. Hazard assessments may be necessary for specific tasks/operations that present hazards to an employee when performing such tasks/operations and must identify PPE.
4. Using PPE should be the last line of defense when engineering, administrative, and work practices controls will not reduce or eliminate the hazard(s).
 - A. Engineering Controls – Physically changing a machine or work environment.
 - B. Administrative Controls – Involve changing how or when employees do their job, such as scheduling work and rotating employees to reduce exposures.
 - C. Work Practice Controls – Training workers how to perform tasks in ways that reduce their exposure to workplace hazards.
5. When completing hazard assessments, they shall be completed on form DOC 039 using the same format. Form DOC 039 can be retrieved from the Stewart Shared Drive, “Forms.”
6. The following completed hazard assessments shall be made available to employees.
 - A. Employee Work-Related Illness/Injury or Occupational Disease, AR 329
 - B. Hazardous Communication and Control, Use of Toxic, Flammable, and Caustic Substances. AR 443

- C. Fire Safety, AR 440
- D. Workplace Violence, AR 321
- E. Respiratory Protection Program, AR 364
- F. Respiratory Crystalline Silica Program, AR 365

APPLICABILITY

1. This AR requires an operational procedure.
2. This AR requires an audit.

REFERENCES

SAM section 0521(8), CFR 29.1910, OSHA

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
PERSONAL PROTECTIVE EQUIPMENT
HAZARD ASSESSMENT

Position Title/Operation/Task/Area Assessed:

Eye and Face Protection

Identify Hazards or Potential Hazards (Check all that apply)

- Flying Particles
- Molten Metal
- Liquid Chemicals
- Welding
- Acids/Caustic Chemicals
- Chemical Gases/Vapors
- Radiant Energy
- Lasers
- Other identified hazards:
- None of the above

Foot Protection

Identify Hazards (Check all that apply)

- Carrying or handling materials which could be dropped causing injury
- Work in areas where objects could cause injury to one's feet
- Work involving manual material handling carts, bulk rolls, heavy pipe, steel etc. which could cause injury
- Nails, wire, screws or other sharp objects that could be stepped on puncturing a foot
- Electrical hazards that require insulating shoes
- Electrical hazards that require conductive safety shoes
- None of the above

Head Protection (Check all that apply)

- Falling Objects (working below others using tools or materials that could fall on a person)
- Electrical Hazard (exposed energized conductors)
- Class A Helmet (impact, penetration, low voltage electrical hazard)
- Class B Helmet (impact, penetration, high voltage electrical hazard)
- Class C Helmet (impact and penetration resistance only)
- None of the above

Hand Protection Hazards (Check all that apply)

- Thermal (hot)
- Thermal (cold)
- Abrasions
- Punctures
- None of the above or below
- Contact with chemicals (specify)
(list any here)

APPLICABLE PERSONAL PROTECTIVE EQUIPMENT

Position Title/Operation/Task/Area Assessed:

EYE AND FACE PROTECTION:

1)

FOOT PROTECTION:

1)

HEAD PROTECTION:

1)

HAND PROTECTION:

1)

OTHER SAFETY EQUIPMENT:

1)

NOTES:

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
319**

WORKPLACE SAFETY

Supersedes: AR 319 (08/13/10); ~~AR-319~~ (Temporary, 07/17/14); 09/16/14; (Temporary, 07/05/17)

Effective Date: 08/15/17 09/16/14

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119, 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, State Administrative Manual (SAM) 0521.0; United States Department Labor Occupational Safety and Health Administration (OSHA) regulations

PURPOSE

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RESPONSIBILITY

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The Wardens are responsible to ensure implementation with all workplace safety regulations at their respective institutions/facilities including, but not limited to the completion of hazard assessments; and ensure the personal protective equipment (PPE) is utilized, as appropriate.

Department employees are responsible to have knowledge of and comply with this regulation.

319.01 TRAINING

1. At time of new hire appointment, employees must sign an acknowledgement of receipt of the pamphlet, *Nevada Workplace Safety, Your Rights and Responsibilities*.

A. The signed acknowledgement form will be placed in the Department personnel file.

2. The Department Staff/designee shall present topics on workplace safety during Pre-Service Training (PST).

3. The Department Staff/designee shall present topics on workplace safety in refresher training every two (2) years or as required.

A. Employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

4. All proposed safety and health training programs and material shall be submitted to the Compliance Enforcement Unit for review and approval prior to implementation.

5. Safety responsibilities must be included in work performance standards.

319.02 SAFETY RULES

1. Employees are expected to follow safe practices and cooperate with the safety committees.

2. All rules and procedures as identified by the Department or the Occupational Safety and Health Administration (OSHA) are to be followed:

3. All work-related injuries and illnesses are to be reported as outlined in AR 329.

4. Safety hazards are to be reported immediately through the chain of command. Should the chain of command fail to address a reported safety and/or health issue from an employee, the employee has the right to contact the Compliance Enforcement Unit directly.

A. Supervisors shall enforce safety rules.

B. -Supervisors shall maintain a safe and healthy work environment by identifying and controlling unsafe work practices and procedures.

C. -Supervisors are required to forward a copy of all workers' compensation documents to the loss control coordinator, the insurer and the institution's workers' compensation liaison per AR 329.

5. The Department shall furnish proper and safe tools and equipment to include any personal protective equipment necessary.

6. Supervisors shall immediately investigate all reported accidents and injuries in accordance with AR 329.

7. Employees are encouraged to submit suggestions or comments regarding the workplace safety program through any safety committee member, or submit a Safety Concern Report form (DOC 018) located on the Stewart Shared Drive "Forms."

319.03 SAFETY COMMITTEE – CENTRAL OFFICE

1. The Department shall establish a ssafety ecommittee at central administration.
2. Members of the Safety Committee shall include:
 - A. One representative from each functional area, such as accounting, fiscal services, offender management, medical, purchasing, personnel, inmate services, and at least one employee representative who is elected by the employees.
 - B. Each elected employee representative will serve a minimum term of two (2)- years.
3. Elections shall be announced and conducted.
 - A. A notice of vacancy/election shall be posted in an area accessible to all employees as committee vacancies occur.
 - B. The notice shall include the purpose and duties of the committee and the frequency of meetings.
 - C. Employees interested in serving on the committee should submit their names, through their chain of command.
 - D. The election shall be by ballot distributed to all employees.
 - E. At the time of appointment, the Central Office shall, in writing, notify the Compliance Enforcement Unit of the name of newly elected safety committee member.
4. Duties of the Safety Committee in central office should include:
 - A. Oversee the identification and assessment of training needs and perform inspections.
 - B. Identify patterns that may indicate causes and severity of safety incidents and identify changes necessary to correct these hazards.
 - C. Make arrangements for, and provide updated training as necessary.
 - D. Ensure that all required safety posters and information are posted in a place accessible to all employees.
 - E. Review safety reports and make recommendations to management based upon those reviews.
 - F. Ensure the safety committee's records are kept and a copy provided to the Compliance Enforcement Unit.-
5. Safety meetings shall be held on a quarterly basis.

A. Minutes shall be taken at all meetings and posted or distributed for employee review.

B. Minutes of the meetings shall be maintained by the chairperson for at least three years.

C. A copy of the minutes shall be forwarded to the Compliance Enforcement Unit.

6. Members of the safety committee shall be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working hours, unless otherwise approved by the Deputy Director of Operations.

319.04 SAFETY COMMITTEE – INSTITUTIONS

1. The Warden shall establish a safety committee for their institution and related facilities.

2. Members of the safety committee shall include:

A. An Associate Warden, who shall serve as chairperson.

B. One representative from each functional area, such as food services, custody, maintenance, and at least one employee representative who is elected by the employees.

C. Each facility that falls under an institution shall have one representative.

D. Each elected employee representative will serve a minimum term of two-years.

3. Elections shall be announced and conducted at each location.

A. A notice of vacancy/election shall be posted in an area accessible to all employees.

B. The notice shall include the purpose and duties of the committee and the frequency of the meetings.

C. Employees interested in serving on the committee should submit their name through their chain of command.

D. The election shall be by ballot. The ballots shall be distributed to all employees.

E. –_At the time of appointment, the Warden shall, in writing, notify the Compliance Enforcement Unit of the name of newly elected safety committee member.

4. Duties of the safety committee should include:

A. Assess the vulnerability of workplace safety based upon incident reports.

- B. Coordinate and recommend preventive actions to the Warden.
 - C. Identify and assess training needs, perform inspections, respond to and analyze reported incidents and audit the institution's workplace safety program.
 - D. Review safety incidents from institution, camp or facility associated with institution.
 - E. Analyze and review existing records identifying patterns that may indicate causes and severity of safety incidents; recommend changes necessary to mitigate hazards.
 - F. Conduct or assist with safety inspections to determine underlying causes of incidents or hazards and assist in developing preventive measures.
 - G. Support a safe and healthy work environment by identifying and controlling unsafe working conditions, practices and procedures.
 - H. Alert management to the need for proper tools, equipment, and safety mechanisms.
 - I. Make scheduled safety checks and forward reports to the Compliance Enforcement Unit.
 - J. Ensure that all required safety posters and information are posted in a place accessible to all employees.
 - K. Communicate safety concerns of employees to management.
 - L. Communicate unresolved safety issues and hazards to the Compliance Enforcement Unit.
5. Safety meetings shall be held on a quarterly basis.
- A. Minutes shall be taken at all meetings and posted or distributed for employee review.
 - B. Minutes of the meetings shall be maintained by the chairperson for at least three years.
 - C. A copy of the minutes shall be forwarded to the Compliance Enforcement Unit.
6. Members of the safety committee shall be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working hours, unless otherwise approved by the Warden.

319.05 Personal Protective Equipment

1. Personal Protective Equipment (PPE) is designed to protect employees from serious workplace injuries or illnesses. There are many types of PPE to protect the eyes, face, feet, head, and extremities.
2. PPE shall be provided in the size that fits the employee.
3. PPE shall be made available to the employee so they can adequately protect themselves.
4. The employer is required to train employees who are required to wear PPE in the following:
 - A. Use PPE properly.
 - B. Beware of when PPE is necessary.
 - C. Know what kind of PPE is necessary.
 - D. Understand the limitations of PPE in protecting employees from injury/illness.
 - E. Don, adjust, wear, and doff PPE, and
 - F. Maintain PPE properly.

319.06 HAZARD ASSESSMENTS

1. The Warden or designee at each facility and their related facilities shall conduct hazard assessments of their workplace to determine what hazards are present that require the use of PPE, provide workers with appropriate PPE, and require them to use and maintain it in a sanitary and reliable condition.
2. Each essential function shall have a completed hazard assessment that identifies PPE.
3. Hazard assessments may be necessary for specific tasks/operations that present hazards to an employee when performing such tasks/operations and must identify PPE.
4. Using PPE should be the last line of defense when engineering, administrative, and work practices controls will not reduce or eliminate the hazard(s).
 - A. Engineering Controls – Physically changing a machine or work environment.
 - B. Administrative Controls – involve changing how or when employees do their job, such as scheduling work and rotating employees to reduce exposures.
 - C. Work Practice Controls – Training workers how to perform tasks in ways that reduce their exposure to workplace hazards.

5. When completing hazard assessments, they shall be completed on form DOC 039 using the same format. Form DOC 039 can be retrieved from the Stewart Shared Drive, "Forms."
6. The following completed hazard assessments shall be made available to employees.
 - A. 319.07 Employee Work-Related Illness/Injury or Occupational Disease, AR 329
 - B. 319.08 Hazardous Communication and Control, Use of Toxic, Flammable, and Caustic Substances, AR 443
 - C. 319.09 Fire Safety, AR 440
 - D. 319.10 Workplace Violence, AR 321
 - E. 319.11 Respiratory Protection Program, AR 364
 - F. 319.12 Respiratory Crystalline Silica Program, AR 365?

APPLICABILITY

1. This AR requires an operational procedure.
2. This AR requires an audit.

REFERENCES

SAM section 0521(8), CFR 29.1910, OSHA

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
PERSONAL PROTECTIVE EQUIPMENT
HAZARD ASSESSMENT

Position Title/Operation/Task/Area Assessed:

Extended Face Protection

Identify Hazards or Potential Hazards (Check all that apply)

- Flying Particles
- Molten Metal
- Liquid Chemicals
- Welding
- Acids/Caustic Chemicals
- Chemical Gases/Vapors
- Radiant Energy
- Lasers
- Other identified hazards:
- None of the above

Foot Protection

Identify Hazards (Check all that apply)

- Carrying or handling materials which could be dropped causing injury
- Work in areas where objects could cause injury to one's feet
- Work involving manual material handling carts, bulk rolls, heavy pipe, steel etc. which could cause injury
- Nails, wire, screws or other sharp objects that could be stepped on puncturing a foot
- Electrical hazards that require insulating shoes
- Electrical hazards that require conductive safety shoes
- None of the above

Head Protection (Check all that apply)

- Falling Objects (working below others using tools or materials that could fall on a person)
- Electrical Hazard (exposed energized conductors)
- Class A Helmet (impact, penetration, low voltage electrical hazard)
- Class B Helmet (impact, penetration, high voltage electrical hazard)
- Class C Helmet (impact and penetration resistance only)
- None of the above

Hand Protection Hazards (Check all that apply)

- Thermal (hot)
- Thermal (cold)
- Abrasions
- Punctures
- None of the above or below
- Contact with chemicals (specify) (list any here)

APPLICABLE PERSONAL PROTECTIVE EQUIPMENT

Position Title/Operation/Task/Area Assessed:

EYE AND FACE PROTECTION:

1)

FOOT PROTECTION:

1)

HEAD PROTECTION:

1)

HAND PROTECTION:

1)

OTHER SAFETY EQUIPMENT:

1)

NOTES:

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
321**

WORKPLACE VIOLENCE

Supersedes: (Temporary, 08/08/11); 06/17/12; (Temporary, 07/15/17)
Effective Date: 08/15/17

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119, 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, State Administrative Manual (SAM) 0521(8)

PURPOSE

To promote, enhance, and ensure a safe workplace environment for employees in their dealings with staff, volunteers, contract service providers, and/or the public, and to reduce the potential risk of violence in the workplace. This policy is not to be used or construed as policy concerning interactions with inmates or inmate behavior.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of each Division is responsible for ensuring compliance of this regulation.

The Human Resource Administrator is responsible to ensure implementation of the regulation and workplace violence training.

All Department employees are responsible for knowing and complying with this regulation.

321.01 INCIDENT REPORTING AND INVESTIGATION

1. Workplace violence or acts of aggression may include oral or written statements, messages, gestures, or expressions that communicate a direct or indirect threat or intimidation of physical or mental harm or stalking (NAC 284.650), physical confinement or restraint; or an act intended to harm a person's health, safety, financial condition, or personal relationships; indirect acts, or acts such as damage to personal property or the act of extorting money, goods, or other property as described in NRS 207.180.

A. Violence, threats, harassment, intimidation and other acts of aggression and disruptive behavior in the workplace will not be tolerated.

2. Employees are responsible to immediately report all incidences or acts of workplace violence or aggression to include knowledge of possible direct and/or indirect threats to their supervisor or the most accessible supervisor.

A. Employees who are experiencing threats of violence from a current or former domestic partner (or other non-work related relationship) that may carry over to the workplace are encouraged to report threats to his/her supervisor to minimize the risk to the employee and others during working hours.

3. The supervisor shall report the incident to the next level in the chain of command, which in turn will ensure appropriate administrators are advised.

A. All reports of incidents shall be taken seriously and “immediate intervention” shall be initiated by the appropriate supervisor or manager.

4. Each incident shall be reported and each event must be documented including witness statements, reports, and any other pertinent information in the incident log screens of the Nevada Offender Tracking Information System (NOTIS) in accordance with AR 121 (Incident Reporting and Notification) by the supervisor. Significant incidents of workplace violence must be reported to the Risk Management Division as soon as practicable by the Human Resources Administrator or designee.

5. The supervisor shall promptly notify the Inspector General’s Office of the incident and shall ensure each incident is investigated thoroughly. This type of investigation is different in scope from an internal administrative investigation that could lead to punitive action. All investigations must comply with notice and investigation requirements set forth in NRS Chapter 289, and Chapter 284 of the NRS and NAC.

6. The supervisor shall provide a copy of their incident statement to the Department’s Compliance Enforcement Supervisor.

7. Supervisors shall follow the protocol designated in Administrative Regulation 329 (Employee Work-Related Illness/Injury or Occupational Disease) if there is any indication of injury to an employee.

8. Employee(s), as described herein, who commit acts of workplace violence shall be removed from the premises immediately, subject to possible disciplinary action up to and including termination, and/or subject to criminal actions. Disciplinary action arising out of a workplace violence incident must comply with the requirements for employee discipline as set forth in NRS Chapter 284, NRS Chapter 289, and NAC Chapter 284.

9. These procedures do not apply to incidences of inmate violence. Refer to AR 121 “Incident Reporting & Notification” for more information regarding Inmate Violence.

321.02 SUPERVISOR'S IMMEDIATE INTERVENTION

1. Upon a **direct and imminent threat of violence** (employee or other person states they are or may be on the way to commit an act of violence or indicate they are going to obtain the means to commit the act or an **immediate act of violence**):

A. The Inspector General's Office shall determine if law enforcement should be contacted, including a call to 9-1-1 emergency.

B. Employee(s) to whom the threat is directed and their supervisor(s) shall be notified of the threat. This information shall be kept confidential.

C. The supervisor shall offer the affected employee(s) the option to leave work; employee is to use their own accrued leave. If the employee does not have any leave, leave without pay may be granted.

D. The offending employee shall be placed on leave and be prohibited from returning to the worksite until further notice.

(1) If there are indications of possible medical illness, including a psychological condition by the offending employee, the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division, until further notice.

2. Upon a **direct threat without imminent event** (employee or other person states that they intend to commit an act of violence one of these days):

A. The Associate Warden or Division Head shall place the offending employee on Leave.

(1) If there are indications of possible medical or psychological illness, the supervisor shall contact an Associate Warden or Division Head who may request a fitness for duty examination through the NDOC Personnel Division.

B. The supervisor shall notify the offending employee verbally and in writing that they are prohibited from coming to the worksite without prior approval and coordination with the Warden and or Division Head.

3. Upon **indirect threats, stalking, harassment, bullying, and/or intimidation**:

A. The supervisor shall confront and counsel the offending employee and state the behavior must stop.

(1) If the employee's behavior does not cease, the supervisor shall remove the employee from the work area by temporary assignment and/or implement progressive disciplinary measures; and/or

(2) If it is determined that conflict resolution needs to occur amongst employees, the Associate Warden and/or Division Head shall contact NDOC Personnel Division to coordinate this with the State Mediation Program; and/or

(3) If there are indications of possible medical illness, including psychological conditions, the employee shall be placed on sick leave and the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division.

4. Upon bizarre, inappropriate, or unsafe behavior:

A. The supervisor shall confront and counsel the offending employee and give the employee an opportunity to explain reasons for the behavior.

(1) If the employee's behavior causes a supervisor to reasonably suspect that an employee is under the influence, the supervisor may consider following the guidelines of AR 349 (Employee/Applicant Alcohol and Drug Testing).

(2) If the employee's behavior does not improve, the supervisor may remove the employee from the work area and place them on sick leave and the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division.

321.03 TRAINING

1. The Training Division shall present topics on workplace violence in Pre-Service Training (PST).

A. New employees are required to sign an acknowledgement form indicating that they received this training.

B. The signed acknowledgement form will be placed in the employee's Department training file, located in Carson City.

2. The Training Division shall present topics on Workplace Violence in refresher training every two (2) years as required.

A. All employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

3. All proposed Workplace Violence training programs and material shall be submitted to the Compliance Enforcement Supervisor for review and approval prior to implementation.

APPLICABILITY

1. This regulation applies to all classified and unclassified employees of the Department.
2. This regulation requires an audit.

REFERENCES

State Administrative Manual section 0521(8), AR 121, AR 319, AR 329, AR 349

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
321**

WORKPLACE VIOLENCE

Supersedes: ~~AR 321~~ (Temporary, 08/08/11); 06/17/12; (Temporary, 07/15/17)
Effective Date: ~~—06/17/12~~08/15/17

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119, 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, State Administrative Manual (SAM) 0521(8)-0

PURPOSE

To promote, enhance, and ensure a safe workplace environment for employees in their dealings with staff, volunteers, contract service providers, and/or the public, and to reduce the potential risk of violence in the workplace. This policy is not to be used or construed as policy concerning interactions with inmates or inmate behavior.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of each Division is responsible for ensuring compliance of this regulation.

The Human Resource Administrator is responsible to ensure implementation of the regulation and workplace violence training.

All Department employees are responsible ~~for~~to have knowing~~ledge of~~ and complying with this regulation.

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A. Violence, threats, harassment, intimidation and other acts of aggression and disruptive behavior in the workplace will not be tolerated.

2. Employees are responsible to immediately report all incidences or acts of workplace violence or aggression to include knowledge of possible direct and/or indirect threats to their supervisor or the most accessible supervisor.

A. Employees who are experiencing threats of violence from a current or former domestic partner (or other non-work related relationship) that may carry over to the workplace are encouraged to report threats to his/her supervisor to minimize the risk to the employee and others during working hours.

3. The supervisor shall report the incident to the next level in the chain of command, whowhich in-turn will ensure appropriate administrators are advised.

A. All reports of incidents ~~shall~~must be taken seriously and “immediate intervention” ~~must~~ shall be initiated by the appropriate supervisor or manager.

4. ~~Each~~All incident ~~ees-must~~shall be reported and each event must be documented including witness statements, reports, and any other pertinent information in the incident log screens of the Nevada Offender Tracking Information System (NOTIS) in accordance with AR 121 (Incident Reporting and Notification) by the supervisor. Significant incidents of workplace violence must be reported to the Risk Management Division as soon as practicable by the Human Resources Administrator or designee.

5. The supervisor shall promptly notify the Inspector General’s Office of the incident and ~~shall ensure~~shall ensure each incident is investigated thoroughly. This type of investigation is different in scope from an internal administrative investigation that could lead to punitive action. All investigations must comply with notice and investigation requirements set forth in NRS Chapter 289, and Chapter 284 of the NRS and NAC.

6. The supervisor shall provide a copy of their incident statement to the Department’s Compliance Enforcement Supervisor.

7. Supervisors shall follow the protocol designated in Administrative Regulation 329 (Employee Work-Related Illness/Injury or Occupational Disease) if there is any indication of injury to an employee.

8. Employee(s) , as described herein, who commit acts of workplace violence, ~~as described herein,~~ may~~shall~~ be removed from the premises immediately, subject to possible disciplinary action up to and including termination, and/or subject to criminal actions ~~by the Attorney General.~~ Disciplinary action arising out of a workplace violence incident must comply with the requirements for employee discipline as set forth in NRS Chapter 284, NRS Chapter 289, and NAC Chapter 284.

9. These procedures do not apply to incidences of inmate violence. Refer to AR 121 “Incident Reporting & Notification” for more information regarding Inmate Violence.

321.02 SUPERVISOR'S IMMEDIATE INTERVENTION

1. Upon a **direct and imminent threat of violence** (employee or other person states ~~that~~ they are or may be on the way to commit an act of violence or indicates ~~s-that~~ they are going to obtain the means to commit the act) or an **immediate act of violence**:

A. The Inspector General's Office ~~and the supervisor~~ shall determine if ~~911 or other~~ law enforcement should be contacted, including a call to 9-1-1 emergency.

B. Employee(s) to whom the threat is directed and their supervisor(s) shall be notified of the threat. This information ~~shall~~ould be kept confidential.

C. The supervisor shall offer the affected employee(s) the option to leave work; employee is to use their own accrued leave. If the employee does not have any leave, leave without pay may be granted.

D. The offending employee shall be placed on ~~Administrative L~~leave and be prohibited from returning to the worksite until further notice.

(1) If there are indications of possible medical ~~illness, including aor~~ psychological ~~condition~~illness by the offending employee, the supervisor shall contact an Associate Warden or Division Head who ~~shall~~may request a fitness for duty examination through the NDOC Personnel Division, until further notice.

2. Upon a **direct threat without imminent event** (employee or other person states that they intend to commit an act of violence one of these days):

A. The Associate Warden or Division Head shall place the offending employee on ~~Administrative~~Leave.

(1) If there are indications of possible medical or psychological illness, the supervisor shall contact an Associate Warden or Division Head who may request a fitness for duty examination through the NDOC Personnel Division.

B. The supervisor shall notify the offending employee verbally and in writing that they are prohibited from coming to the worksite without prior approval and coordination with the Warden and or Division Head.

3. Upon **indirect threats, stalking, harassment, bullying, and/or intimidation**:

A. The supervisor shall confront and counsel the offending employee and state the behavior must stop.

(1) If the employee's behavior does not cease, the supervisor ~~shall~~ may remove the employee from the work area by temporary assignment and/or implement progressive disciplinary measures; ~~and/or~~.

(2) If it is determined that conflict resolution needs to occur amongst employees, the Associate Warden and/or Division Head ~~shall~~ may contact NDOC Personnel Division to coordinate this with the State Mediation Program; ~~and/or~~.

(3) If there are indications of possible medical ~~illness, including~~ ~~or~~ psychological ~~conditions~~ ~~illness~~, the employee ~~shall~~ may be placed on sick leave and the supervisor shall contact an Associate Warden or Division Head who ~~shall~~ may request a fitness for duty examination through the NDOC Personnel Division.

4. Upon bizarre, inappropriate, or unsafe behavior:

A. The supervisor shall confront and counsel the offending employee and give the employee an opportunity to explain reasons for the behavior.

(1) If the employee's behavior causes a supervisor to reasonably suspect that an employee is under the influence, the supervisor may consider following the guidelines of AR 349 (Employee/Applicant Alcohol and Drug Testing).

(2) If the employee's behavior does not improve, the supervisor may remove the employee from the work area and place them on sick leave and the supervisor shall contact an Associate Warden or Division Head who shall request a fitness for duty examination through the NDOC Personnel Division.

321.03 TRAINING

1. The Training Division shall present topics on workplace violence in Pre-Service Training (PST).

A. New employees are required to sign an acknowledgement form indicating that they received this training.

B. The signed acknowledgement form will be placed in the employee's Department training file, located in Carson City.

2. The Training Division shall present topics on Workplace Violence in refresher training every two (2) years as required.

A. All employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

3. All proposed Workplace Violence training programs and material shall be submitted to the Compliance Enforcement Supervisor for review and approval prior to implementation.

APPLICABILITY

1. This regulation applies to all classified and unclassified employees of the Department.
2. This regulation requires an audit.

REFERENCES

State Administrative Manual section 0521(8), AR 121, AR 319, AR 329, AR 349

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| James ~~Dzurenda~~ G. Cox, Director

_____ Date

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**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

330

EMPLOYEE RESIGNATION & REINSTATEMENT/REHIRE

Supersedes: 06/17/12; (Temporary, 03/11/13); 03/19/13; (Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY

NRS 209.131; 284.330; 284.391; 284.390; NAC 284.170; 284.386; 284.439; 284.444; 284.602, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

PURPOSE

To establish clear guidelines governing employee resignations and define specific policies that will govern the reinstatement or rehiring of employees.

RESPONSIBILITY

The Deputy Director of Support Services shall ensure compliance with this regulation.

The Human Resources Division Administrator is responsible for implementation of this regulation and personnel actions related to the issues of reinstatement and rehire.

Wardens and Department Heads are required to have knowledge of, and conform to the requirements of this regulation.

All employees are required to comply with this regulation.

330.01 RESIGNATIONS

1. An employee who has selected to resign from employment with the Nevada Department of Corrections (NDOC) shall complete and submit the State of Nevada Resignation from State Service or Notice of Transfer to Another Agency, form NPD-45, located in the Stewart shared drive/ Human Resources/Forms.

A. Unless the Wardens or Department Head and employee agree to a shorter period of time, an employee who elects to resign shall submit an NPD-45 to his or her supervisor at least two (2) weeks before the effective date of the employee's resignation. If an employee fails to comply with the required two (2) week notice, the Human Resources Division shall note the insufficient notice in the employee's file.

- B. The completed NPD-45 shall be forwarded to the Human Resources Division immediately.
 - C. The employee shall report to the Human Resources Division to complete his or her final separation paperwork.
 - D. Non-custody employees shall surrender their ID card(s). Custody employees shall surrender both their employee ID card(s) and their NDOC state issued badge to the Human Resources Division.
 - E. All other state issued property (keys, equipment, laptops, etc.) shall be surrendered to the employee's supervisor, prior to the completion of the employee's final paperwork.
 - F. An employee has three (3) days to revoke a resignation from the date it is accepted by the Department.
2. The Human Resources Division shall:
- A. Collect employee ID cards and Peace Officer badges. Contact the employee's supervisor to verify that all agency issued items have been returned, and create a NOTIS entry for ALL Peace Officer badges not returned.
 - B. Provide information to the employee regarding the State of Nevada Exit Interview Survey.
3. A resignation during an ongoing internal investigation shall be noted in NOTIS and the investigation may be closed, depending on the investigation.
- A. A resignations during a Prison Rape Elimination Act (PREA) investigation will not result in a closed case. Any such investigation will remain active until closed by the Inspector General's (IG) office as mandated by PREA standards.

330.02 REINSTATEMENT & REHIRE

- 1. A former employee seeking rehire/reinstatement must apply to an open recruitment and provide a letter to the Department or Human Resources Division detailing the reasons for the employee's resignation and interest in being rehired to the Appointing Authority or Human Resources Division,.
 - A. Except as provided by NRS 284.390, only employees who left the Department in good standing and without prejudice pursuant to NRS 284.240 shall be considered for reinstatement or rehire.
- 2. An Appointing Authority may approve a request to reinstate a former permanent employee within a two (2) year period following resignation of employment, if the employee was separated without prejudice. The two (2)-year reinstatement period for an employee who has been laid off

begins after their right to reemployment expires.

A. Reinstatement is considered a non-competitive appointment and can be made without regard to a certified list.

B. Employees reinstated to their former position or a comparable position of the same grade shall be paid at or below the step most recently held in the former position.

C. Employees reinstated to a lower grade than the former position shall be paid at or below the step in the lower grade which corresponds to the base rate of pay of the former position.

3. The Appointing Authority may approve a request to rehire an employee who was previously employed.

A. A rehire is an employee who was employed with the state less than one year or has been separated from state service for longer than a two (2) year period.

B. A rehire may be a competitive appointment and would require placement on a certified list as specified by the Department of Administration, Division of Human Resource Management.

C. Employees rehired to their former position, comparable position or lower grade will be paid at the lowest step of the grade of the position's class, unless a special salary request is made by the Appointing Authority and approved by the Department of Administration, Division of Human Resources Management.

4. The Human Resources Division shall include the following information affixed to DOC-1025:

A. Prior service dates;

B. Any results of IG investigations, completed or pending;

(1) To include PREA action.

C. Previous evaluation(s);

D. Disciplinary actions;

E. Letters of appreciation.

5. The Human Resources Division Administrator must approve or deny the reinstatement or rehire requests of former employees.

A. Approved rehire/reinstatement requests will be forwarded to the Director for final review approval.

6. The approved rehire/reinstatement of a former permanent employee is subject to completion and passage of a National Crime Information Center (NCIC) background check, the PHQ background investigative packet (not limited to NOTIS) and any other applicable PREA related checks.

7. Successful completion of a drug test, psychological test and heart/lung medical physical is mandatory if reinstated/rehired into a class with such requirements.

8. Failure to satisfy any portion of the required conditions of employment will result in denial of the request for reinstatement or rehire.

9. All employees reinstated or rehired must serve a new probationary period.

APPLICABILITY

1. This regulation applies to all Department employees.

2. This regulation requires an Operation Procedure (OP) for the Department's Human Resources Division.

3. This regulation requires an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
330

EMPLOYEE RESIGNATION & REINSTATEMENT/REHIRE

Supersedes: ~~AR 330 (06/17/12); and AR 330 (Temporary, 03/11/13); 03/19/13;~~
~~(Temporary, 07/20/17)~~
Effective Date: ~~—03/19/13~~ 08/15/17

AUTHORITY

NRS 209.131; ~~284.155;~~ 284.330; 284.391; 284.390; NAC 284.170; 284.386; 284.439; 284.444;
284.602, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

PURPOSE

To establish clear guidelines governing employee resignations and define specific policies that will govern the reinstatement or rehiring of employees.

RESPONSIBILITY

The Deputy Director of Support Services shall ensure compliance with this regulation.

The Human Resources Division Administrator is responsible for implementation of this regulation and personnel actions related to the issues of reinstatement and rehire.

Wardens and Department Heads Appointing Authorities are required to have knowledge of, and conform to the requirements of this regulation.

All employees are required to comply with this regulation.

330.01 RESIGNATIONS

1. An employee who ~~desires~~ has selected to resign from employment with the Nevada Department of Corrections (NDOC) should ~~all~~ complete and submit the State of Nevada Resignation from State Service or Notice of Transfer to Another Agency, form NPD-45, located in the Stewart shared drive/ Human Resources/Forms.

A. Unless the Wardens or Department Head Appointing Authority and employee agree to a shorter period of time, an employee who ~~elects~~ wishes to resign shall submit ~~an~~ their NPD-45 to ~~his or her~~ their supervisor at least two (2) weeks before the effective date of the employee's

resignation. If an employee fails to comply with the required two (2) week notice, the Human Resources Division ~~shall~~will note the insufficient notice in the employee's file.

B. The completed NPD-45 ~~shall~~will be forwarded to the Human Resources Division immediately.

C. The employee ~~shall~~must report to the Human Resources Division to complete his or her ~~their~~ final separation paperwork.

D. Non-custody employees ~~shall~~will surrender their ID card(s). Custody employees ~~shall~~will surrender both their employee ID card(s) and their NDOC state issued badge to the Human Resources Division.

E. All other state issued property (keys, equipment, laptops, etc.) ~~shall~~must be surrendered to the employee's supervisor, prior to the completion of the employee's final paperwork.

F. An employee has three (3) days to revoke a resignation from the date it is accepted by the Department.

2. The Human Resources Division shall:

A. Collect employee ID cards and Peace Officer badges. Contact ~~will be made with~~ the employee's supervisor to verify that all agency issued items have been returned, and create a - A-NOTIS entry - be created for ALL Peace Officer badges not returned.

B. Provide information to the employee regarding the State of Nevada Exit Interview Survey.

3. ~~A R~~Resignations during an ongoing internal investigation ~~shall~~will be ~~noted~~documented in NOTIS and the investigation may be closed, depending on the investigation.

A. ~~A r~~Resignations during a Prison Rape Elimination Act (PREA) investigation will not result in a closed case. Any such iInvestigation will remains active until closed by the Inspector General's (IG) office as mandated by PREA standards.

330.02 REINSTATEMENT & REHIRE

1. A former employee seeking rehire/reinstatement must apply to an open recruitment and provide a letter to the Department or Human Resources Division detailing the reasons for the employee's resignation and interest in being rehired to the Appointing Authority or Human Resources Division, ~~in order to be considered for reinstatement or rehire.~~

A. Except as provided by NRS 284.390. ~~O~~nly employees who left the Department in good standing and without prejudice pursuant to NRS 284.240 ~~shall~~will be considered for

reinstatement or rehire.

2. An Appointing Authority may approve a request to reinstate a former permanent employee within a two (2) year period following resignation of employment, if the employee was separated without prejudice. The two (2)-year reinstatement period for an employee who has been laid off begins after their right to reemployment expires.

A. Reinstatement is ~~not~~ considered a non-competitive appointment and can be made without regard to a certified list.

B. Employees reinstated to their former position or a comparable position of the same grade shall will be paid at or below the step most recently held in the former position.

C. Employees reinstated to a lower grade than the former position shall will be paid at or below the step in the lower grade which corresponds to the base rate of pay of the former position.

3. ~~The~~An Appointing Authority may approve a request to rehire an employee who was previously employed.

A. A rehire is an employee who was employed with the state less than one year or has been separated from state service for longer than a two (2) year period.

B. A rehire may be a competitive appointment and would require placement on a certified list as specified by the Department of Administration, -Division of Human Resource Management.

C. Employees rehired to their former position, comparable position or lower grade will be paid at the lowest step of the grade of the position's class, unless a special salary request is made ~~by the Appointing Authority and approved~~ by the Department of Administration, Division of Human Resources Management.

4. The Human Resources Division shall will include the following information affixed to DOC-1025:

A. Prior service dates;

B. Any results of IG investigations, completed or pending;

(1) To include PREA action.

C. Previous evaluation(s);

D. Disciplinary actions;

E. Letters of appreciation.

5. The Human Resources Division Administrator must approve or deny the reinstatement or rehire requests of former employees.

A. Approved rehire/reinstatement requests will be forwarded to the Director for final review approval.

6. The approved rehire/reinstatement of a former permanent employee, is subject to completion and approval passage of a National Crime Information Center (NCIC) background check, the PHQ background investigative packet (not limited- to NOTIS) and any other applicable PREA related checks.

~~7. A.~~ Successful completion of a drug test, psychological test and heart/lung medical physical is mandatory if reinstated/rehired into a class with such requirements.

~~8. B.~~ Failure to satisfy ~~in~~ any portion of the required conditions of employment will result in denial of- the request for reinstatement or rehire.

~~79.~~ All employees reinstated or rehired must serve a new probationary period.

APPLICABILITY

1. This regulation applies to all Department employees.

2. This regulation requires an Operation Procedure (OP) for the Department's Human Resources Division.

3. This regulation ~~does not~~ requires an audit.

James ~~G. Cox~~ Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
339**

**EMPLOYEE CODE OF ETHICS AND CONDUCT,
CORRECTIVE OR DISCIPLINARY ACTION, AND
PROHIBITIONS AND PENALTIES**

Supersedes: 08/13/10; (11/24/11, Temporary); (06/17/12 Temporary); incorporated AR 340 on 08/13/10; incorporated AR 341 08/13/10; and incorporated AR 343 on 12/17/13; AR 339 (10/13/14, Temporary); (12/10/14, Temporary); 12/18/14, (Temporary, 05/19/15); (Reverted back to last permanent AR with an effective date of 06/17/12); 01/14/16; (07/01/17, Temporary); (07/20/17, Temporary).

Effective date: 08/15/17

AUTHORITY

NRS 209.131, 209.239; NRS Chapters 284 & 289; NRS 281A.400; NAC 284.638-656; 284.548, 284.738 -771, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115.

PURPOSE

To establish a set of rules outlining the responsibilities of and proper practices for Nevada Department of Corrections (NDOC) employees. Additionally, serves to inform employees of the Department's expectations as well as penalties for failing to comply.

RESPONSIBILITY

The Director is the Appointing Authority for the Department with respect to internal administrative investigations and establishing Department regulations.

The Director/Designee has the ultimate authority for administering employee discipline.

Wardens/Administrators are responsible for enforcement of this Administrative Regulation (AR), utilizing the appropriate state forms. Additionally, each Warden and/or Division Head is primarily responsible for referring complaints or allegations for preliminary inquiry or internal administrative investigation.

The Department's Human Resources Division is responsible for providing each permanent classified employee with a copy of this AR and maintaining records of distribution to each permanent employee. The Human Resources Division is also responsible for tracking disciplinary actions and maintaining employee personnel files.

All Department employees are responsible for complying with this AR at all times. This includes immediately reporting any alleged act of employee misconduct to a supervisor.

The Employee Development Manager, in conjunction with the Inspector General (IG), is responsible to develop and deliver training on this AR.

The IG is responsible for and oversees all preliminary inquiries and formal internal administrative investigations. The IG shall maintain the investigative case file, including copies of related attachments associated with the complaint.

The Warden/Division Heads are responsible for reviewing completed internal administrative investigations and adjudicating subordinate employee culpability, making recommendations to the Director, the appointing authority, for corrective or disciplinary action.

339.01 CODE OF ETHICS

1. Employees of the Nevada Department of Corrections shall at all times adhere to the following Code of Ethics.

A. The Nevada Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:

- (1) Employees shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.
- (2) Employees shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.
- (3) Employees shall maintain mutual respect and professional cooperation in their relationships with other staff members of the Department of Corrections.
- (4) Employees shall be firm, fair, and consistent in the performance of their duties. Employees should treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.
- (5) Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, federal and State laws, rules, and regulations, and policies of the Department.
- (6) Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not tend to bring discredit or embarrassment to the Department of Corrections and the State of Nevada.

- (7) Employees shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of the Department of Corrections.
- (8) Employees shall not use their position for personal gain.
- (9) Employees shall maintain confidentiality of information that has been entrusted to them.
- (10) Employees shall not permit themselves to be placed under any kind of personal obligation that could lead any person to expect official favors.
- (11) Employees shall not accept or solicit from anyone, either directly or indirectly, anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence their official conduct.
- (12) Employees shall not discriminate against any inmate, employee, or any member of the public on the basis of race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin.
- (13) Employees shall not sexually harass or condone sexual harassment with or against any person, including but not limited to any inmate, employee, volunteer, vendor, or any member of the public.
- (14) Employees shall maintain the highest standards of personal hygiene, grooming and neatness while on duty or otherwise representing the Department.

339.02 EMPLOYEE CONDUCT ON AND OFF DUTY

1. All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity, and impartiality whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.
2. The penalty imposed for a violation of 339.07 Class of Offense Guidelines (18. R.) can range from a CLASS 1–5 violation depending upon the facts and circumstances of the particular case.
3. Under the law, Peace Officers are expected to abide by the laws they are empowered to enforce. Peace Officer employees will obey all laws of the United States (US), State of Nevada, and ordinances in force in their jurisdiction. Violations of law, an indictment or information filed against an officer, or a conviction can be cause for disciplinary action up to and including termination from employment, especially where off-duty conduct tends to bring the Department into public discredit or which tends to affect the employee's ability to perform assigned duties efficiently. Employees must also be careful that the authority vested in them as Peace Officers is not abused.

339.03 GOALS OF CORRECTIVE AND DISCIPLINARY MEASURES

1. Public employees have an affirmative duty to serve the public. The public trusts that the Department will operate within legal and procedural boundaries. Occasionally an employee will step beyond these boundaries, resulting in a misconduct and/or performance complaint. Each time the Appointing Authority adjudicates a complaint public trust is impacted.
2. When an allegation of misconduct and/or performance is sustained, corrective or disciplinary action shall be applied.
3. Disciplinary action is intended to serve three purposes which are weighed carefully when making recommendations:
 - A. To modify the offending employee's behavior.
 - B. To set expectations for other employees.
 - C. To assure the public that the Department strives to maintain the public trust by holding employees accountable.
4. The offending employee's Appointing Authority, Division Head or Warden is generally the best person to review and recommend the corrective or disciplinary action that will best serve to modify that employee's behavior. However, the recommendation will be superseded by the appointing authority who has the ultimate authority for administering employee discipline, if the recommended discipline does not set consistent expectations for all employees or fails to uphold the public trust.

339.04 REPORTING COMPLAINTS OR MISCONDUCT

1. All Department employees, regardless of rank or position, who witness or become aware of an alleged act of employee misconduct, shall take immediate and appropriate action to control the situation, prevent aggravation of the incident, and notify their chain of command regarding the allegation.
2. All employees at any location must accept complaints of employee misconduct from any source, in any format. If the receiving employee is not a supervisor, a supervisor must be notified immediately.
 - A. Complaints may be based on affirmative acts or failures to act.
 - B. Any failure to comply with posted AR's, Operating Procedures (OPs), Post Orders, Unit Rules, or other procedures should be reported,
 - C. Lower level issues related to performance need not be investigated by IG staff, as long as an "impartial fact-finding" process is followed.

D. An employee who takes a complaint from an outside source shall provide the complainant with a copy of the completed DOC Form 028, including copies of any documentation the outside source provided in support of the complaint, if requested.

E. An employee taking a complaint shall have a supervisor or another employee take over if it becomes clear that the complaint is about the employee.

F. If the complaint being received is about the employee's immediate supervisor, the employee is authorized to report the complaint to any other supervisor.

3. A supervisor who is informed of a complaint shall immediately complete an entry in the Nevada Offender Tracking Information System (NOTIS) or a DOC-028. The supervisor shall make certain that any documentation is attached or sent to the IG's Office for inclusion with the DOC-028 or NOTIS entry.

4. The Division Head or Warden is responsible for making certain that reporting forms are correct and complete. Deficient reports will be returned to the Division Head or Warden for corrections.

339.05 PRELIMINARY INQUIRIES AND INVESTIGATIONS

1. The Division Head or Warden is responsible for ensuring that allegations of employee misconduct are referred to the IG's Office for possible preliminary inquiry and/or official internal administrative investigation. The Division Head or Warden shall request a review of the reported allegation or report of misconduct using the "refer to IG" function in NOTIS.

A. A preliminary inquiry is conducted for the purpose of determining whether, in the opinion of the reviewing staff member, there is some information, documentation, or other type of evidence warranting an official internal administrative investigation into the complaint or allegation(s) of misconduct.

B. An official internal administrative investigation is conducted to uncover *additional* facts, information, evidence or documentation relevant to the complaint or allegations of misconduct to enable the adjudicator to reach a finding.

C. A report of staff misconduct that involves or may involve discrimination, sexual harassment, or other Title VII violations shall be referred to the Equal Employment Opportunity (EEO) Officer where they will document the report in their internal tracking system.

D. Any report of alleged misconduct by a staff member contained within the NOTIS Incident Report module (IR) that includes information, documentation or other evidence sufficient to form a reasonable belief that the alleged misconduct could have occurred will not require a preliminary inquiry.

- E. Following receipt of a preliminary inquiry request,, the I G or IG Supervisory staff member will review the NOTIS preliminary reports (DOC-028), any attachments, and any other reports related to the allegations of employee misconduct to determine if a preliminary inquiry is appropriate. The IG or the IG Supervisory staff member or a member of the Prison Rape Elimination Act (PREA) Management Team shall make a determination whether or not to initiate a Preliminary Inquiry or close the referral within 30-days from the date of the IR IG referral.
2. If a preliminary inquiry is initiated, the IG or IG supervisory staff member will provide a Criminal Investigator, Warden or Division Head with the NOTIS Incident Report, file folder, and a specific time frame in which the preliminary inquiry must be completed, not to exceed 30-calendar days from the date the supervisor notifies the staff member assigned to conduct the preliminary inquiry. All preliminary inquiries shall be maintained as confidential.
3. Upon completion of the preliminary inquiry by the assigned staff member, a conclusion report will be entered into the NOTIS IR as a Resolution report for review by the IG or IG Supervisory Staff member.
 - A. Any incomplete report or report that leaves the IG or IG Supervisory Staff member with questions shall be returned to the staff member assigned to the preliminary inquiry for additional work.
 - B. The EEO Officer will conduct and complete a preliminary inquiry to the point where there is some information to support or refute allegation or report of misconduct and notify the IG only in cases where the alleged conduct is in violation of Title VII.
 - C. Any completed Preliminary Inquiry that recommends further action in the form of an official Internal Administrative Investigation will be addressed accordingly, to include entry of a NOTIS IR and referral to the IG Office.
 - D. A preliminary inquiry resulting in a finding that some information, documentation, or other type of evidence exists warranting an official internal investigation into the complaint or allegation(s) of misconduct will be submitted to the IG. The IG will then notify the Director, as the appointing authority, via **DOC form 1906**, that a preliminary inquiry has revealed evidence of misconduct warranting an official internal administrative investigation that could lead to disciplinary/punitive action against the accused staff member. A preliminary inquiry that results in a conclusion that the allegation of misconduct is refuted and/or lacking sufficient information, documentation and/or evidence will be closed. If additional information, documentation or evidence is later provided or discovered, the preliminary inquiry may be reopened.
 - E. Incidents of poor or below standard performance that do not contain an element of misconduct shall be assigned to the Division Head or Warden for appropriate action during the preliminary inquiry.

- F. If the IG or IG Supervisor reviews a NOTIS IR that includes sufficient information or evidence that an alleged act of misconduct may have reasonably occurred, the IG shall notify the Director, as the appointing authority, via DOC form 1906 that there appears to be cause to initiate an internal administrative investigation that could lead to disciplinary/punitive action against the named staff member for the named allegation(s).
- G. The DOC form 1906 shall be provided to the Director in person by the IG, when possible;
- H. The IG shall provide the Director all information related to the preliminary inquiry upon request;
- I. The official internal administrative investigation shall commence, and the accused staff member shall be provided written notification of the allegations against him or her and the date of interrogation, if applicable, no later than 30-calendar days from the date the Director receives the DOC 1906 from the IG.
- J. If an official internal administrative investigation reveals, prior to the expiration of the 30-calendar days, evidence or additional information demonstrating that the alleged misconduct *did not occur*, the internal administrative investigation may be closed as unfounded via a written and Supervisory approved official report.
- K. All Internal Administrative investigations that are closed prior to adjudication are confidential and not subject to disclosure unless authorized by the Director as the appointing authority or the IG as the Director's designee.
- L. The IG and/or IG Supervisors shall identify within the IR and the DOC 1906 signed by the Director the applicable charges based upon the Class of Offense Guidelines outlined below. The IR will be assigned to an Internal Administrative Criminal Investigator.
 - 1) The DOC 1906 shall be maintained within the investigative file and the NOTIS entry.
 - 2) The Investigator assigned to the official internal administrative investigation can be the same investigator that conducted the preliminary inquiry.
 - 3) The IG's office will insure compliance with the 30 calendar-day time frame associated with the initiation of the internal administrative investigation.
 - 4) The IG's office can assign an internal administrative investigation to a Division Head or Warden. Generally, investigation of offenses identified as Class 1 or 2 will be assigned to the Division Head or Warden responsible for supervision of the employee. At the discretion of the IG or Supervisory IG staff member, investigation of Class 3, 4 or 5 offenses may be assigned to the responsible Division Head, Warden or an investigator within the IG's Office.

7. Any employee who is the focus of an investigation shall be afforded all rights and protections provided by law, by Department regulation and directive. Current requirements are in the "Office of the Inspector General – a Guide for Investigators."

8. If it becomes necessary to conduct parallel administrative and criminal investigations regarding a complaint of employee misconduct, the IG shall ensure that the investigations are bifurcated. Information developed during the administrative investigation growing out of the subject's interview shall not be shared in the criminal investigation.

9. If additional misconduct is discovered during the course of an investigation which is related to the original misconduct, the investigator shall amend the allegations and continue with investigation. If the discovered misconduct is not related to the current investigation, the investigator shall generate a new NOTIS entry and submit it for Inspector General review and possible preliminary inquiry or formal assignment after notification to the Director of additional allegations of misconduct warranting further investigation.

10. Upon completion of an employee misconduct investigation, the assigned investigator shall document investigative facts in a final IA case report.

339.06 PROHIBITIONS AND PENALTIES

1. The Chart of Corrective/Disciplinary measures ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses.

2. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

3. Multiple Infractions: In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

4. Progressive Discipline: Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion, or dismissal.

5. Division Heads, Wardens and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation; a comprehensive list of DOs and DON'Ts of employee conduct is not possible. Division Heads and Wardens must conduct an

individual analysis of each employee for each incident and exercise their professional judgment and discretion in recommending a penalty. Training, education, actions, awards, and punishments are interrelated, not separate elements.

6. There is no requirement that charges similar in nature must result in identical penalties. Employees sometimes incorrectly equate fairness and consistency as synonyms; they are not.

A. Consistency within a disciplinary system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable behavior for all, regardless of rank, status, or tenure.

B. Fairness within a disciplinary system means understanding the numerous circumstances that could contribute to the unacceptable behavior. Disciplinary recommendations must consider these circumstances. Thus, two employees accused of the same misconduct could face different consequences.

7. Division Heads and Wardens and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in penalty rationales. It must be remembered that this is a historical document of penalties. As such, it may not reflect an appropriate penalty for the misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

8. Failure to report, failure to act, or failure to disclose is considered misconduct.

9. The Department has developed Class of Offense Guidelines which describe many prohibited employee actions and a Chart of Corrective/Disciplinary Sanctions which recommends penalties for inappropriate conduct.

10. Conflicting activities pursuant to NAC 284.738 include but are not limited to any activity prohibited by AR 332, Employee Reporting Responsibilities; AR 345, Unauthorized Relationships; AR 346, Nepotism; AR 347, Political Activities by Employees; and AR 355, Employee Secondary Employment.

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Chart of Corrective/Disciplinary Sanctions						
	First Offense		Second Offense		Third Offense	
Class	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	Verbal Counseling	Written Reprimand	Written Reprimand	Suspension	Suspension	Dismissal
2	Written Reprimand	Suspension	Suspension	Suspension Demotion	Suspension Demotion	Dismissal
3	Suspension	Suspension Demotion	Suspension Demotion	Dismissal	Dismissal	N/A
4	Suspension Demotion	Dismissal	Suspension Demotion	Dismissal	Dismissal	N/A
5	Dismissal	Dismissal				

339.07 CLASS OF OFFENSE GUIDELINES

1. ABSENT WITHOUT LEAVE (AWOL)

A. Unexcused tardiness. **CLASS 1**

B. Absence without approved leave for three consecutive scheduled working days.
CLASS 5

C. Any absence without approved leave short of three consecutive scheduled working days.
CLASS 2-4

2. DISCHARGE OF FIREARM DUE TO NEGLIGENCE

A. Discharge of firearm because of negligence. **CLASS 2**

B. Discharge of firearm due to negligence, with substantial injury/damage. **CLASS 4-5**

3. ALCOHOL ABUSE

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

A. Employees under the influence of alcohol with the intent to report to duty or while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

B. Appear for duty with the odor of alcohol/intoxicant on person or breath. **CLASS 3**

- C. Purchase or consumption of alcohol while in uniform when off duty. **CLASS 3**
- D. Purchase or possess alcoholic beverage on duty. **CLASS 4**
- E. Consumption of an alcoholic beverage while on duty. **CLASS 4**
- F. Driving while under the influence of alcohol while on duty. **CLASS 4**
- G. Damaging State property while under the influence of an alcoholic beverage.
CLASS 4-5
- H. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. **NARCOTICS/DRUGS**

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

- A. Employees under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 3** Second offense within five years. **CLASS 5**
- B. Peace Officers and/or those employees who come into contact with inmates as a part of their job duties, under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**
- C. Refusal to submit to a lawfully required controlled substance/narcotic/drug test.
CLASS 5
- D. An employee 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, and the offense occurred while driving a state vehicle or a privately owned vehicle on state business.
CLASS 4-5
- E. Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance, narcotic, and/or drug at his/her place of work or on state business.
CLASS 5
- F. Knowingly transport any person to buy/obtain any illegal controlled substance, narcotic, and/or drug. **CLASS 4-5**
- G. Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his/her duties. **CLASS 4**

5. CRIMINAL MISCONDUCT

A. An employee who is convicted 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, or a privately owned vehicle on state business. (See NAC 284.653.) **CLASS 4-5** Second offense within 5 years. **CLASS 5**

B. An employee who is convicted of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at his place of work or on state business. **CLASS 5**

C. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

D. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

E. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**

6. DISCOURTESY

A. Discourteous or improper remark to a member of the public or a co-worker. **CLASS 2-5**

B. Initiate and/or perpetuate malicious rumors regarding fellow employees. **CLASS 2-5**

7. DISCRIMINATION, SEXUAL HARASSMENT, AND OTHER TITLE VII VIOLATIONS

A. Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, sexual orientation, age, disability, or national origin.

B. NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must provide a system for reporting, prompt investigation, and discipline of employees engaging in unlawful conduct. The goal is to ensure that the alleged harasser stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.

C. "Sexual Harassment" is defined pursuant to NAC 284.771. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a **CLASS 3** to a **CLASS 5**.

D. "Hostile work environment" is a legal term for discriminatory conduct in violation of Title VII by employees that occurs over a period of time and by its nature changes an employee's terms and conditions of employment. It is not a work environment that is unpleasant for reasons not directly associated with Title VII discrimination, such as a grouchy supervisor or ill-mannered co-workers.

E. Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. **CLASS 4-5**

(2) Make a prohibited discriminatory remark at work or in the work related environment. **CLASS 4-5**

(3) Display of discriminatory photographs, cartoons, jokes, or other comments of a discriminatory nature at work or in the work related environment. **CLASS 4-5** (While the NDOC cannot control your personal postings on a social networking site, any inappropriate materials from such a site re-posted in any work-related environment can lead to charges under this section. Similarly, "photo-shopping" an image of a co-worker in a discriminatory fashion can lead to charges under this section.)

8. **DISHONESTY**

A. Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources, including but not limited to falsification of a timesheet. **CLASS 5**

B. Theft of property belonging to another employee, a citizen, or an inmate. **CLASS 5**

C. Knowingly making false statement on travel claims. **CLASS 5**

D. Receiving travel expenses through false pretenses. **CLASS 5**

E. Making a personal profit from State transactions. **CLASS 5**

F. Accepting or soliciting a bribe or gratuity. **CLASS 5**

G. Converting found, recovered or seized property to personal use. **CLASS 2-5**

9. **FALSE OR MISLEADING STATEMENTS**

A. 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 or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**

B. Knowingly falsifying any State record or report. **CLASS 5**

C. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records. **CLASS 5**

10. **FRAUD IN SECURING APPOINTMENT**

A. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**

B. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

11. **IMPROPER POLITICAL ACTIVITY**

A. 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. **CLASS 2**

B. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**

C. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform, or at public expense. **CLASS 3**

D. 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. **CLASS 5**

E. 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. **CLASS 5**

12. **INSUBORDINATION**

- A. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order. **CLASS 4-5**
- B. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which leads to personal injury. **CLASS 5**
- C. Argue about the wisdom or propriety of a lawful order or decision; back-talking. **CLASS 2-4**
- D. Refusal to undergo a search of person or property on institutional property. **CLASS 5**
- E. Failure to provide identification or display proper I.D. **CLASS 1-2**
- F. Unauthorized service and or acceptance of legal process. **CLASS 1**
- G. Unauthorized representation of Department. **CLASS 2-5**
- H. Disobeying the State of Nevada smoking statutes and/or Department tobacco prohibition regulations. **CLASS 3**
- I. Use of profane, disparaging, or abusive language directed at, with, to and/or around or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the institution, Department or State of Nevada Service. **CLASS 3-5**
- J. Refusal to work mandatory overtime. **CLASS 3** Any subsequent refusal. **CLASS 4-5**

13. **MISUSE OR UNAUTHORIZED USE OF PROPERTY**

Behavior under this category may also subject the employee to civil or compensatory penalties or criminal prosecution.

- A. Damage to or loss of State property or equipment due to neglect or carelessness. **CLASS 2-5**
- B. Failure to properly maintain State property and/or Department equipment. **CLASS 1**
- C. Unauthorized use, misuse, or waste of property belonging to the State or Department. **CLASS 2-5**
- D. Unauthorized destruction of State records. **CLASS 5**

- E. Speeding or committing other traffic violations while driving a State-owned vehicle, or reckless handling of other State equipment. **CLASS 2**
- F. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 3**
- G. Deliberate waste of materials or supplies. **CLASS 2**
- H. Unlawful removal of State property. **CLASS 5**
- I. Improper use of Department communications or information systems. **CLASS 4**
- J. Permitting inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. **CLASS 4**
- K. Intentional destruction, damage to or loss of property or State equipment. **CLASS 4-5**
- L. Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. **CLASS 2-4**

14. **COMPUTER USAGE VIOLATIONS**

- A. Unauthorized or improper use or copying of proprietary software, electronic file, program, or data. **CLASS 4-5**
- B. Unauthorized use or distribution of Department data or programs for other than the administration of Department duties, responsibilities, and business. **CLASS 3-5**
- C. The introduction or use of computer hardware or software to or on Department computers or systems, including but not limited to, downloading any such materials without prior authorization. **CLASS 3-5**
- D. Using another employee's password to access Department computers. **CLASS 3**
- E. Providing or exposing your password to any other person. **CLASS 3**
- F. Failure to secure your Department computer, or accessing a Department computer which has been left unsecured. **CLASS 3**
- G. Use of State or Department e-mail, intranet, or Internet system which violates any statute, regulation, Administrative Regulation, policy or procedure for purposes not directly related to Department duties or unrelated to the Department mission. This includes activities such as access to or distribution of computer games or use for private business. **CLASS 3-4**

- H. Use of State or Department equipment for gambling. **CLASS 5**
- I. Use for access to or distribution of pornographic material as defined by NAC 284.646(4). **CLASS 5**
- J. Forging a digital signature. **CLASS 5**
- K. Attempting to, or intentionally using e-mail or Internet facilities 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. **CLASS 5**
- L. Unauthorized 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. **CLASS 5**
- M. Intentionally allowing an inmate to have any password protected file. **CLASS 5**
- N. Permitting an inmate to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. **CLASS 4**
- O. Leaving an inmate unsupervised in any area containing access to privileged, confidential, or sensitive information on an unsecured computer. **CLASS 5**
- P. Improperly permitting an inmate to work on, use, or otherwise access any computer, computer system, or information system of the State or the Department so that:
- (1) The inmate may be connected in any way to a modem, network or similar device which would allow communication outside a Department facility;
 - (2) The inmate may collect, organize, or otherwise use personal, Department, or State proprietary or confidential information; OR
 - (3) The inmate participates in providing technical or other assistance with a computer problem. **CLASS 5**
- Q. Purposefully circumventing State or Department internet security for any reason including but not limited to accessing unauthorized internet web sites. **CLASS 3-4**

15. **NEGLECT OF DUTY**

- A. Careless or sloppy work; frequent mistakes or errors. **CLASS 1-3**

- B. Failure to complete work assignments. **CLASS 1-3**
- C. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 2**
- D. Failure to take corrective action when warranted. **CLASS 1-2**
- E. Willful failure to intervene or respond when necessary. **CLASS 3**
- F. Making inappropriate recommendations. **CLASS 1**
- G. Wasting time or loitering. **CLASS 1**
- H. Failure to devote full time, attention and effort to assigned duties. **CLASS 2**
- I. Conducting outside/personal business on State time. **CLASS 2-3**
- J. Engage in unauthorized off duty employment, activity or enterprise determined to be inconsistent, incompatible, or in conflict with duties as employees of the Department. **CLASS 3-5**
- K. Engage in secondary employment without an approved Request for Secondary Employment Form. **CLASS 2**
- L. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**
- M. Misplacement of important documents or property. **CLASS 1**
- N. Disregard of safety rules. **CLASS 2-4**
- O. Intentionally initiating or causing a disruption of normal operations. **CLASS 4-5**
- P. Failure to make proper notification of sick leave. **CLASS 2**
- Q. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**
- R. Failure to maintain required uniform. **CLASS 1**
- S. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**
- T. Failure to appear for court or a hearing when duly notified or subpoenaed. **CLASS 3**
- U. Failure to comply with any court order or judgment. **CLASS 3-5**

- V. Failure to maintain personal appearance appropriate to the job. **CLASS 1**
- W. Loss of seized, found, or recovered property by negligence. **CLASS 1** Willful failure to appropriately identify and secure such property. **CLASS 2**
- X. Allowing unauthorized personnel to enter work areas. **CLASS 2**
- Y. Failure to ensure subordinate employees perform required duties. **CLASS 1**
- Z. Failure to report to a supervisor when tired or ill. **CLASS 2**
- AA. Sleeping on duty or failure to remain fully awake while on duty. **CLASS 4**
- BB. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive and responsive to their surroundings while on duty. **CLASS 4**
- CC. 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 Department. **CLASS 1-5**
- DD. Failure to exercise proper supervision over offenders. **CLASS 2**
- EE. Concealing or covering-up of defective workmanship. **CLASS 2**
- FF. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of their next shift. **CLASS 2**
- GG. Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position. **CLASS 2**
- HH. 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 cases involving the 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. **CLASS 2**
- II. Preferential treatment of subordinates or offenders. **CLASS 2**
- JJ. Failure to respond to radio call. **CLASS 2**
- KK. Unauthorized possession of weapons or security equipment on State Property. **CLASS 5**

LL. Failure to perform security functions, violation of any safety rule, or violating or endangering the security of an institution. **CLASS 4-5**

MM. Intentional failure to discharge duties, whether custodial or other job responsibilities, provided that failure results in (a) escape of a prisoner (b) the serious physical injury (c) sexual assault or (d) death of another person. **CLASS 5**

NN. Engaging in any act or communicating 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. **CLASS 5**

OO. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**

PP. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**

QQ. Take any action that interferes with the administration of criminal justice, including intentionally interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. **CLASS 5**

RR. 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. **CLASS 5**

SS. Removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report, or other official document maintained by the State, Department or any other criminal justice agency. (Official Department reports may be removed and/or copied only as allowed by law and Department policy/procedure.) **CLASS 5**

TT. Leaving an assigned post while on duty without authorization of a supervisor. **CLASS 5**

UU. Failure to meet Peace Officer Standards & Training (POST) requirements. **CLASS 5**

VV. Failure to maintain a valid driver's license when it is a condition of employment. **CLASS 5**

WW. Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**

XX. Introduction of a telecommunication device as described in NRS 212.165. **CLASS 5**
When the introduction of the telecommunications device is immediately self-reported by the employee, no calls have been made or received through the device during the time it has been

inside the institution, and the employee has been discipline-free during the previous 12 months. **CLASS 2**

YY. Possession and/or Introduction of non-intoxicant contraband. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval of the Warden or designee to possess any personal items while on duty. **CLASS 4**

ZZ. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**

AAA. Failure to cooperate with official investigations conducted by the Department or other criminal justice agencies, when such failure does not violate an accused's Constitutional self-incrimination protection. **CLASS 3**

BBB. Failure to safely operate motor vehicles while on duty – When the failure results in significant damage, bodily injury or death. **CLASS 5** When the failure results in minimal damage and/or minor injuries. **CLASS 3**

16. **SEXUAL ABUSE**

A. Any sexual contact 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 other than an inmate on State time and/or involving State property or equipment. **CLASS 5**

B. Custodial Sexual Misconduct defined as sexual abuse is 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. These acts include but are not limited to:

(1) 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;

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(4) Occurrences of indecent exposure, invasion of privacy or staff voyeurism. **CLASS 5**

Voyeurism by a staff member, contractor, or volunteer 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.

C. Staff on inmate sexual harassment includes staff, volunteers, or contractors who have contact with an inmate. Prohibited conduct includes but is not limited to repeated instances of:

- (1) Verbal comments of a sexual nature to an inmate;
- (2) Demeaning references to gender;
- (3) Sexually suggestive or derogatory comments about body or clothing; or
- (4) Profane or obscene language or gestures, first offense **CLASS 1-5**, second or any subsequent offense **Class 3-5**

D. Failure to report an inmate's sexual activity. **CLASS 5**

17. **UNAUTHORIZED USE OF FORCE**

A. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4-5**

B. Creating a situation where force must be used unnecessarily. **CLASS 4**

C. Failing to report any use of force either as a participant or a witness. **CLASS 3-4**

18. **UNBECOMING CONDUCT**

A. Engaging in horseplay with co-workers. **CLASS 3** With inmates. **CLASS 4-5**

B. Gambling on State property or while on duty or gambling while in uniform. **CLASS 2**

C. Unprofessional remark to an inmate. **CLASS 1**

D. Providing contraband to an inmate. **CLASS 5**

E. Abuse of sick leave. **CLASS 2**

F. Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**

G. Any violation of AR 345 regarding unauthorized relationships. **CLASS 1-5**

H. Divulging criminal records, medical records, or other legally protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 5**

I. Unauthorized disclosure of confidential Department matters. **CLASS 4**

- J. Compromising the confidentiality of inmate affairs. **CLASS 3-5**
- K. Conducting unauthorized transactions with an inmate or an inmate's family. **CLASS 5**
- L. Transmitting prohibited messages to or for inmates. **CLASS 3-5**
- M. Identified self, displayed badge or identification, appeared in uniform, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. **CLASS 2-5**
- N. Retaliated against another employee or an inmate for reporting a complaint of misconduct, to include sexual harassment or sexual abuse of an inmate, or retaliated against another employee or an inmate who cooperates with an official PREA investigation. **CLASS 4-5**
- O. Inciting another to fight. **CLASS 4**
- P. Unauthorized use, misuse, destruction or waste of property belonging to the State of Nevada, another employee, a citizen, or an inmate. **CLASS 1-5** (Such misconduct may subject the employee to financial liability for replacement of the property, whether attributable to negligence, lack of reasonable care, or failure to follow proper procedures.)
- Q. Displaying pornographic or adult pictures, movies, videos or text to inmates, employees or to persons outside of the Department while on paid status or on State property. **CLASS 5**
- R. Any conduct whether on or off duty which may negatively reflect upon the image of the State of Nevada or the Department of Corrections. **CLASS 1-5**
- S. Verbal threats or display of intimidating behavior towards a staff member. **CLASS 3**

339.08 ADJUDICATION

1. After the assigned investigator or supervisor completes the final case report, the Appointing Authority will adjudicate the matter within the time assigned, designating the final applicable Class of Offense Guidelines, using the appropriate form, and in coordination with the Office of the Inspector General.
2. The Appointing Authority shall prepare the Result of Adjudication Form, DOC-1096. Thereafter, the Appointing Authority should meet with the accused employee to advise the employee of the findings and recommendations.

339.09 IMPOSING CORRECTIVE or DISCIPLINARY ACTION

1. Employee performance issues should be addressed at the lowest appropriate level of supervision beginning with verbal counseling and through Specificity of Charges.

2. Corrective action includes a verbal or written counseling, which may be recorded on the performance card, as well as a Letter of Instruction or a Written Reprimand.
3. Before issuing corrective action, the Appointing Authority should make certain that no formal investigation related to the performance or misconduct issue is still pending. While performance issues or low-level misconduct will not usually be subject to a formal investigation, the impartial fact-finding process may determine that an issue appearing to be more serious at the outset does not require discipline.
4. Except for PREA-related matters, prior to an investigation, verbal or written counseling may be used to immediately correct safety or security issues. This counseling should include an acknowledgment that further investigation leading to discipline may follow in due course.
5. Verbal or written counseling and Letters of Instruction may be used to supplement the evaluation process, between regularly scheduled reports on performance.
6. An impartial fact-finding investigation is required before imposition of a suspension, demotion, or dismissal.
7. When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted, utilizing the appropriate format located on the Stewart shared drive.

339.10 CONFIDENTIALITY OF PERSONNEL RECORDS

1. All documents assembled or produced in support of this regulation are confidential.
2. Files may be reviewed by a subject employee pursuant to applicable sections of NRS Chapters 284 and 289.
3. Files may be copied by a subject peace officer pursuant to applicable sections of NRS Chapter 289.
 - A. Once an appeal has been filed, a peace officer may request a copy of the investigative file, using the DOC-1066 form.
 - B. The DOC-1066 form is available on the shared drive and should be submitted to the Department's Human Resources Division.

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APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation does not require an Operational Procedure.
3. This regulation does not require an audit.
4. This regulation requires an Internal Administrative Investigation guide.

REFERENCES:

ACA Standards 4-4048, 4-4067, and 4-4069; 4-4077; 4-4084

+

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
339

EMPLOYEE CODE OF ETHICS AND CONDUCT,
CORRECTIVE OR DISCIPLINARY ACTION, AND
PROHIBITIONS AND PENALTIES

Supersedes: 08/13/10; (11/24/11, Temporary); (AR 339 (06/17/12 Temporary)); incorporates AR 340 on (08/13/10); incorporated AR 341 (08/13/10); and incorporated AR 343 on (12/17/13); AR 339 (AR 339 (Temporary, 10/13/14, Temporary)); (AR 339 (Temporary, 12/10/14, Temporary)); and AR 339 (Temporary, 12/18/14, (Temporary), AR-065/1719/1215); (Reverted back to last permanent AR with an effective date of on 06/17/12)05/19/15; 01/14/16; (07/01/17, Temporary); (07/20/17, Temporary).

Effective date: 1/14/1607/01/201708/15/17

AUTHORITY

NRS 209.131, 209.239; NRS Chapters 284 & 289; NRS 281A.400; NAC 284.638--656; 284.548, 284.738 --771, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115.

PURPOSE

To establish a set of rules outlining the responsibilities of and proper practices for Nevada Department of Corrections (NDOC) employees. Additionally, serves to inform employees of the Department's expectations as well as penalties for failing to comply.

RESPONSIBILITY

The Director is the Appointing Authority for the Department with respect to internal administrative investigations and establishing Department regulations.

The Director/Designee has the ultimate authority for administering employee discipline.

The Appointing Authorities are Wardens/Administrators are responsible for enforcement of this Administrative Regulation (AR), utilizing the appropriate state forms. Additionally, each Warden and/or Division Head is the primary responsibility for referring ensuring that complaints or allegations for preliminary inquiry or internal administrative investigation are

~~properly referred and investigated rests with each Warden/Division Head who becomes aware of the complaint or allegation of employee misconduct.~~

The Department's Human Resources Division is responsible ~~for~~ providing each permanent classified employee with a copy of this AR and maintaining records of distribution to each permanent employee. The Human Resources Division is also responsible for tracking disciplinary actions and maintaining employee personnel files.

All Department employees are responsible ~~to~~ for complying with this AR at all times. This includes immediately reporting any alleged act of employee misconduct to a supervisor.

The Employee Development Manager, in conjunction with the Inspector General (IG), is responsible to develop and deliver training on this AR.

The IG is responsible for and oversees all preliminary inquiries and formal internal administrative investigations. The IG ~~will~~ shall maintain the investigative case file, including copies of related attachments associated with the complaint.

The Warden/Division Heads are responsible ~~to~~ for reviewing completed ~~misconduct complaint~~ internal administrative investigations and adjudicating subordinate employee culpability, making recommendations to the Director, the appointing authority, for corrective or disciplinary action.

339.01 CODE OF ETHICS

1. Employees of the Nevada Department of Corrections ~~should~~ shall at all times adhere to the following Code of Ethics.

A. The Nevada Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:

- (1) Employees shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.
- (2) Employees shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.
- (3) Employees shall maintain mutual respect and professional cooperation in their relationships with other staff members of the Department of Corrections.

- (4) Employees shall be firm, fair, and consistent in the performance of their duties. Employees should treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.
- (5) Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, federal and State laws, rules, and regulations, and policies of the Department.
- (6) Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not tend to bring discredit or embarrassment to the Department of Corrections and the State of Nevada.
- (7) Employees shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of the Department of Corrections.
- (8) Employees shall not use their position for personal gain.
- (9) Employees shall maintain confidentiality of information that has been entrusted to them.
- (10) Employees shall not permit themselves to be placed under any kind of personal obligation that could lead any person to expect official favors.
- (11) Employees shall not accept or solicit from anyone, either directly or indirectly, anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence their official conduct.
- (12) Employees shall not discriminate against any inmate, employee, or any member of the public on the basis of race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin.
- (13) Employees shall not sexually harass or condone sexual harassment with or against any person, including but not limited to any inmate, employee, volunteer, vendor, or any member of the public.
- (14) Employees shall maintain the highest standards of personal hygiene, grooming and neatness while on duty or otherwise representing the Department.

339.02 EMPLOYEE CONDUCT ON AND OFF DUTY

1. All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity, and impartiality whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.

2. The penalty imposed for a violation of 339.07 Class of Offense Guidelines (18. R.); can range from a CLASS 1—5 violation depending upon the facts and circumstances of the particular case.

3. Under the law, Peace Officers are expected to abide by the laws they are empowered to enforce. Peace Officer employees will obey all laws of the United States (US)-~~S~~, State of Nevada, and ordinances in force in their jurisdiction. Violations of law, an indictment or information filed against an officer, or a conviction can be cause for disciplinary action up to and including termination from employment, especially where off-duty conduct tends to bring the Department into public discredit or which tends to affect the employee's ability to perform assigned duties efficiently. Employees must also be careful that the authority vested in them as Peace Officers is not abused.

339.03 GOALS OF CORRECTIVE AND DISCIPLINARY MEASURES

1. Public employees have an affirmative duty to serve the public. The public trusts that the Department will operate within legal and procedural boundaries. Occasionally an employee will step beyond these boundaries, resulting in a misconduct and/or performance complaint. Each time the Appointing Authority adjudicates a complaint public trust is impacted.

2. When an allegation of misconduct and/or performance is ~~S~~sustained, corrective or disciplinary action shall be applied.

3. Disciplinary action is intended to serve three purposes which are weighed carefully when making recommendations:

A. To modify the offending employee's behavior.

B. To set expectations for other employees.

C. To assure the public that the Department strives to maintain the public trust by holding employees accountable.

4. The offending employee's Appointing Authority, Division Head or Warden is generally the best person to review and recommend the corrective or disciplinary action that will best serve to modify that employee's behavior. However, the recommendation will be superseded by the appointing authority, who has the ultimate authority for administering employee discipline, if the recommended discipline does not set consistent expectations for all employees or fails to uphold the public trust.

339.04 REPORTING COMPLAINTS OR MISCONDUCT

1. All Department employees, regardless of rank or position, who witness or become aware of an alleged act of employee misconduct, ~~shall are responsible to~~ take immediate and appropriate action to control the situation, prevent aggravation of the incident, and notify their chain of command regarding the allegation.

2. All employees at any location must accept complaints of employee misconduct from any source, in any format. If the receiving employee is not a supervisor, a supervisor must be notified immediately.

A. Complaints may be based on affirmative acts or failures to act.

B. Any failure to comply with posted AR's, Operating Procedure's (OPs), Post Orders, Unit Rules, or other procedures should be reported,

C. Lower level issues related to performance need not be investigated by IGInspector ~~General~~ staff, as long as an "impartial fact-finding" process is followed.

D. An employee who takes a complaint from an outside source ~~may~~ shall provide the complainant with a copy of the completed ~~NOTIS entry or DDOC F~~ form 028, including ~~copies of~~ any documentation the outside source provided in support of the complaint, if requested.

E. An employee taking a complaint ~~should~~ shall have a supervisor or another employee take over if it becomes clear that the complaint is about the employee.

F. If the complaint being received is about the employee's immediate supervisor, the employee is authorized to report the complaint to any other supervisor.

3. A supervisor who is informed of a complaint ~~shall~~ should immediately complete an entry in the Nevada Offender Tracking Information System (NOTIS) entry or a DOC-028. The supervisor ~~shall~~ should make certain that any documentation is attached or sent to the IG's Office for inclusion with the DOC-028 or NOTIS entry.

4. The ~~Appointing Authority~~ Division Head or Warden is responsible ~~to make for making~~ certain that reporting forms are correct and complete. Deficient reports will be returned to the ~~Appointing Authority~~ Division Head or Warden for corrections.

339.05 PRELIMINARY INQUIRIES AND INVESTIGATIONS

~~1.~~ 1. The ~~Appointing Authority~~ Division Head or Warden is responsible for ensuring that allegations of employee misconduct are referred to the IG's Office for possible preliminary inquiry and/or official internal administrative investigation to the IG's Office. ~~investigated.~~ The ~~Division Head or Warden~~ Appointing Authority ~~shall~~ should request an review of the reported allegation or report of misconduct ~~investigation~~ using the "refer to IG" function in NOTIS.

A. A preliminary inquiry is conducted for the purpose of determining whether, in the opinion of the reviewing staff member, there is some information, documentation, or other type of evidence warranting an official internal administrative investigation into the complaint or allegation(s) of misconduct.

B. An official internal administrative investigation is conducted to uncover additional facts, information, evidence or documentation relevant to the complaint or -allegations of misconduct to enable the adjudicator to reach a finding.

C. A report of staff misconduct that involves or may involve discrimination, sexual harassment, or other Title VII violations shall be referred to the Equal Employment Opportunity (EEO) Officer where they will document the report in their internal tracking system.

~~1.~~ Any report of alleged misconduct by a staff member contained within the NOTIS Incident Report module (IR) that includes information, documentation or other evidence

sufficient to form a reasonable belief that the alleged misconduct could have occurred will not require a preliminary inquiry.

D.

2.-E. Following receipt of an preliminary inquiry request, investigation request, the Inspector General or IG Supervisory staff member designee will review the NOTIS preliminary reports (DOC-028), any attachments, and any other reports related to the allegations of employee misconduct to determine if a preliminary inquiry investigation is appropriate. The IG or the IG Supervisory staff member or a member of the Prison Rape Elimination Act (PREA) Management Team shall make a determination whether or not to initiate a Preliminary Inquiry or close the referral within 30-days from the date of the IR IG referral. If an investigation is initiated, the Inspector General or designee will identify generally appropriate allegations based upon the Class of Offense Guidelines outlined below and assign the appropriate investigative body.

A. Generally, those offenses identified as Class 1 and 2 will be assigned to the involved Appointing Authority for investigation. At the discretion of the Inspector General or designee, Class 3 offenses may be assigned to the involved Appointing Authority or to an investigator within the Inspector General's Office. Generally, Class 4 and 5 offenses will be assigned to Office of the Inspector General investigators.

B. Incidents of poor or less than standard performance that do not contain an element of misconduct will be assigned to the Warden/Division Head for appropriate action without case assignment.

C. When circumstances dictate that the investigation will involve the interview of civilians or investigation outside of the institution, the investigation will be conducted by the Office of the Inspector General.

2. -If an investigation- preliminary inquiry is initiated, the IG Inspector General or IG supervisory staff member(s) or designee will provide a Criminal Investigator, Warden or Division Head with the NOTIS Incident Report, file folder, and a specific time frame wherein which the preliminary inquiry inquiry into allegation of misconduct must be completed, not to exceed 30-calendar days from the date the supervisor notifies the staff member assigned to conduct the Ppreliminary inquiry. All preliminary inquiries shall be maintained as confidential.

3. A preliminary inquiry will be conducted pursuant to the Office of the Inspector General—Guide for Investigators—Preliminary Investigations Section, noting that the original complaint and reports may suffice.

~~4. Any employee who is the focus or subject of an investigation shall be afforded all rights and protections provided by law, and by Department regulation and directive. Current requirements are in the "Office of the Inspector General - Guide for Investigators."~~

~~5. The Inspector General or designee shall review the matter to determine where the investigation will be assigned.~~

~~a) —~~

~~A. If the IG determines that a formal investigation is not necessary, the Inspector General will notify the Appointing Authority, who is then responsible to appoint an individual of the rank of Sergeant/Non-sworn supervisor or higher as an institutional investigator.~~

~~(1) — If an investigation assigned to an institution subsequently yields evidence of potential criminal misconduct by an employee or others, the Appointing Authority shall immediately notify the Inspector General.~~

~~(2) — The Inspector General shall review the matter and determine whether the investigation should continue with the Appointing Authority or be returned to the Inspector General's authority.~~

3. Upon completion of the preliminary inquiry by the assigned staff member, a conclusion report will be entered into the NOTIS IR as a Resolution report for review by the IG or IG Supervisory Staff member.

A. Any incomplete report or report that leaves the IG or IG Supervisory Staff member with questions shall be returned to the staff member assigned to the preliminary inquiry for additional work.

B. The EEO Officer will conduct and complete a preliminary inquiry to the point where there is some information to support or refute allegation or report of misconduct and notify the IG only in cases where the alleged conduct is in violation of Title VII.

~~B. If a formal investigation is required, a case number and investigator will be assigned without delay.~~

~~(1) — A formal investigation will be conducted pursuant to the Office of the Inspector General - Guide for Investigators.~~

~~(2) — If it becomes necessary to conduct parallel administrative and criminal investigations regarding a complaint of employee misconduct, the Inspector General shall ensure that the investigations are bifurcated. Information developed during the administrative investigation growing out of the subject's interview shall not be shared in the criminal investigation.~~

~~(3) — If additional misconduct is discovered during the course of an investigation which is related to the original misconduct, the investigator shall amend the allegations and continue with investigation. If the discovered misconduct is not related to the current~~

~~investigation, the investigator should generate a new NOTIS entry and submit it for Inspector General review and assignment.~~

~~(4) C. — Upon completion of an employee misconduct investigation, the assigned investigator shall document investigative facts in a final case report according to the guidelines in the “Inspector General Guide for Investigators.”~~

C. Any completed Preliminary Inquiry that recommends further action in the form of an official Internal Administrative Investigation will be addressed accordingly, to include entry of a NOTIS IR and referral to the IG Office.

~~— A preliminary inquiry resultings in a finding that some information, documentation, or other type of evidence exists warranting an official internal investigation into the complaint or allegation(s) of misconduct will be submitted to the IG. The IG will then notify the Director, as the appointing authority, via DOC form 1906, that a preliminary inquiry has revealed evidence of misconduct warranting an official internal administrative investigation that could lead to disciplinary/punitive action against the accused staff member.~~

D. A preliminary inquiry that results in a conclusion that the allegation of misconduct is refuted and/or a-lacking sufficient information, documentation and/or evidence will being closed. If additional information, documentation or evidence is later provided or discovered, the preliminary inquiry may be reopened.

E. Incidents of poor or below standard performance that do not contain an element of misconduct shall be assigned to the Division Head or Warden for appropriate action during the preliminary inquiry.

F. If the IG or IG Supervisor reviews a NOTIS IR that includes sufficient information or evidence that an alleged act of misconduct may have reasonably occurred, the IG shall notify the Director, as the appointing authority, via DOC form 1906 that there appears to be cause to initiate an internal administrative investigation that could lead to disciplinary/punitive action against the named staff member for the named allegation(s).

G. The DOC form 1906 shall be provided to the Director in person by the IG, when possible;

H. The IG shall provide the Director all information related to the Preliminary Inquiry upon request;

I. The official Internal Administrative investigation shall commence, and the accused staff member shall be provided written notification of the allegations against him or her and the date of interrogation, if applicable, s and no later than 30-calendar days from the date the Director receives the DOC 1906 from the IG.

J. If an official internal administrative investigation reveals, prior to the expiration of the 30-calendar days, evidence or additional information demonstrating that the alleged misconduct did not occur, the internal administrative investigation may be closed as uUnfounded via a written and Supervisory approved official report.

K. All Internal Administrative investigations, that are closed prior to adjudication, are confidential and not subject to disclosure unless authorized by the Director as the appointing authority or the IG as the Director's designee.

L. The IG and/or IG Supervisors shall identify within the IR and the DOC 1906 signed by the Director the applicable charges based upon the Class of Offense Guidelines outlined below The IR will be assigned to an Internal Administrative Criminal Investigator.

1) The DOC 1906 shall be maintained within the investigative file and the NOTIS entry.

2) The Investigator assigned to the official internal administrative investigation can be the same investigator that conducted the preliminary inquiry.

3) The IG's office will insure compliance with the 30- calendar-day- time frame associated with the initiation of the internal administrative investigation.

2.—The IG's office can assign an internal administrative investigation to a Division Head or Warden.

•4) Generally, investigation of offenses identified as Class 1 or 2 will be assigned to the Division Head or Warden responsible for supervision of the employee. At the discretion of the IG or Supervisory IG staff member, investigation of Class 3, 4 or 5 offenses may be assigned to the responsible Division Head, Warden or an investigator within the IG's Office.

7. 4. Any employee who is the focus of an investigation shall be afforded all rights and protections provided by law, by Department regulation and directive. Current requirements are in the "Office of the Inspector General – a Guide for Investigators."

(5) 8. —If it becomes necessary to conduct parallel administrative and criminal investigations regarding a complaint of employee misconduct, the IGnspector General shall ensure that the investigations are bifurcated. Information developed during the administrative investigation growing out of the subject's interview shall not be shared in the criminal investigation.

~~(6)~~9. If additional misconduct is discovered during the course of an investigation which is related to the original misconduct, the investigator shall amend the allegations and continue with investigation. If the discovered misconduct is not related to the current investigation, the investigator ~~should~~shall generate a new NOTIS entry and submit it for Inspector General review and ~~possible P~~preliminary inquiry or formal assignment after notification to the Director of ~~possible additional allegations of misconduct warranting further investigation. allegations.~~

~~(7) — The investigation will be completed within the due date assigned by the Office of the Inspector General and applicable statutes and regulations. The Inspector General's Office may grant extensions requested for reasonable cause.~~

~~(8) — Where an IG investigator has determined that a polygraph examination would appropriately supplement an investigation, the procedural safeguards provided in the "Office of the Inspector General — Guide for Investigators" will be applied.~~

~~10. c. — Upon completion of an employee misconduct investigation, the assigned investigator shall document investigative facts in a final IA case report, according to the guidelines in the "Inspector General — Guide for Investigators."~~

339.06 PROHIBITIONS AND PENALTIES

1. The Chart of Corrective/Disciplinary measures ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses.

2. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

3. **Multiple Infractions:** —In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

4. **Progressive Discipline:** —Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion, or dismissal.

5. **Division Heads, - Wardens Appointing Authorities** and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation; a comprehensive list of DOs and DON'Ts of employee conduct is not possible. **Division Heads and Wardens Appointing Authorities** must conduct an individual analysis of each employee for each incident and exercise their professional judgment and discretion in recommending a penalty. Training, education, actions, awards, and punishments are interrelated, not separate elements.

6. There is no requirement that charges similar in nature must result in identical penalties. Employees sometimes incorrectly equate fairness and consistency as synonyms; they are not.

A. Consistency within a disciplinary system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable behavior for all, regardless of rank, status, or tenure.

B. Fairness within a disciplinary system means understanding the numerous circumstances that could contribute to the unacceptable behavior. Disciplinary recommendations must consider these circumstances. Thus, two employees accused of the same misconduct could face different consequences.

7. **Appointing Authorities Division Heads and Wardens** and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in penalty rationales. It must be remembered that this is a historical document of penalties. As such, it may not reflect an

appropriate penalty for the misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

8. Failure to report, failure to act, or failure to disclose is considered misconduct.

9. The Department has developed Class of Offense Guidelines which describe many prohibited employee actions and a Chart of Corrective/Disciplinary Sanctions which recommends penalties for inappropriate conduct.

10. Conflicting activities pursuant to NAC 284.738 include but are not limited to any activity prohibited by AR 332, Employee Reporting Responsibilities; AR 345, Unauthorized Relationships; AR 346, Nepotism; AR 347, Political Activities by Employees; and AR 355, Employee Secondary Employment.

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Chart of Corrective/Disciplinary Sanctions

Chart of Corrective/Disciplinary Sanctions						
	First Offense		Second Offense		Third Offense	
Class	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	Verbal Counseling	Written Reprimand	Written Reprimand	Suspension	Suspension	Dismissal
2	Written Reprimand	Suspension	Suspension	Suspension Demotion	Suspension Demotion	Dismissal
3	Suspension	Suspension Demotion	Suspension Demotion	Dismissal	Dismissal	N/A
4	Suspension Demotion	Dismissal	Suspension Demotion	Dismissal	Dismissal	N/A
5	Dismissal	Dismissal				

339.07 CLASS OF OFFENSE GUIDELINES

1. ABSENT WITHOUT LEAVE (AWOL)

A. Unexcused tardiness. **CLASS 1**

B. Absence without approved leave for three consecutive scheduled working days.
CLASS 5

C. Any absence without approved leave short of three consecutive scheduled working days.
CLASS 2-4

2. DISCHARGE OF FIREARM DUE TO NEGLIGENCE

- A. Discharge of firearm because of negligence. **CLASS 2**
- B. Discharge of firearm due to negligence, with substantial injury/damage. **CLASS 4-5**

3. ALCOHOL ABUSE

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

- A. Employees under the influence of alcohol with the intent to report to duty or while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**
- B. Appear for duty with the odor of alcohol/intoxicant on person or breath. **CLASS 3**
- C. Purchase or consumption of alcohol while in uniform when off duty. **CLASS 3**
- D. Purchase or possess alcoholic beverage on duty. **CLASS 4**
- E. Consumption of an alcoholic beverage while on duty. **CLASS 4**
- F. Driving while under the influence of alcohol while on duty. **CLASS 4**
- G. Damaging State property while under the influence of an alcoholic beverage. **CLASS 4-5**
- H. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. NARCOTICS/DRUGS

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

- A. Employees under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 3** Second offense within five years. **CLASS 5**
- B. Peace Officers and/or those employees who come into contact with inmates as a part of their job duties, under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

C. Refusal to submit to a lawfully required controlled substance/narcotic/drug test. **CLASS 5**

D. An employee 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, and the offense occurred while driving a state vehicle or a privately owned vehicle on state business. **CLASS 4-5**

E. Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance, narcotic, and/or drug at his/her place of work or on state business. **CLASS 4~~5~~**

F. Knowingly transport any person to buy/obtain any illegal controlled substance, narcotic, and/or drug. **CLASS 4-4~~5~~**

G. Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his/her duties. **CLASS 4**

5. **CRIMINAL MISCONDUCT**

A. An employee who is convicted 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, or a privately owned vehicle on state business. (See NAC 284.653.) **CLASS 4-5** Second offense within 5 years. **CLASS 5**

B. An employee who is convicted of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at his place of work or on state business. **CLASS 5**

C. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

D. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

E. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**

6. DISCOURTESY

- A. Discourteous or improper remark to a member of the public or a co-worker. **CLASS 2-5**
- B. Initiate and/or perpetuate malicious rumors regarding fellow employees. **CLASS 2-5**

7. DISCRIMINATION, SEXUAL HARASSMENT, AND OTHER TITLE VII VIOLATIONS

A. Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, sexual orientation, age, disability, or national origin.

B. NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must provide a system for reporting, prompt investigation, and discipline of employees engaging in unlawful conduct. The goal is to ensure that the alleged harasser stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.

C. "Sexual Harassment" is defined pursuant to NAC 284.771. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a **CLASS 3** to a **CLASS 5**.

D. "Hostile work environment" is a legal term for discriminatory conduct in violation of Title VII by employees that occurs over a period of time and by its nature changes an employee's terms and conditions of employment. It is not a work environment that is unpleasant for reasons not directly associated with Title VII discrimination, such as a grouchy supervisor or ill-mannered co-workers.

E. Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. **CLASS 4-5**

(2) Make a prohibited discriminatory remark at work or in the work related environment. **CLASS 4-5**

(3) Display of discriminatory photographs, cartoons, jokes, or other comments of a discriminatory nature at work or in the work related environment. **CLASS 4-5** (While the NDOC cannot control your personal postings on a social networking site, any inappropriate materials from such a site re-posted in any work-related environment can lead to charges under this section. Similarly, "photo-shopping" an image of a co-worker in a discriminatory fashion can lead to charges under this section.)

8. **DISHONESTY**

- A. Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources, including but not limited to falsification of a timesheet. **CLASS 5**
- B. Theft of property belonging to another employee, a citizen, or an inmate. **CLASS 5**
- C. Knowingly making false statement on travel claims. **CLASS 5**
- D. Receiving travel expenses through false pretenses. **CLASS 5**
- E. Making a personal profit from State transactions. **CLASS 5**
- F. Accepting or soliciting a bribe or gratuity. **CLASS 5**
- G. Converting found, recovered or seized property to personal use. **CLASS 2-5**

9. **FALSE OR MISLEADING STATEMENTS**

A. 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 or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**

B. Knowingly falsifying any State record or report. **CLASS 5**

C. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records. **CLASS 5**

10. **FRAUD IN SECURING APPOINTMENT**

A. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**

B. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

11. **IMPROPER POLITICAL ACTIVITY**

- A. 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. **CLASS 2**
- B. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**
- C. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform, or at public expense. **CLASS 3**
- D. 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. **CLASS 5**
- E. 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. **CLASS 5**

12. **INSUBORDINATION**

- A. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order. **CLASS 4-5**
- B. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which leads to personal injury. **CLASS 5**
- C. Argue about the wisdom or propriety of a lawful order or decision; back-talking. **CLASS 2-4**
- D. Refusal to undergo a search of person or property on institutional property. **CLASS 5**
- E. Failure to provide identification or display proper I.D. **CLASS 1-2**
- F. Unauthorized service and or acceptance of legal process. **CLASS 1**
- G. Unauthorized representation of Department. **CLASS 2-5**
- H. Disobeying the State of Nevada smoking statutes and/or Department tobacco prohibition regulations. **CLASS 3**

- I. Use of profane, disparaging, or abusive language directed at, with, to and/or around or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the institution, Department or State of Nevada Service. **CLASS 3-5**
- J. Refusal to work mandatory overtime. **CLASS 3** Any subsequent refusal. **CLASS 4-5**

13. MISUSE OR UNAUTHORIZED USE OF PROPERTY

Behavior under this category may also subject the employee to civil or compensatory penalties or criminal prosecution.

- A. Damage to or loss of State property or equipment due to neglect or carelessness. **CLASS 2-5**
- B. Failure to properly maintain State property and/or Department equipment. **CLASS 1**
- C. Unauthorized use, misuse, or waste of property belonging to the State or Department. **CLASS 2-5**
- D. Unauthorized destruction of State records. **CLASS 5**
- E. Speeding or committing other traffic violations while driving a State-owned vehicle, or reckless handling of other State equipment. **CLASS 2**
- F. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 3**
- G. Deliberate waste of materials or supplies. **CLASS 2**
- H. Unlawful removal of State property. **CLASS 5**
- I. Improper use of Department communications or information systems. **CLASS 4**
- J. Permitting inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. **CLASS 4**
- K. Intentional destruction, damage to or loss of property or State equipment. **CLASS 4-5**
- L. Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. **CLASS 2-4**

14. COMPUTER USAGE VIOLATIONS

- A. Unauthorized or improper use or copying of proprietary software, electronic file, program, or data. **CLASS 4-5**
- B. Unauthorized use or distribution of Department data or programs for other than the administration of Department duties, responsibilities, and business. **CLASS 3-5**
- C. The introduction or use of computer hardware or software to or on Department computers or systems, including but not limited to, downloading any such materials without prior authorization. **CLASS 3-5**
- D. Using another employee's password to access Department computers. **CLASS 3**
- E. Providing or exposing your password to any other person. **CLASS 3**
- F. Failure to secure your Department computer, or accessing a Department computer which has been left unsecured. **CLASS 3**
- G. Use of State or Department e-mail, intranet, or Internet system which violates any statute, regulation, Administrative Regulation, policy or procedure for purposes not directly related to Department duties or unrelated to the Department mission. This includes activities such as access to or distribution of computer games or use for private business. **CLASS 3-4**
- H. Use of State or Department equipment for gambling. **CLASS 5**
- I. Use for access to or distribution of pornographic material as defined by NAC 284.646(4). **CLASS 5**
- J. Forging a digital signature. **CLASS 5**
- K. Attempting to, or intentionally using e-mail or Internet facilities 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. **CLASS 5**
- L. Unauthorized 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. **CLASS 5**
- M. Intentionally allowing an inmate to have any password protected file. **CLASS 5**
- N. Permitting an inmate to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. **CLASS 4**

O. Leaving an inmate unsupervised in any area containing access to privileged, confidential, or sensitive information on an unsecured computer. **CLASS 5**

P. Improperly permitting an inmate to work on, use, or otherwise access any computer, computer system, or information system of the State or the Department so that:

(1) **T**he inmate may be connected in any way to a modem, network or similar device which would allow communication outside a Department facility;

(2) **T**he inmate may collect, organize, or otherwise use personal, Department, or State proprietary or confidential information; OR

(3) **T**he inmate participates in providing technical or other assistance with a computer problem. **CLASS 5**

Q. Purposefully circumventing State or Department internet security for any reason including but not limited to accessing unauthorized internet web sites. **CLASS 3-4**

15. **NEGLECT OF DUTY**

A. Careless or sloppy work; frequent mistakes or errors. **CLASS 1-3**

B. Failure to complete work assignments. **CLASS 1-3**

C. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 2**

D. Failure to take corrective action when warranted. **CLASS 1-2**

E. Willful failure to intervene or respond when necessary. **CLASS 3**

F. Making inappropriate recommendations. **CLASS 1**

G. Wasting time or loitering. **CLASS 1**

H. Failure to devote full time, attention and effort to assigned duties. **CLASS 2**

I. Conducting outside/personal business on State time. **CLASS 2-3**

J. Engage in unauthorized off duty employment, activity or enterprise determined to be inconsistent, incompatible, or in conflict with duties as employees of the Department. **CLASS 3-5**

K. Engage in secondary employment without an approved Request for Secondary Employment Form. **CLASS 2**

- L. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**
- M. Misplacement of important documents or property. **CLASS 1**
- N. Disregard of safety rules. **CLASS 2-4**
- O. Intentionally initiating or causing a disruption of normal operations. **CLASS 4-5**
- P. Failure to make proper notification of sick leave. **CLASS 2**
- Q. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**
- R. Failure to maintain required uniform. **CLASS 1**
- S. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**
- T. Failure to appear for court or a hearing when duly notified or subpoenaed. **CLASS 3**
- U. Failure to comply with any court order or judgment. **CLASS 3-5**
- V. Failure to maintain personal appearance appropriate to the job. **CLASS 1**
- W. Loss of seized, found, or recovered property by negligence. **CLASS 1** Willful failure to appropriately identify and secure such property. **CLASS 2**
- X. Allowing unauthorized personnel to enter work areas. **CLASS 2**
- Y. Failure to ensure subordinate employees perform required duties. **CLASS 1**
- Z. Failure to report to a supervisor when tired or ill. **CLASS 2**
- AA. Sleeping on duty or failure to remain fully awake while on duty. **CLASS 4**
- BB. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive and responsive to their surroundings while on duty. **CLASS 4**
- CC. 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 Department. **CLASS 1-5**
- DD. Failure to exercise proper supervision over offenders. **CLASS 2**

- EE. Concealing or covering-up of defective workmanship. **CLASS 2**
- FF. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of their next shift. **CLASS 2**
- GG. Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position. **CLASS 2**
- HH. 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 cases involving the 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. **CLASS 2**
- II. Preferential treatment of subordinates or offenders. **CLASS 2**
- JJ. Failure to respond to radio call. **CLASS 2**
- KK. Unauthorized possession of weapons or security equipment on State Property. **CLASS 5**
- LL. Failure to perform security functions, violation of any safety rule, or violating or endangering the security of an institution. **CLASS 4-5**
- MM. Intentional failure to discharge duties, whether custodial or other job responsibilities, provided that failure results in (a) escape of a prisoner (b) the serious physical injury (c) sexual assault or (d) death of another person. **CLASS 5**
- NN. Engaging in any act or communicating 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. **CLASS 5**
- OO. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**
- PP. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**
- QQ. Take any action that interferes with the administration of criminal justice, including intentionally interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. **CLASS 5**
- RR. 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. **CLASS 5**

SS. Removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report, or other official document maintained by the State, Department or any other criminal justice agency. (Official Department ———reports may be removed and/or copied only as allowed by law and Department policy/procedure.) **CLASS 5**

TT. Leaving an assigned post while on duty without authorization of a supervisor. **CLASS 5**

UU. Failure to meet Peace Officer Standards & Training (POST) requirements. **CLASS 5**

VV. Failure to maintain a valid driver's license when it is a condition of employment. **CLASS 5**

WW. Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**

XX. Introduction of a telecommunication device as described in NRS 212.165. **CLASS 5**
When the introduction of the telecommunications device is immediately self-reported by the employee, no calls have been made or received through the device during the time it has been inside the institution, and the employee has been discipline-free during the previous 12 months. **CLASS 2**

YY. Possession and/or Introduction of non-intoxicant contraband. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval of the Warden or designee to possess any personal items while on duty. **CLASS 4**

ZZ. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**

AAA. Failure to cooperate with official investigations conducted by the Department or other criminal justice agencies, when such failure does not violate an accused's Constitutional self-incrimination protection. **CLASS 3**

BBB. Failure to safely operate motor vehicles while on duty – When the failure results in significant damage, bodily injury or death. **CLASS 5** When the failure results in minimal damage and/or minor injuries. **CLASS 3**

16. **SEXUAL ABUSE**

A. Any sexual contact 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 other than an inmate on State time and/or involving State property or equipment.
CLASS 5

B. Custodial Sexual Misconduct defined as sexual abuse is 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. These acts include but are not limited to:

(1) 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;

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(4) Occurrences of indecent exposure, invasion of privacy or staff voyeurism. **CLASS 5**

-Voyeurism by a staff member, contractor, or volunteer 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.

C. Staff on inmate sexual harassment includes staff, volunteers, or contractors who have contact with an inmate. Prohibited conduct includes but is not limited to repeated instances of:

(1) Verbal comments of a sexual nature to an inmate;

(2) Demeaning references to gender;

(3) Sexually suggestive or derogatory comments about body or clothing; or

(4) Profane or obscene language or gestures, first offense **CLASS 3-5**, second or any subsequent offense **Class 3-5**

D. Failure to report an inmate's sexual activity. **CLASS 5**

17. **UNAUTHORIZED USE OF FORCE**

A. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4-5**

B. Creating a situation where force must be used unnecessarily. **CLASS 4**

C. Failing to report any use of force either as a participant or a witness. **CLASS 3-4**

18. **UNBECOMING CONDUCT**

A. Engaging in horseplay with co-workers. **CLASS 3** With inmates. **CLASS 4-5**

B. Gambling on State property or while on duty or gambling while in uniform. **CLASS 2**

C. Unprofessional remark to an inmate. **CLASS 1**

D. Providing contraband to an inmate. **CLASS 5**

E. Abuse of sick leave. **CLASS 2**

F. Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**

G. Any violation of AR 345 regarding unauthorized relationships. **CLASS 1-5**

H. Divulging criminal records, medical records, or other legally protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 5**

I. Unauthorized disclosure of confidential Department matters. **CLASS 4**

J. Compromising the confidentiality of inmate affairs. **CLASS 3-5**

K. Conducting unauthorized transactions with an inmate or an inmate's family. **CLASS 5**

L. Transmitting prohibited messages to or for inmates. **CLASS 3-5**

M. Identified self, displayed badge or identification, appeared in uniform, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. **CLASS 2-5**

N. Retaliated against another employee or an inmate for reporting a complaint of misconduct, to include sexual harassment or sexual abuse of an inmate, or retaliated against another employee or an inmate who cooperates with an official PREA investigation. **CLASS 4-5**

O. Inciting another to fight. **CLASS 4**

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P. Unauthorized use, misuse, destruction or waste of property belonging to the State of Nevada, another employee, a citizen, or an inmate. **CLASS 1-5** (Such misconduct may subject the employee to financial liability for replacement of the property, whether attributable to negligence, lack of reasonable care, or failure to follow proper procedures.)

Q. Displaying pornographic or adult pictures, movies, videos or text to inmates, employees or to persons outside of the Department while on paid status or on State property. **CLASS 5**

R. Any conduct whether on or off duty which may negatively reflect upon the image of the State of Nevada or the Department of Corrections. **CLASS 1-5**

S. Verbal threats or display of intimidating behavior towards a staff member. **CLASS 3**

339.08 ADJUDICATION

1. After the assigned investigator or supervisor completes the final case report, the Appointing Authority will adjudicate the matter within the time assigned, designating the final applicable Class of Offense Guidelines, using the appropriate form, and in coordination with the Office of the Inspector General.

2. The Appointing Authority shall prepare the Result of Adjudication Form, DOC-1096. Thereafter, the Appointing Authority should meet with the accused employee to advise the employee of the findings and recommendations.

339.09 IMPOSING CORRECTIVE or DISCIPLINARY ACTION

1. Employee performance issues should be addressed at the lowest appropriate level of supervision beginning with verbal counseling and through Specificity of Charges.

2. Corrective action includes a verbal or written counseling, which may be recorded on the performance card, as well as a Letter of Instruction or a Written Reprimand.

3. Before issuing corrective action, the Appointing Authority should make certain that no formal investigation related to the performance or misconduct issue is still pending. While performance issues or low-level misconduct will not usually be subject to a formal investigation, the impartial fact-finding process may determine that an issue appearing to be more serious at the outset does not require discipline.

4. Except for PREA-related matters, prior to an investigation, verbal or written counseling may be used to immediately correct safety or security issues. This counseling should include an acknowledgment that further investigation leading to discipline may follow in due course.

5. Verbal or written counseling and Letters of Instruction may be used to supplement the evaluation process, between regularly scheduled reports on performance.

6. An impartial fact-finding investigation is required before imposition of a suspension, demotion, or dismissal.

7. When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted, utilizing the appropriate format located on the Stewart shared drive.

339.10 CONFIDENTIALITY OF PERSONNEL RECORDS

1. All documents assembled or produced in support of this regulation are confidential.

2. Files may be reviewed by a subject employee pursuant to applicable sections of NRS Chapters 284 and 289.

3. Files may be copied by a subject peace officer pursuant to applicable sections of NRS Chapter 289.

A. Once an appeal has been filed, a peace officer may request a copy of the investigative file, using the DOC-1066 form.

B. The DOC-1066 form is available on the shared drive and should be submitted to the Department's Human Resources Division.

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APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation does not require an Operational Procedure.
- ~~3. 3.~~ This regulation does not require an audit.
4. This regulation requires an Internal Administrative Investigation guide.

REFERENCES:

ACA Standards 4-4048, 4-4067, and 4-4069; ~~2008 Supplement 4-4069; 2010 Supplement 4-4069; and 2012 Supplement 4-4067 and 4-40694-4077; 4-4084~~

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James Dzurenda, Director
Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
349**

EMPLOYEE/APPLICANT ALCOHOL AND DRUG TESTING

Supersedes: AR 349 (06/17/12); (Temporary, 04/07/14); 09/16/14 07/20/17, (Temporary)
Effective Date: 8/15/17

AUTHORITY

NRS 284.406; 284.4061; 284.4062; 284.4063; 284.4064; 284.4065; 284.4066; 284.4067; 284.4068;
284.4069; 284.407 NAC 284.653; 284.880 – 284.894; NAC 284.888

PURPOSE

To establish the Department of Corrections regulation concerning alcohol and drug testing/screening of department employees, when probable cause or reasonable suspicion is present, to ensure a drug-free work environment for the safety of inmates and staff.

RESPONSIBILITY

The Deputy Director of Support Services is responsible for the operational administration of this regulation.

The Human Resource Administrator is responsible to ensure implementation of this regulation.

All Department employees shall comply with the provisions of this regulation.

The Human Resources Division will be responsible to maintain alcohol/drug testing records.

349.01 DRUG TESTING PROCEDURES FOR APPLICANTS

1. Nevada Revised Statutes (NRS) require post-offer/pre-employment testing of applicants for positions designated by the State Personnel Commission as affecting public safety.
2. Applicants shall submit to a screening test to detect the general presence of a controlled substance unless they are currently employed in a designated public safety position at the time of application.
3. Upon completion of the interview process, and pursuant to AR 300, the Warden/Division Head shall forward the hiring recommendation packet to the Human Resources Division.
4. Upon approval of the hiring packet, the Human Resources Division shall issue a written conditional offer of employment to the candidate.
5. The applicant must complete and sign the Alcohol/Drug Test Consent Form (DOC-1004/TS-76) prior to testing. The original consent form is retained by the Human Resources Division.
 - A. Applicants will be referred to one of the contracted drug testing collection sites.

(Locations will be given during hiring process)

- B. Should the applicant refuse to sign the consent form or to take the test, the applicant will be advised their refusal will constitute withdrawal of the job offer.
 - C. The applicant must be informed that completion of the alcohol/drug test is required within 24 hours of conditional offer. Should the applicant not complete the test within the required 24 hours, it will constitute a withdrawal of the job offer
6. Test results will be returned to the Human Resources Division.
 7. The Department shall consider the results of the screening test when determining whether to employ an applicant.
 - A. The appointing authority shall not hire an applicant who tests “positive” for illegal controlled substances.
 8. The results of the screening test are confidential and will be securely maintained by the Human Resources Division. Screening tests must not be disclosed to anyone, except as provided in NRS 284.4068.

349.02 EMPLOYEE-REASONABLE SUSPICION TESTING

1. The Shift Supervisor, Warden, Assistant Warden or Division Head shall determine the need for alcohol and/or drug testing of employees based on objective facts of an employee’s workplace performance behaviors: speech, appearance, odor and/or incidents causing a supervisor to reasonably suspect an employee is under the influence while on duty or upon reporting to duty.
2. If there is reasonable belief an employee is impaired, the appointing authority or designee must complete a Report Form for Suspected Alcohol/Drug Impairment (TS-77)-and an Alcohol/Drug Test Consent Form (DOC-1004/TS-76) prior to administration of the test.
 - A. Forms may be obtained from the Stewart Shared Drive/Human Resources Forms.
 - B. The employee should be relieved of duty and quietly removed to a private area away from the work site.
 - C. A second supervisor should be present to objectively observe and evaluate behavior.
 - D. The employee must be informed of the specific facts supporting the belief and a written record of the specific facts must be prepared on the report form (TS-77).
 - E. The employee shall be advised whether they will be tested for alcohol, drugs or both.
 - F. If employee agrees, the employee shall sign the Alcohol/Drug Test Consent Form (DOC 1004/TS-76). Notice shall be provided to the employee that failure to agree to the alcohol/drug testing is treated as a positive result.
 - G. Complete forms necessary for the type of testing and contact law enforcement or transport the employee to the collection site with another supervisor of the same gender as the employee.

3. Human Resources shall be informed of the testing and the original TS-77 and DOC-1004/TS-76 forms shall be forwarded and retained by the Human Resources Division.

A. A copy of the TS-77 should be given to the employee.

B. A copy of the DOC-1004/TS-76 should be given to the employee and a copy is delivered to the collection site at the time of collection.

4. If the employee refuses to sign the consent form (DOC-1004/TS-76) or submit to the screening test, the employee shall be advised their refusal may result in dismissal. Such refusal should be noted on the form, witnessed and arrangements should be made for the safe transportation of the employee to their home. Should the employee insist on driving home, the employee shall be advised the Nevada Highway Patrol or other local law enforcement personnel will be notified.

5. The cost of any return to duty testing and counseling services will be at the expense of the employee.

6. An employee who does not pass a return to duty test will be subject to disciplinary action, up to and including termination.

7. An employee testing positive on an alcohol and/or drug screening test for a second time within a five-year period may be summarily terminated at the discretion of the appointing authority.

8. The results of the screening test are confidential and will be securely maintained by the Human Resources Division. Screening tests must not be disclosed to anyone, except as provided in NRS 284.4068.

9. Drug testing will be done at a collection site (see *Stewart Shared Drive/Human Resources Forms/Collection Sites*).

349.03 POST ACCIDENT TESTING

1. During the performance of duties, employees involved in a motor vehicle accident causing bodily injury to himself or another person, substantial damage to property causing more than \$500 worth of damage, or reckless/careless operation of a motor vehicle causing two property accidents within a one-year period will result in alcohol and/or drug testing.

2. Testing for alcohol and/or drugs under post-accident conditions utilizes the following forms located in the commercial vehicle:

A. Alcohol/Drug Testing Consent Form (DOC-1004)

B. Chain of Custody lab form.

3. Testing for post-accident reasons, the employee and agency will be required to follow the procedures outlined in 349.04, 349.05, 349.06 and 349.07 as applicable.

4. It will be considered a positive test result if the employee: refuses to test; will not sign the required forms; or refuses to cooperate in the testing process in such a way that prevents completion of the test.

5. Any exceptions to this process shall be approved by the Director or Deputy Director.

349.04 ALCOHOL BREATH TESTING FOR EMPLOYEES

1. The forms utilized for alcohol breath testing are:

A. Report Form for Suspected Alcohol/Drug Impairment (TS-77).

B. Alcohol/Drug Testing Consent Form (DOC-1004/TS-76).

C. NDOC Alcohol Test Request Form (DOC-1099).

D. These forms may be obtained from the Stewart Shared Drive/Human Resources Forms.

2. ALCOHOL TEST ONLY (two (2) options)

A. Call Nevada Highway Patrol (see *Stewart Shared Drive/Human Resources Forms/Collection Sites*) for contact information) and use the TS-69 form.

OR

B. Take employee to a collection site (see *Stewart shared drive/Human Resources Forms/Collection Sites*) and use the NDOC Alcohol Test Request form (**DOC 1099**).

In rural areas with no collection sites capable of performing breath alcohol testing or if after hours, the breath alcohol test can be performed by law enforcement (see **Stewart Shared Drive/Human Resources/Collection Sites (back two pages)**) or the employee can be taken to a collection site for a blood alcohol test.

3. A confirmatory alcohol breath test must be conducted immediately following receipt of a positive preliminary test. If a blood draw is done, no confirmatory test is necessary.

A. Transportation to the testing site may be provided by NHP or a designated employee of NDOC.

B. A Supervisor, Warden, Assistant Warden or Division Head must accompany the employee to the confirmatory test site.

D. The Supervisor, Warden, Assistant Warden or Division Head is responsible for providing appropriate transportation home following the completion of the testing.

E. Employee should be placed on administrative leave pending the result(s).

F. An employee must not have a concentration of alcohol in his/her breath greater than .02 gram upon reporting to, or while on duty, or have a positive reading of alcohol concentration from a blood test.

G. Should a screening test indicate the concentration of alcohol is greater than .02 gram, the employee will be subject to disciplinary action.

- H. The Human Resources Division shall provide the employee with written results within three (3) working days of receipt of the results.
- I. The employee will then be placed on sick leave or leave without pay and mandatorily referred to the Employee Assistance Program (EAP) as described under AR 349.06.
- J. Upon clearance from a licensed or certified counselor who has training or experience in substance abuse treatment, the employee must submit to and pass a return to duty alcohol screening test.
- K. If both Drug & Alcohol tests are needed, it is recommended the alcohol testing be performed before the drug testing.

349.05 DRUG TESTING FOR EMPLOYEES

1. Screening tests for controlled substances must be conducted by the State contracted medical laboratory.
2. The forms utilized for testing for controlled substances are:
 - A. Report Form for Suspected Alcohol/Drug Impairment (TS-77).
 - B. Alcohol/Drug Testing Consent Form (DOC-1004/TS-76).
 - C. Chain of Custody lab form. May be obtained from the Department Head or Human Resources.
3. The employee shall be advised, when completing the consent form, DOC-1004, pertinent information relevant to medication legally taken by the employee should be noted on the form and will be considered by the Medical Review Officer (MRO) when assessing a positive test.
4. Take employee to a collection site (see *Stewart shared drive/Human Resources Forms/Collection Sites* for contact information) and use a chain of custody form (see your Department Head for this form). The Supervisor, Warden, or Division Head shall arrange transportation and accompany the employee to the collection site
5. After an employee submits to a screening test, the employee should be placed on administrative leave and transported home.
 - A. The employee should be informed that, while on administrative leave, they must be readily available for department contact during normal work hours, (Monday through Friday, 8:00 a.m. until 5:00 p.m.).
6. The Human Resources Division shall provide the employee with written results of the screening test within three working days after receipt of the results.
 - A. An employee who fails a drug test has 72-hours upon receipt of notice to provide proof that the controlled substance was directed pursuant to a current and lawful prescription issued in his name.
 - B. The employee shall also be provided an opportunity to have the same sample tested by a certified laboratory of their choice and at their expense.

7. An employee who tests positive for a controlled substance will be subject to disciplinary action up to and including termination. The Nevada Department of Corrections controlled utilizes the list of federally listed Schedule I drugs, to include marijuana (cannabis). Any positive result, whether or not the employee has a medical marijuana

8. An employee testing positive for drugs will be required to:

A. Utilize sick leave or leave without pay;

B. Attend a mandatory counseling referral;

C. Provide documentation from a licensed or certified counselor who has training or experience in substance abuse treatment that the employee is able to return to duty; and

D. Submit to and pass a return to duty alcohol and/or drug screening testing as determined by the appointing authority.

9. If both Drug & Alcohol tests are needed, it is recommended the alcohol testing be performed before the drug testing.

349.06 EMPLOYEE ASSISTANCE PROGRAM

1. Employees testing positive for alcohol and/or drugs for the first time and who have committed no other acts of misconduct for which they may be subject to termination will require a mandatory referral to the Employee Assistance Program (EAP) and successful completion of a drug and alcohol diversion treatment program, prior to returning to work.

2. The Human Resources Division will contact the contracted EAP vendor of employee referral.

A. Human Resources Division will present the employee with an EAP referral memo and the EAP vendor's release of information form for signature.

B. Employee is required to contact EAP vendor within 48 hours of receipt of referral memo to schedule an appointment with a local counselor.

C. Employee may be subject to disciplinary action if he fails to contact the contracted EAP vendor within the required time period.

D. If the employee and employer agree, the employee may (in writing) agree to complete the EAP program prescribed for them and to participate in random testing by the department, in exchange for the ability to return to work.

3. The employee shall provide evidence to the Human Resources Division of their consultation with EAP and any recommended plan of treatment within five working days after the date of the initial consultation.

A. Employees referred to a rehabilitation program shall provide monthly updates on treatment progress.

B. Employees completing a rehabilitation program shall provide evidence of completion within five working days of completion of the program.

4. Refusal to attend or provide evidence of consultation to the employee assistance or failure to complete a rehabilitation program successfully will cause the employee to be subject to disciplinary action, up to and including termination.

349.07 RANDOM DRUG TESTING FOR CENTRAL TRANSPORTATION DRIVERS

349.07.1 PROHIBITED CONDUCT

1. All Central Transportation drivers:

- A. Shall not report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of .01 gram by weight or greater.**
- B. Shall not be on duty or operate a commercial motor vehicle while the driver possesses alcoholic beverages such as beer, wine or distilled spirits.**
- C. Shall not consume any beverage, mixture or preparation, (including any medication), containing alcohol, while operating a vehicle or performing safety sensitive functions.**
- D. Shall not perform safety sensitive functions within four hours after consuming alcohol.**
- E. Shall not refuse to submit to an alcohol and/or drug test for post-accident, random, reasonable suspicion (NAC 284.882), or follow-up testing.**
- F. Shall not report for duty, or remain on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to operate a motor vehicle.**
- G. Shall not fail to report any therapeutic drug use.**
- H. Shall not report for duty, remain on duty or perform a safety sensitive function if the driver tests positive for a controlled substance.**

2. Supervisors shall prohibit drivers from performing or continuing to perform their duties as a Central Transportation driver if they have actual knowledge or reasonable suspicion that the driver is in direct violation of the prohibitions.

- A. All Central Transportation drivers will be subject to random alcohol or drug testing.**
- B. Drivers randomly selected for alcohol breath testing will be tested immediately before, during, or just after the driver has ceased performing safety-sensitive functions.**
- C. The minimum annual percentage rate for random alcohol breath testing shall be 10% of the average number of driver positions.**
- D. The minimum annual percentage rate for drug testing shall be 50% of the average number of driver positions.**
- E. The random selection process will be performed by the Department Personnel Division on a quarterly basis.**
 - (1) Random selections will be unannounced and spread reasonably throughout the year based on the annual percentage required to be tested.**

- (2) Random selection, by its very nature, may result in a driver's being selected in successive selections more than once in a calendar year.
 - (3) Alternatively, some drivers may not be selected in a calendar year.
3. The supervisor will be notified to either send the employee to the Personnel Division or will be notified of a time and date that the State contracted vendor will come to Central Transportation to perform the testing.
- A. Each driver shall complete an Alcohol/Drug Testing Consent Form DOC-1004.
 - (1) Drivers randomly selected to perform an alcohol breath test shall complete a Driver Authorization for Release of Test Results Performed by Law Enforcement Agency (DOC-10106).
 - (2) The supervisor will be required to contact law enforcement agency and/or transport employees randomly selected to perform alcohol breath testing to confirmatory site as provided on attachment 006-007.
 - B. Drivers randomly selected for drug testing will proceed immediately to the contracted medical laboratory for screening or will be tested on-site by the State contracted Vendor, at the discretion of Human Resources.
 - (1) The Personnel Division shall provide a DOT Chain of Custody lab form to the employee for drug testing.
 - C. If the driver engages in conduct that does not lead to a collection as soon as possible after notification, such action will be considered a refusal to test.
 - D. If a driver tampers with, dilutes, or otherwise changes a sample in order to cause inaccurate results, his actions will be considered a refusal to test.
 - E. If a driver is absent from work, the driver must submit to testing immediately upon returning to work.
4. The Department will be responsible for the cost incurred for all random testing.

349.08 COLLECTION SITES FOR CONTROLLED SUBSTANCE TESTING AND CONFIRMATION TEST SITES FOR ALCOHOL TESTING

1. See *Stewart Shared Drive/Human Resources Forms/Collection Sites* and use a chain of custody form (see your agency HR for this form) for drug testing and NDOC Alcohol Test Request Form (DOC 1099) for alcohol testing.

REFERENCES

ACA 4th Edition: 4-4063; 4-4067; 4-4071

APPLICABILITY

1. This regulation applies to all Department employees.
2. This regulation requires an Operational Procedure from the Human Resources Division.
3. This regulation does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
349**

EMPLOYEE/APPLICANT ALCOHOL AND DRUG TESTING

Supersedes: AR 349 (06/17/12);
~~and AR 349~~ (Temporary, 04/07/14); 09/16/14 07/20/17, (Temporary)
Effective Date: ~~07/20/17, (Temporary) — 09/16/14 (?)~~ 8/15/17

AUTHORITY

NRS 284.406; 284.4061; 284.4062; 284.4063; 284.4064; 284.4065; 284.4066; 284.4067; 284.4068;
284.4069; 284.407
NAC 284.653; 284.880 – 284.894; NAC 284.888

PURPOSE

To establish the Department of Corrections regulation concerning alcohol and drug testing/screening of department employees, when probable cause or reasonable suspicion is present, to ensure a drug-free work environment for the safety of inmates and staff.

RESPONSIBILITY

The Deputy Director of Support Services is responsible for the operational administration of this regulation.

The Human Resource Administrator is responsible to ensure implementation of this regulation.

All Department employees shall comply with the provisions of this regulation.

The Human Resources Division will be responsible to maintain alcohol/drug testing records.

349.01 DRUG TESTING PROCEDURES FOR APPLICANTS

1. Nevada Revised Statutes (NRS) require post-offer/pre-employment testing of applicants for positions designated by the State Personnel Commission as affecting public safety.
2. Applicants shall submit to a screening test to detect the general presence of a controlled substance unless they are currently employed in a designated public safety position at the time of application.
3. Upon completion of the interview process, and pursuant to AR 300, the Warden/Division Head shall forward the hiring recommendation packet to the Human Resources Division.
4. Upon approval of the hiring packet, the Human Resources Division shall issue a written conditional offer of employment to the candidate.

5. The applicant must complete and sign the Alcohol/Drug Test Consent Form (DOC-1004/TS-76) prior to testing. The original consent form is retained by the Human Resources Division.

~~A. Applicants will be referred to one of the contracted drug testing collection sites. Refer to OP 349 located on the Stewart shared drive/Human Resources/OP.~~

A. Applicants will be referred to one of the contracted drug testing collection sites.
(Locations will be given during hiring process)

B. Should the applicant refuse to sign the consent form or to take the test, the applicant will be advised their refusal will constitute withdrawal of the job offer.

C. The applicant must be informed that completion of the alcohol/drug test is required within 24 hours of conditional offer. Should the applicant not complete the test within the required 24 hours, it will constitute a withdrawal of the job offer

~~C.~~

6. Test results will be returned to the Human Resources Division.
7. The Department shall consider the results of the screening test when determining whether to employ an applicant.
 - A. The appointing authority shall not hire an applicant who tests "positive" for illegal controlled substances.
8. The results of the screening test are confidential and will be securely maintained only by the Human Resources Division. Screening tests must not be disclosed to anyone, except as provided in NRS 284.4068.

349.02 EMPLOYEE-REASONABLE SUSPICION TESTING

1. The Shift Supervisor, Warden, Assistant Warden or Division Head shall determine the need for alcohol and/or drug testing of employees based on objective facts of an employee's workplace performance behaviors; speech, appearance, odor and/or incidents that may causing a supervisor to reasonably suspect ~~that~~ an employee is under the influence while on duty or upon reporting to duty.
2. If there is reasonable belief ~~that~~ an employee is impaired, the appointing authority or designee must complete a Report Form for Suspected Alcohol/Drug Impairment (TS-77) and an Alcohol/Drug Test Consent Form (DOC-1004/TS-76) prior to administration of the test.
 - A. Forms may be obtained from the Stewart ~~shared~~ Shared drive Drive/Human Resources ~~/Forms~~.
 - B. The employee should be relieved of duty and quietly removed to a private area away from the work site.
 - C. A second supervisor should be present ~~if possible~~ to ~~also~~ objectively observe and evaluate behavior.
 - D. The employee must be informed of the specific facts supporting the belief and a written record of the specific facts must be prepared on the report form (TS-77).
 - E. The employee ~~shall~~ be advised whether they will be tested for alcohol, drugs or both.
 - ~~— The employee must sign the alcohol and drug testing consent form (DOC-1004).~~
 - F. ~~— F. If employee agrees, the employee shall have him/her sign the Alcohol/Drug Test Consent Form (DOC 1004/TS-76). Notice shall be provided to the employee that f~~ Failure to agree to the alcohol/drug testing is treated as a positive result.
 - G. ~~— G. Complete~~ Fill-out forms necessary for the type of testing and contact law enforcement or transport the employee to the collection site ~~along~~ with another supervisor of the same gender as the employee.

DRUG TEST ONLY

F. —

3. Human Resources shall be informed of the testing and the original TS-77 and DOC-1004/TS-76 forms shall be forwarded and retained by the Human Resources Division.

A. A copy of the TS-77 should be given to the employee.

B. A copy of the DOC-1004/TS-76 should be given to the employee, and a copy is delivered to the collection site at the time of collection.

4. If the employee refuses to sign the consent form (DOC-1004/TS-76) or submit to the screening test, the employee ~~shall~~ must be advised their refusal may result in dismissal. Such refusal should be noted on the form, ~~and~~ witnessed and arrangements should be made for the safe transportation of the employee to their home. Should the employee insist on driving home, the ~~employee~~ shall ~~be~~ be advised the Nevada Highway Patrol or other local law enforcement personnel will be notified.

5. The cost of any return to duty testing and counseling services will be at the expense of the employee.

6. An employee who does not pass a return to duty test will be subject to disciplinary action, up to and including termination.

7. An employee testing positive on an alcohol and/or drug screening test for a second time within a ~~5~~ five-year period may be summarily terminated at the discretion of the appointing authority.

8. The results of the screening test are confidential and will be securely maintained ~~only~~ by the Human Resources Division. — Screening tests must not be disclosed to anyone, except as provided in NRS 284.4068.

9. ~~Employees are advised to refer to OP 349 located on the Stewart shared drive/Human Resources/Operational Procedures. Does not exist.~~
~~In metropolitan areas (i.e., Las Vegas, Carson City, Reno), take to Drug testing will be done at a collection site (see Stewart sShared dDrive/Human Resources Forms/Collection Sites).~~

~~10. In rural areas the drug testing will be done at a collection site (See above for locations)~~

349.03 POST ACCIDENT TESTING

1. During the performance of duties, employees involved in a motor vehicle accident causing bodily injury to himself or another person, substantial damage to property causing more than \$500 worth of damage, or reckless/careless operation of a motor vehicle causing two property accidents within a one-year period will result in alcohol and/or drug testing.

2. Testing for alcohol and/or drugs under ~~post-accident~~post-accident conditions utilizes the following forms located in the commercial vehicle:

A. Alcohol/Drug Testing Consent Form (DOC-1004)

B. Chain of Custody lab form.

3. Testing for ~~post-accident~~ reasons, the employee and agency will be required to follow the procedures outlined in 349.04, 349.05, 349.06 and 349.07 as applicable.

4. It will be considered a positive test result, if the employee: refuses to test; will not sign the required forms; or refuses to cooperate in the testing process in such a way that prevents completion of the test.

5. Any exceptions to this process shall be approved by the Director or Deputy Director.

~~349.04~~04 **ALCOHOL BREATH TESTING FOR EMPLOYEES**

1. The forms utilized for alcohol breath testing are:

A. Report Form for Suspected Alcohol/Drug Impairment (TS-77).

~~B.~~ B. Alcohol/Drug Testing Consent Form (DOC-1004/TS-76).

C. NDOC Alcohol Test Request Form (DOC-1099).

D. These forms may be obtained from the Stewart ~~s~~shared ~~drive~~ Drive/Human Resources /Forms.

~~C.~~ Employee Breath Test for Alcohol/Intoxilyzer 5000 Check List form (TS-69)
NDOC Alcohol Test Request Form (DOC-1099)

~~D.~~ These forms may be obtained from the Stewart shared ~~drive~~ Drive/Human Resources/Forms.

2. ALCOHOL TEST ONLY (two (2) options).

A. -Call Nevada Highway Patrol (see Stewart ~~s~~Shared ~~drive~~ Drive/Human Resources Forms/Collection Sites) for contact information) and use the TS-69 form.

OR

B. Take employee to a collection site (see Stewart shared drive/Human Resources Forms/Collection Sites) and use the NDOC Alcohol Test Request form (DOC 1099).

In rural areas with no collection sites capable of performing ~~breath~~ alcohol testing or if after hours, the breath alcohol test can be performed by law enforcement (see Stewart sShared dDrive/Human Resources/Collection Sites (back two pages)) or the employee can be taken to a collection site for a blood alcohol test.

The Nevada Highway Patrol (NHP) shall be contacted to provide a preliminary alcohol breath test on the worksite.

3. A confirmatory alcohol breath test must be conducted immediately following receipt of a positive preliminary test ~~at the worksite~~. If a blood draw is done, no confirmatory test is necessary.

~~A. The confirmatory test must be performed at one of the designated confirmatory test sites. Refer to OP 349 located on the Stewart shared drive/Human Resources/OP.~~

~~B.A.~~ Transportation to the ~~confirmatory~~ testing site may be provided by NHP or a designated employee of NDOC.

~~C.B.~~ A Supervisor, Warden, Assistant Warden or Division Head must accompany the employee to the confirmatory test site.

D. The Supervisor, Warden, Assistant Warden or Division Head is responsible for providing appropriate transportation home following the completion of the ~~confirmatory~~ testing.

E. Employee should be placed on administrative leave pending the result(s).

F. An employee must not have a concentration of alcohol in his/her breath greater than .02 gram gram by weight of alcohol per 210 liters of his breath upon reporting to, or while on duty, or have a positive reading of alcohol concentration from a blood test.

G. Should a screening test indicate ~~that~~ the concentration of alcohol is greater than .02 gram, the employee will be subject to disciplinary action.

H. The Human Resources Division shall provide the employee with written results within three (3) working days ~~of receipt of the results. their alcohol breath test.~~

I. The employee will then be placed on sick leave or leave without pay and mandatorily referred to the Employee Assistance Program (EAP) as described under AR 349.056.

J. Upon clearance from a licensed or certified counselor who has training or experience in substance abuse treatment, the employee must submit to and pass a return to duty alcohol screening test.

K. If both Drug & Alcohol tests are needed, it is recommended the alcohol testing be performed before the drug testing.

349.05—05 DRUG TESTING FOR EMPLOYEES

1. Screening tests for controlled substances must be conducted by the State contracted medical laboratory.
2. The forms utilized for testing for controlled substances are:
 - A. Report Form for Suspected Alcohol/Drug Impairment (TS-77).
 - B. Alcohol/Drug Testing Consent Form (DOC-1004/TS-76).
 - C. Chain of Custody lab form. May be obtained from the ~~Human Resources Division~~ Department Head or Human Resources.
3. The employee ~~shall~~ be advised, when completing the consent form, DOC-1004, ~~that~~ pertinent information relevant to medication legally taken by the employee should be noted on the form and will be considered by the Medical Review Officer (MRO) when assessing a positive test.

4. ~~Take employee to a collection site (see Stewart shared drive/Human Resources Forms/Collection Sites for contact information) and use a chain of custody form (see your Department Head for this form).~~

The Supervisor, Warden, or Division Head shall arrange transportation and accompany the employee to the collection site. ~~Refer to OP 349 located on the Stewart shared drive/Human Resources/OP.~~

5. After an employee submits to a screening test, the employee should be placed on administrative leave and transported home.
 - A. The employee should be informed ~~that that while that, while~~ on administrative leave, they must be readily available for department contact during normal work hours, (Monday through Friday, 8:00 a.m. until 5:00 p.m.).
6. The Human Resources Division shall provide the employee with written results of the screening test within three working days after receipt of the results.
 - A. An employee who fails a drug test has ~~72~~ hours upon receipt of notice to provide proof ~~that that~~ the controlled substance was directed pursuant to a current and lawful prescription issued in his name.
 - B. The employee shall also be provided an opportunity to have the same sample tested by a certified laboratory of their choice and at their expense.
7. An employee who tests positive for a controlled substance will be subject to disciplinary action up to and including termination. The Nevada Department of Corrections controlled utilizes the list of federally listed Schedule I drugs, to include marijuana (cannabis). Any positive result, whether or not the employee has a medical marijuana

8. An employee testing positive for drugs will be required to:

A. Utilize sick leave or leave without pay;

B. Attend a mandatory counseling referral;

C. Provide documentation from a licensed or certified counselor who has training or experience in substance abuse treatment that the employee is able to return to duty; and;

D. Submit to and pass a return to duty alcohol and/or drug screening testing as determined by the appointing authority.

D. 9. If both Drug & Alcohol tests are needed, it is recommended the alcohol testing be performed before the drug testing.

~~349.06~~—06 EMPLOYEE ASSISTANCE PROGRAM

1. Employees testing positive for alcohol and/or drugs for the first time and who have committed no other acts of misconduct for which they may be subject to termination will require a mandatory referral to the Employee Assistance Program (EAP) and successful completion of a drug and alcohol diversion treatment program, prior to returning to work.

2. The Human Resources Division will- contact the contracted EAP vendor of employee referral.

A. Human Resources Division will present the employee with an EAP referral memo; and the EAP vendor's release of information form for signature.

B. Employee is required to contact EAP vendor within 48 hours of receipt of referral memo to schedule an appointment with a local counselor.

C. Employee may be subject to disciplinary action if they he fails to contact the contracted EAP vendor within the required time period.

D. If the employee and employer agree, the employee may (in writing) agree to complete the EAP program prescribed for them and to participate in random testing by the department, in exchange for the ability to return to work.

3. The employee shall provide evidence to the Human Resources Division of their consultation with EAP and any recommended plan of treatment within five working days after the date of the initial consultation.

A. Employees referred to a rehabilitation program shall provide monthly updates on treatment progress.

B. Employees completing a rehabilitation program shall provide evidence of completion within five working days of completion of the program.

4. Refusal to attend or provide evidence of consultation to the employee assistance or failure to complete a rehabilitation program successfully will cause the employee to be subject to disciplinary action, up to and including termination.

349.07 RANDOM DRUG TESTING FOR CENTRAL TRANSPORTATION DRIVERS

349.07.1 PROHIBITED CONDUCT

1. All Central Transportation drivers:

A. Shall not report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of .01 gram by weight or greater.

B. Shall not be on duty or operate a commercial motor vehicle while the driver possesses alcoholic beverages such as beer, wine or distilled spirits.

C. Shall not consume any beverage, mixture or preparation, (including any medication), containing alcohol, while operating a vehicle or performing safety sensitive functions.

D. Shall not perform safety sensitive functions within four hours after consuming alcohol.

E. Shall not refuse to submit to an alcohol and/or drug test for post-accident, random, reasonable suspicion (NAC 284.882), or follow-up testing.

F. Shall not report for duty, or remain on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to operate a motor vehicle.

G. Shall not fail to report any therapeutic drug use.

H. Shall not report for duty, remain on duty or perform a safety sensitive function if the driver tests positive for a controlled substance.

2. Supervisors shall prohibit drivers from performing or continuing to perform their duties as a Central Transportation driver if they have actual knowledge or reasonable suspicion that the driver is in direct violation of the prohibitions.

A. All Central Transportation drivers will be subject to random alcohol or drug testing.

B. Drivers randomly selected for alcohol breath testing will be tested immediately before, during, or just after the driver has ceased performing safety-sensitive functions.

C. The minimum annual percentage rate for random alcohol breath testing shall be 10% of the average number of driver positions.

D. The minimum annual percentage rate for drug testing shall be 50% of the average number of driver positions.

E. The random selection process will be performed by the Department Personnel Division on a quarterly basis.

- (1) Random selections will be unannounced and spread reasonably throughout the year based on the annual percentage required to be tested.
- (2) Random selection, by its very nature, may result in a driver's being selected in successive selections more than once in a calendar year.
- (3) Alternatively, some drivers may not be selected in a calendar year.

3. The supervisor will be notified to either send the employee to the Personnel Division or will be notified of a time and date that the State contracted vendor will come to Central Transportation to perform the testing.

A. Each driver shall complete an Alcohol/Drug Testing Consent Form DOC-1004.

(1) Drivers randomly selected to perform an alcohol breath test shall complete a Driver Authorization for Release of Test Results Performed by Law Enforcement Agency (DOC-10106).

(2) The supervisor will be required to contact law enforcement agency and/or transport employees randomly selected to perform alcohol breath testing to confirmatory site as provided on attachment 006-007.

B. Drivers randomly selected for drug testing will proceed immediately to the contracted medical laboratory for screening or will be tested on-site by the State contracted Vendor, at the discretion of Human Resources.

(1) The Personnel Division shall provide a DOT Chain of Custody lab form to the employee for drug testing.

C. If the driver engages in conduct that does not lead to a collection as soon as possible after notification, such action will be considered a refusal to test.

D. If a driver tampers with, dilutes, or otherwise changes a sample in order to cause inaccurate results, his actions will be considered a refusal to test.

E. If a driver is absent from work, the driver must submit to testing immediately upon returning to work.

4. The Department will be responsible for the cost incurred for all random testing.

349.07—08 COLLECTION SITES FOR CONTROLLED SUBSTANCE TESTING AND CONFIRMATION TEST SITES FOR ALCOHOL TESTING

1. ~~1. Refer to Operational Procedure 349 located on the Stewart shared drive/Human Resources/Operational Procedures. See Stewart Sshared dDrive/Human Resources Forms/Collection Sites and use a chain of custody form (see your agency HR for this form) for drug testing and NDOC Alcohol Test Request Form (DOC 1099) for alcohol testing.~~

REFERENCES

ACA 4th Edition: 4-4063; 4-4067; 4-4071

APPLICABILITY

1. This regulation applies to all Department employees.
2. This regulation requires an Operational Procedure from the Human Resources Division.
3. This regulation does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
350**

DEPARTMENT GROOMING AND DRESS STANDARDS

Supersedes: AR 350 (Temporary, 08/01/11); (Temporary, 04/25/12); 12/17/13;
(Temporary, 07/20/17)
Effective date: 08/15/17

AUTHORITY: NRS 209.131; 613.350; 608.165

PURPOSE

To establish standards, specifics, and appropriate dress code to ensure the identification of correctional staff in order to promote staff, public and inmate safety. It is the policy of the Nevada Department of Corrections (NDOC) to ensure that all employees portray the most favorable image of law enforcement. Such an image should reflect the highest professional standards and be consistent with public expectations of a disciplined organization which demonstrates confidence and trust.

RESPONSIBILITY

The Director is responsible for the establishment of regulations.

The Deputy Directors are responsible for the implementation of grooming and dress standards for their respective divisions.

Supervisors are responsible to ensure compliance with grooming and dress standards.

All uniformed and non-uniform staff shall be responsible to understand, follow, and apply the NDOC Grooming and Dress Standards while employed at the NDOC.

350.01 GROOMING STANDARDS

1. Hair requirements for Uniformed staff:

- A. Hair shall be styled in a fashion which shall not impair vision or create a safety-hazard in the work area.
- B. Hair shall not be styled or combed forward any lower on the forehead than the eyebrow, measured from the high point of the eyebrow, and shall not be visible on the forehead when the uniform hat is worn.
- C. Hair style shall not impede, restrict, or detract from the proper wearing of the uniform hat.

- D. Employee's hair shall be cut or styled so as *to not extend* below the top of the shirt collar while sitting or standing in an erect position and *shall not cover any part of the outside portion of the ear*. Employee's hair shall be cut or styled so as *to not extend* below the top of the shirt collar while sitting or standing in an erect position and *shall not cover any part of the outside portion of the ear*. Employee's hair shall not extend below the bottom of the collar. If the hair is long, it shall be worn up in a neat style to conform to this regulation. No decorations in the hair are permitted and hair clips and/or pins shall closely match the color of the hair. No free hanging hair shall be visible. Employees may wear braids, cornrows or dreadlocks as long as the braided style lies snugly on the head and any holding device comply with the standards in this regulation. Styles that are lopsided or distinctly unbalanced are prohibited. Widely spaced individual hanging locks and other extreme styles that protrude from the head are prohibited. All styles require the proper wearing of the uniform hat. If the hat cannot be worn properly, the hair style is not permitted.
- E. Hair style and color shall not distract from the uniform. Shaved designs (designs cut into the hair) that are visible are prohibited, to include designs or row cutting. Designs do not include natural curls or braids that meet the standards in this regulation.
- F. Hair shall not exceed two (2) inches above the top of the head.
- G. Hair shall not be worn in any eccentric style such as Mohawk, Ducktail, or coloring that is unnatural to human hair colors.
- H. Wigs and hairpieces must conform to hair requirements stated in this regulation.
- I. Hair shall not be styled in any fashion, which hinders wearing the approved uniform hat in its original and historical prescribed manner.
- J. Ponytails are not authorized for uniformed staff.

2. Hair Requirements for Non-Uniformed Staff.

- A. Hair shall be styled in a fashion which shall not impair vision or create a safety hazard in the work area.
- B. Hair shall be clean, well-groomed and styled in a way that conforms to business casual dress standards.
- C. Shaved designs that are visible are prohibited, to include designs or row cutting. Designs do not include natural curls or braids.
- D. Hair shall not be worn in any eccentric style such as, but not limited to: Dread Locks that extend below the collar or Ducktail.

- E. Wigs and hairpieces must conform to hair requirements stated in this regulation.
- 3. Facial Hair:** Neatly trimmed sideburns and/or mustaches are permitted as followed:
- A. Sideburns shall not extend below the bottom of the ear and shall end with a clean-shaven horizontal line. The maximum width at the bottom of the sideburns shall not exceed 1½ inches.
 - B. Sideburns shall be of an even width and will not be flared.
 - C. Mustaches shall not extend more than ½ inch below the corners of the mouth, nor below the border of the upper lip, or extend more than ¾ inch above the corner of the mouth. Waxed ends or points shall not be allowed.
 - D. Beards and/or goatees are allowed. They will be kept neatly trimmed to no longer than one (1) inch in length. However, should safety equipment be part of the assigned post position, employee must be able to properly utilize said equipment, including the protective mask to be able to dispense the MK9. Officers are permitted to purchase their own personal mask, developed for those who wear a beard or goatee, but must keep on their belt at all times. Officers not wearing a beard or goatee must be clean shaven when reporting for duty.
 - E. Staff shall notify supervisor of intent to substantially change their facial appearance, to include the growing or removal of facial hair. New NDOC employee identification cards are mandatory, within one-week, after substantial changes have been made. Employees are responsible for the purchase of new I.D. cards.
- 4. Make-up:** Employees may wear cosmetics that blend with or match the natural skin tone of the employee. False eyelashes are not permitted. Upon medical verification by the employee's personal physician, any employee may wear cosmetics to conceal facial disfigurement. The cosmetics shall blend or match their natural skin tone.
- 5. Tattoos (*Uniformed Staff; Contract Staff; Vendor Staff; or Staff working in a controlled area at a facility or institution*):** Tattoos or branding will not be exposed or visible while on-duty. Such markings shall be covered by clothing. All other markings that cannot be covered by clothing shall be covered using make-up, neutral toned bandages or patches. Hand and finger tattoos shall be covered with approved gloves.
- 6. Fingernails:**
- A. Fingernails shall be kept clean and neatly trimmed.
 - B. Fingernails of custody staff shall not extend more than ¼ inch beyond the tips of the fingers or thumbs. Fingernails of non-custody staff must not impede work identified in essential functions.

- C. Polish is permissible for all custody and non-custody staff. However, decals are not permitted for custody staff or any staff member working within a secure perimeter.

7. Jewelry: The wearing of jewelry in a prison setting is neither appropriate nor safe:

- A. Wristwatches may be worn. Watches worn on chains or pinned to the uniform are not permitted.
- B. A medical alert identification bracelet is permitted.
- C. Rings shall be limited to one ring per hand.
- D. Neck chains, bracelets, and/or necklaces shall not be permitted while on duty except for religious medals that may be worn if covered by the uniform shirt. The chain/neckless, if worn will not be visible.
- E. Stud/post earrings which do not extend below the earlobe may be worn. Stud/post earrings will be 4mm or less. No more than two (2) stud/post earring(s) are allowed per ear, and shall be worn symmetrical.
- F. Employees are prohibited from wearing face piercings or tongue studs.
- G. Employees are prohibited from stretching their earlobes, a process called "gauging."
- H. Staff should refrain from wearing precious or semi-precious stones. The Department accepts no responsibility for loss of, or damage to, such personal items.
- I. Employees are prohibited from attaching, affixing, or displaying objects, articles or jewelry on or through the nose, tongue, eyebrow or other exposed body parts.
- J. All jewelry implants will not be exposed or visible while on-duty.

8. Undergarments:

All staff are required to wear undergarments, which include but are not limited to: t-shirt, sports bras, brassieres, or compression garments. Such garments shall not be visible or allowed to protrude from under clothing. This prohibition does not apply to the required and approved t-shirt for uniform staff.

9. Employee Organization Pin:

Only one Employee Organization pin, depicting its emblem, may be worn on a uniform above the name tag/plate or on the collar of the civilian clothing. Field Training Officer (FTO) pins are prohibited. Pins must be approved in advance by the Deputy Director.

350.02 NDOC PICTURE IDENTIFICATION CARDS

1. In order to maintain proper identification for the safety of all facilities and Department offices, Identification Cards will be worn picture face out, in accordance with AR 352:

A. All staff shall wear their NDOC picture I.D. on their person, in plain sight at all times, when entering and while inside all facilities and buildings, and when on official duty away from the facility, unless otherwise approved for extenuating circumstances.

B. Non-uniform staff will either affix their picture I.D. card to the center of the left quadrant of their outer garment, picture facing out, or affix their picture I.D. card to a break-away type lanyard around their neck, picture facing forward and above the waist.

C. Uniform staff shall wear their Department picture I.D. affixed to their uniform shirt on the left front shirt pocket, centered on the pocket flap, unless they are wearing an approved outer garment or have the option of affixing their picture I.D. card to a break-away lanyard around their neck, when inside the institution or facility. If wearing an approved outer garment, the picture I.D. card will be affixed to the approved outer garment, centered on the pocket flap, or to that affect. If representing NDOC outside of the institution, a lanyard is not approved.

2. Department picture identification cards shall be visible at all times to ascertain authority at any control point or while in the facility. Approved authority is responsible to validate individual authority, to prevent escapes and the entrance by unauthorized persons into any facility or building.

350.03 PEACE OFFICER BADGES

1. Peace Officer's Badge are permitted: 1) To be worn on the uniform shirt, Tuffy jacket or dress jacket or 2) Cloth badges for the BDU two-piece uniform (subdued) or Tuffy jackets. Badges may only be issued and worn by uniformed staff.

2. Correctional Officers required to be certified by the Peace Officers' Standards and Training (POST) Commission shall not be allowed to wear the Peace Officer badge until they have taken the Oath of Office.

3. Wallet Badges – Director; Deputy Directors, Wardens; Inspector General; Inspector General Investigators, and Associate Wardens are the only staff authorized to possess NDOC wallet badges while on duty.

4. Peace Officer Badges are authorized only for permanent status Peace Officers.

5. Peace Officer badges shall be obtained through the approved Department supplier. The Administrative Service Officer (ASO) at each correctional facility is responsible to obtain a Peace Officer badge for each officer within six-months of hire. As described in

18 USC 926B, Peace Officers who carry a concealed weapon while off duty, are required to have both their ID and badge in their possession.

6. Badges are authorized with a “retired” banner on plaques.

7. Any misrepresentation made by the use of the Department of Correction’s Peace Officer Badge is prohibited, and disciplinary action may occur if not used within policy guidelines and applicable State laws. Badges should not be displayed when not on duty.

350.04 PEACE OFFICER UNIFORMS

Peace Officers will ensure their uniforms are clean, pressed and serviceable when reporting for duty. Uniforms are to be purchased from the approved vendor.

350.05 DRESS STANDARDS (Uniformed Staff Only) Class “A” Uniform

1. Class A uniform shall be worn by all ranks of Correctional Officers when they are manning a post that, on a routine basis, will be meeting the public, i.e., gatehouse, visiting, court appearances, training classes, etc. The Class A uniform shall be worn unless otherwise approved by this Administrative Regulation or by the appropriate supervisor. The requirements will be addressed in Institutional Procedures. The Class A uniform is defined as:

A. Shirt: The shirt will be tan in color. Short or long sleeves may be worn year-round. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. T-shirts are required to be worn. They must be white or black, cotton crew neck T-shirt without any type of lettering or logos. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.

B. Trousers: The trousers will be “Olive Drab Green” in color and will be the type distributed by the Department’s uniform contractor. Without cargo pockets.

C. Tie: Ties are “Olive Drab Green” in color. Ties are optional with Class A uniforms. Ties are required with a long sleeve shirt when the Officer is appearing in Court or representing the Department outside the facility, or when directed to be worn by a supervisor or higher authority. Clip on and break-away ties are required.

D. Trouser Belt: The belt shall be black, basket-weave design no less than 1 ½ inches in width. The buckle shall be a garrison type, silver in color for C/O’s and SC/O’s, and gold in color for Sergeant and Lieutenant. A Velcro-type fastening device may be used instead of a buckle.

E. Duty Belt: A duty belt is required. It will be black in color and can be leather, Corfram or nylon. It will not be less than 2 ¼ inches in width. All accessories shall match the duty belt in design and color.

F. Footwear: There are five (5) types of footwear approved for wear with the officer's uniform:

- (1) Oxford/Chukka – These are black, lower cut, lace-up dress shoe type. The sole must be black, and can be of leather, slip resistant type or synthetic. The upper part of the shoe must be a plain, military type toe, made of leather or corfram that will shine to a gloss finish. The laces must be black.
- (2) Quarter Boots – These are black, lower cut, lace-up dress shoe type. The sole must be black and will be of a slip resistant type made of leather or synthetic type materials. The laces must be black.
- (3) Boots/Lace-up Type – These boots are black in color, lace-up type. The laces must be black. The sole must be black and will be of a slip resistant type made of leather or a synthetic type material. The upper part of the boot must have a plain, military type toe, and be made of leather or a leather/Cordura type nylon, which will shine when polished to a gloss finish.
- (4) Wellington Type Boots – These are black, pull on boots with a round military type toe. The sole must be black and can be constructed of slip resistant type leather or a synthetic type material. The laces must be black.
- (5) Steel toed boots are appropriate footwear when assigned to work and fire crews as defined by the operational regulations of the facility or institution. The laces must match the shoe color.

2. Insignias/Attachments:

A. Shoulder Patches - Shall be worn on all shirts and uniform jackets. A rocker may be worn above the NDOC patch indicating the initials of the facility where the officer is assigned; i.e., ESP, NSP, SDCC, HDSP, etc.

B. Nametags - Standard metal nametags for shirts and uniform jackets. Silver in color for Correctional Officer Trainees, Correctional Officers and Senior Correctional Officers.

C. Collar Devices - Eleven-sixteenths (11/16") standard size, three chevron type collar devices for Sergeants, gold in color, 11/16 standard size single bar collar device for Lieutenants, gold in color, Senior Correctional Officers will wear two chevrons, silver in color, permanent Correctional Officers will wear one chevron, silver in color. BDU uniforms may be cloth, for all insignia, and subdued in color for all ranks.

D. Black Utility Pouch - Authorized.

E. American Flag - Approximately 2 3/8" x 3 3/8" with a gold border for shirts; 2 3/8" x 3 3/8" for jackets and subdued for the BDU uniform. The American Flag will be worn on the right sleeve, at the shoulder with the stars facing forward.

F. Flashlight/Flashlight Holder – Required while on shift.

G. Key Holders/Snaps - Required (Okay's Key Safe style advisable).

H. Whistle – Required to be attached to the belt or waist areas, not to the shoulder area.

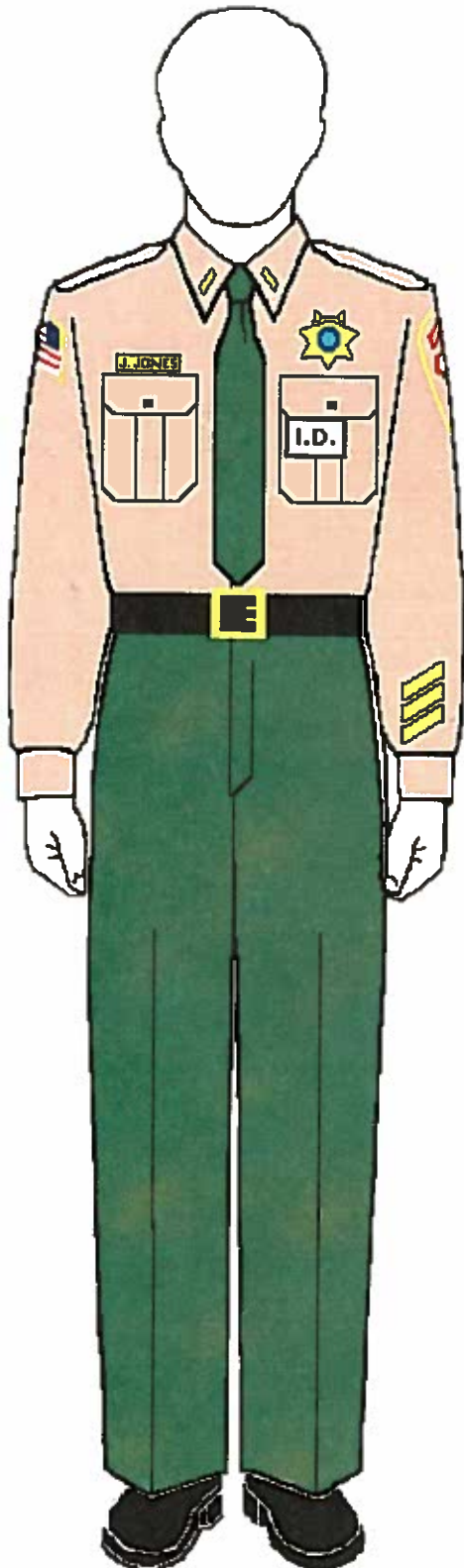
I. Handcuff Case - Required.

J. Diagonal service stripes - gold on a tan background, 2 inches in length on long sleeve shirts and gold on green background on dress jacket, one stripe for every three (3) years of completed service. Service stripes may be worn on long sleeve dress shirts and dress jackets only.

K. Chevrons - Permanent Correctional Officers will wear one silver colored, cloth chevron with a gold boarder under the American Flag and the NDOC patch. Senior Correctional Officers will wear two silver colored, cloth chevrons with gold boarders under the American Flag and the NDOC patch. Sergeants will wear standard (three chevron, gold in color) chevrons on their shirts and jacket sleeves under the American Flag and NDOC patch. Chevrons shall be in addition to the currently used collar devices. Sleeve chevrons shall be worn on both sleeves, centered with the sleeve creases. Chevrons shall be over a dark green background and may be subdued in color for the BDU uniform.

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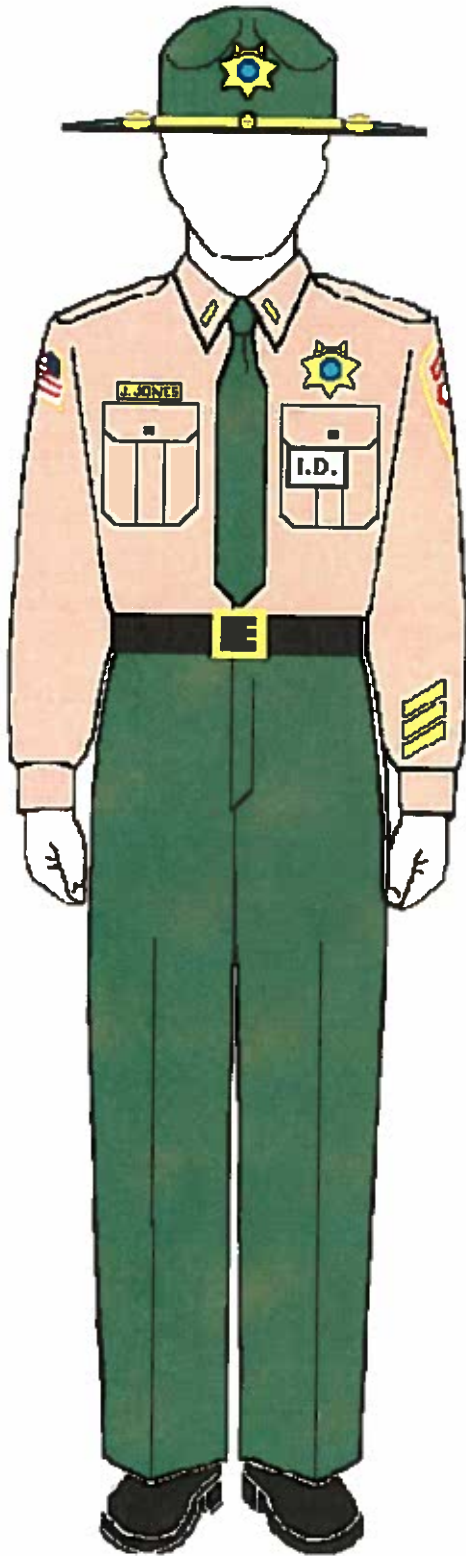
Class-A Dress Uniform with a Tie



Class-A – This uniform consist of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Green Utility Baseball Type Cap authorized.
- Affix picture I.D. card on left pocket as shown.

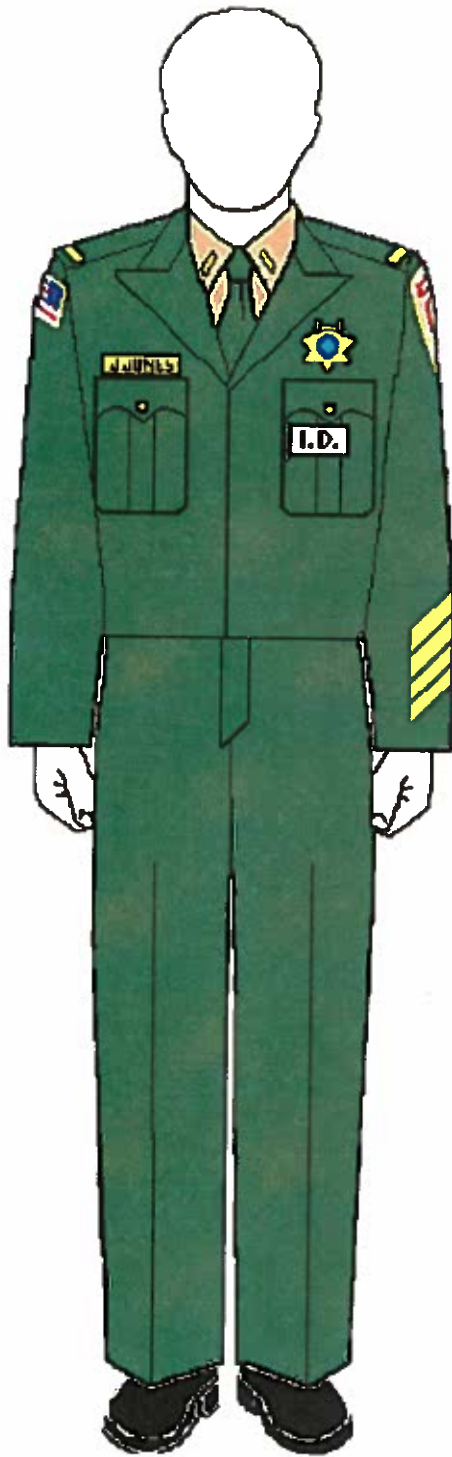
Class-A Dress Uniform with a Tie and Campaign Hat



Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge.
- Full Color Patches (NDOC, Flag, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card to left shirt pocket as shown.

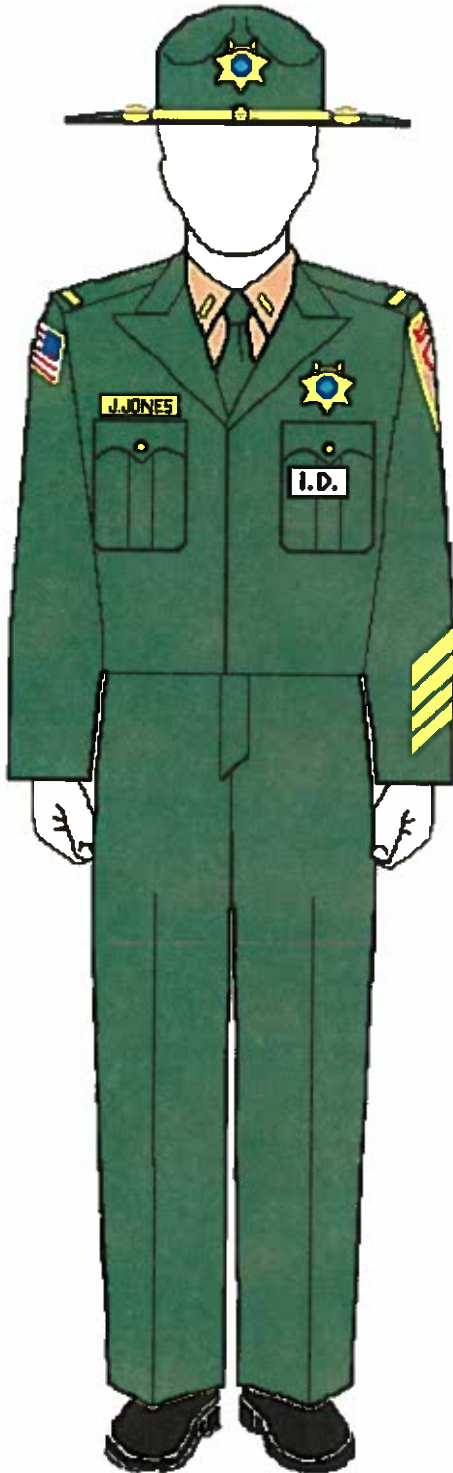
Class-A Dress Uniform with Eisenhower Dress Jacket



Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Eisenhower Dress Jacket.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on both the jacket and shirt).
- Metal Badge on both the jacket and shirt.
- Metal Rank Insignia on both the jacket and shirt.
- Metal Name Tag on both the jacket and shirt.
- Affix picture I.D. card to left shirt pocket as shown.

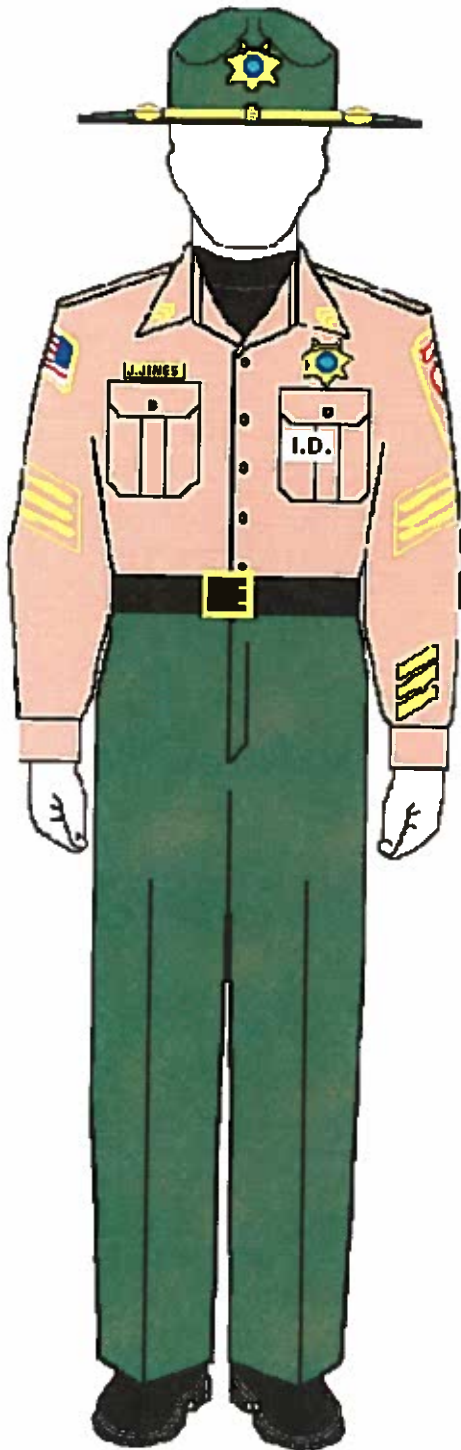
Class-A Dress Uniform - Eisenhower Dress Jacket and Campaign Hat



Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Eisenhower Dress Jacket.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on both the jacket and shirt).
- Metal Badge on both the jacket and shirt.
- Metal Rank Insignia on both the jacket and shirt.
- Metal Name Tag on both the jacket and shirt.
- Affix picture I.D. card to left jacket pocket as shown.

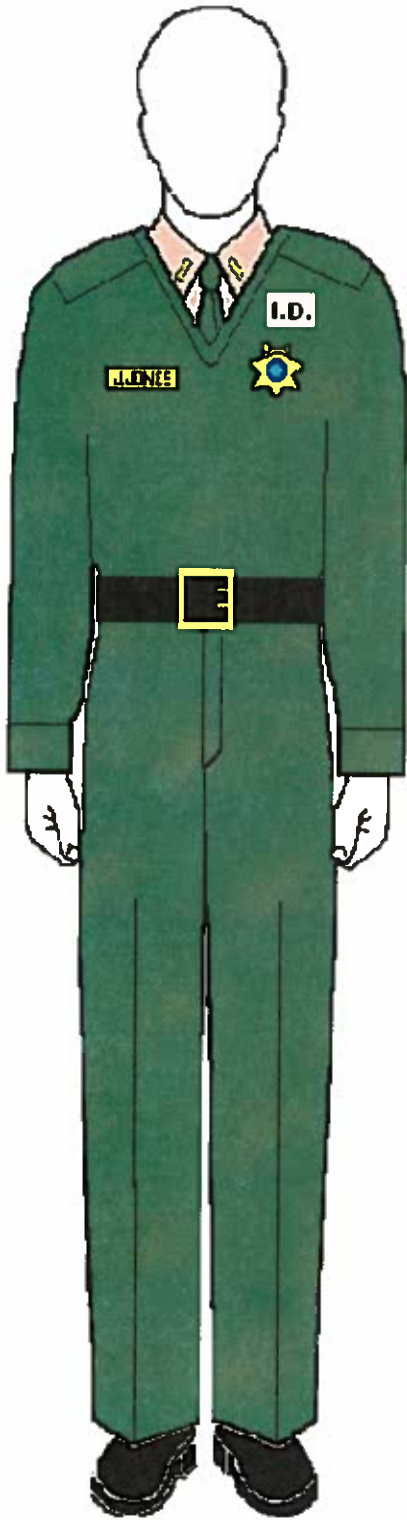
Class-A Uniform with Turtle Neck and Campaign Hat



Class-A – This uniform consists of the following items and is considered a Class A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Black or White Mock Turtleneck or Dicki.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge.
- Full Color Patches (NDOC, Flag, Rank, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left pocket as shown.

Class-A Dress Uniform with green Commando type sweater



Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Commando Type Sweater.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on the shirt, badge patch on sweater).
- Metal Badge on shirt.
- Metal Rank Insignia on shirt.
- Metal Name Tag on both the sweater and shirt.
- Affix picture I.D. card as shown.

350.06 DRESS STANDARDS (Uniformed Staff) Class “B” Uniform

A Class B uniform shall be worn in designated posts within the Department as determined by the Warden or higher authority. The Class B uniform is defined as:

- 1. Shirt:** The shirt will be tan in color. Short or long sleeves may be worn year-round. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. T-Shirts are required to be worn. T-shirts must be white or black cotton with a crew neck, absent any type of lettering or logos. Black Dickies may be worn over the approved T-shirt. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.
- 2. Trousers:** The “Class-B” trousers will be olive drab green in color with cargo pockets. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.
- 3. Tie:** The Department’s approved color is “olive drab green” – the same color as the trousers. Ties are required when wearing a long sleeve shirt with Class B uniform, or when directed to be worn by your supervisor or higher authority.
- 4. Trouser Belt:** The belt shall be black, basket-weave design no less than 1 ½ inches in width. The buckle shall be a garrison type, silver in color for C/O’s and SC/O’s, and gold in color for Sergeant and Lieutenant. A Velcro-type fastening device may be used instead of a buckle.
- 5. Duty Belt:** A Duty belt is required and is the same as for the Class A uniform. It will be black in color and can be leather, Corfram or nylon. It will not be less than 2 ½ inches in width. All accessories shall match the duty belt in design and color.
- 6. Footwear:** There are four (4) types of footwear approved for wear with the officer’s uniform:
 - A. Oxford/Chukka** – These are black, lower cut, lace-up dress shoe type. The sole must be black, and can be of leather, slip resistant type or synthetic. The upper part of the shoe must be a plain, military type toe, made of leather or corfram that will shine to a gloss finish.
 - B. Quarter Boots** – These are black, lower cut, lace-up dress shoe type. The sole must be black and will be of a slip resistant type made of leather or synthetic type materials.
 - C. Boots/Lace-up Type** – These boots are black in color, lace-up type. The laces must be black. The sole must be black and will be of a slip resistant type made of leather or a synthetic type material. The upper part of the boot must have a

plain, military type toe, and be made of leather or a leather/Cordura type nylon, which will shine when polished to a gloss finish.

D. Wellington Type Boots – These are black, pull on boots with a round military type toe. The sole must be black and can be constructed of slip resistant type leather or a synthetic type material.

E. Steel toed boots are appropriate when assigned to work crews and fires.

F. Footwear: Must be the boots/lace-up type described in Class “A” Uniform Footwear section.

7. Insignia

A. The Class B uniforms must have the Nevada Department of Corrections patch on the left shoulder and the American Flag on the right shoulder.

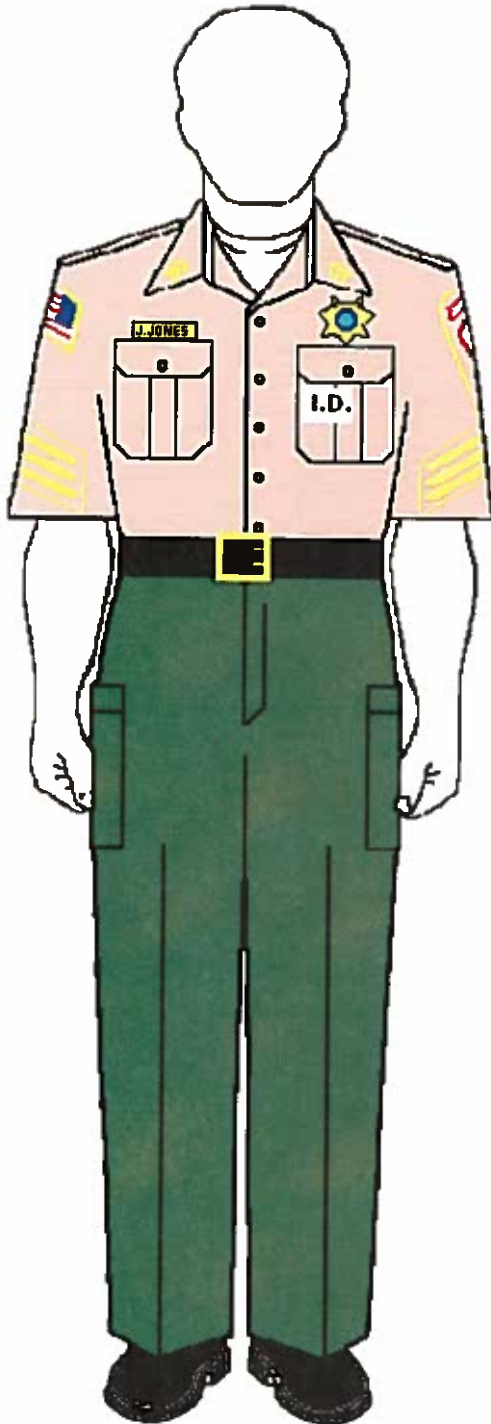
B. A rocker may be worn above the Nevada Department of Corrections insignia displaying the initials of the institution/facility where the officer is assigned; i.e., ESP, SDCC, NSP, HDSP, etc.

C. The badge must be cloth-sewn type; it will be sewn on the left side of the chest, centered on the bottom point of the badge, 1” above the top of the pocket.

D. Standard metal nametags for shirts and uniform jackets are required.

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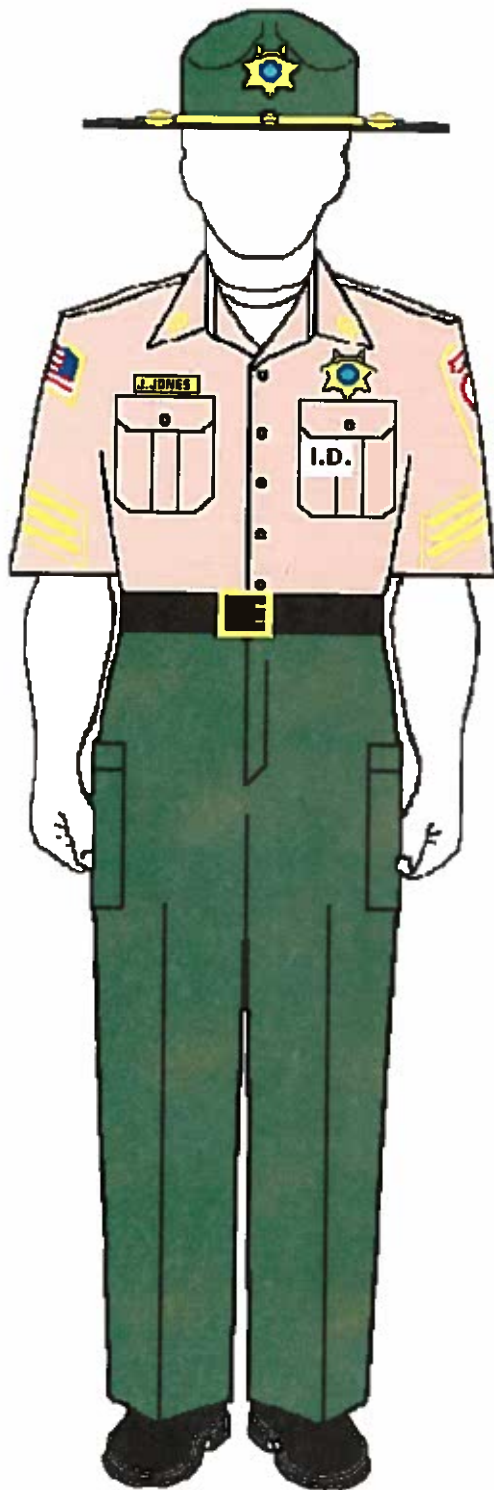
Class-B Dress Uniform



Class-B – This uniform consists of the following items and is considered a Class-B Dress Uniform authorized for wear the entire year.

- Class-B trousers.
- Tan Short Sleeve Dress Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Rank).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left shirt pocket as shown.

Class-B Dress Uniform with Campaign Hat



Class-B – This uniform consists of the following items and is considered a Class-B Dress Uniform authorized for wear the entire year.

- Class-B trousers.
- Tan Short Sleeve Dress Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge
- Full Color Patches (NDOC, Flag, Rank).
- Metal Badge on both the Shirt and Hat.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left shirt pocket as shown.

350.07 DRESS STANDARDS (Uniformed Staff) Standard Class "C" BDU Uniform

1. The standard Class "C" BDU uniform shall be the Department's approved color which shall be worn in designated posts within the Department as determined by the Warden or higher authority. The standard Class "C" BDU uniform is defined as:

A. Shirt: The shirt must be a "BDU" type in the Department's approved color and distributed by the Department's supplier. Shirts must be long enough to keep tucked inside the trousers. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. A black or white crewneck undershirt/t-shirt with no visible logos or writing shall be worn.

B. Trousers: The trousers must be a "BDU" type in the Department's approved color and distributed by the Department's supplier.

C. Belts: Duty belts are the same as approved for Class A and Class B uniforms.

D. Footwear: Must be the boot/lace-up type described in Class A and Class B Uniform Footwear section.

E. Polo Shirt: Officers may wear the approved polo-type shirt year-round.

F. Wearing of the Class "C" (BDU), in all areas, shall be with the approval of the Warden.

G. The Class "C" two-piece BDU uniform must be the Department's approved color, with all subdued insignia. Standard and subdued insignia shall not be mixed.

H. The badge must be a cloth-sewn type, green in color, with black stitching, with a subdued background to match the green uniform.

I. The NDOC shoulder patch, for all shirts and utility uniforms, will be sewn on the left shoulder. It will be green in color, with a black background to match the green uniform.

J. Nametags will be embroidered only, black in color.

K. Collar devices will be sewn cloth only, green in color, with a black stitching to match the green uniform.

L. Duty belt will be black leather or nylon type, and shall comply with duty belt requirements.

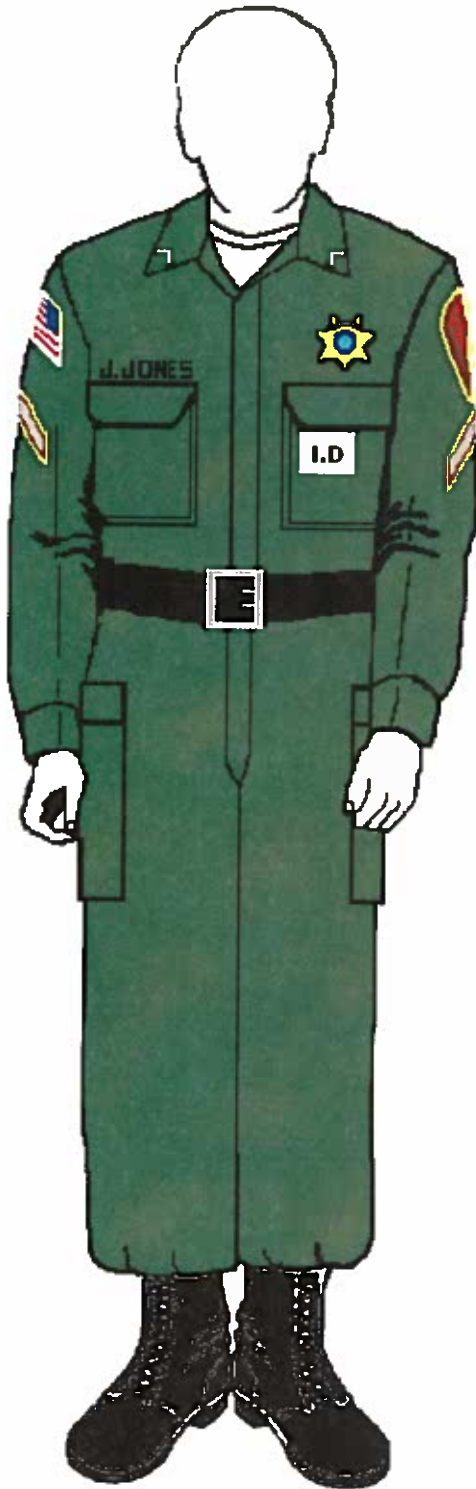
M. Pregnant female staff may wear trousers with an expandable, elastic waistband with the uniform shirt worn outside the trousers. The shirt or BDU uniform blouse shall have a squared hemline.

N. Certain modifications to uniforms will be allowed due to injuries which require use of a cast, sling, etc. which hinders the wearing of the uniform properly while on temporary modified duty.

O. BDU shirts, trousers, cloth badges, NDOC shoulder patches, name tags, collar devices, polo type shirts and the approved winter hats and beanie will be as approved by the Department.

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Class-C BDU Uniform



Class-C – This uniform consists of the following items and is considered a Class-C Utility Uniform authorized for wear the entire year.

- BDU trousers.
- BDU 2 pocket Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt
- Military Type Lace-up Boots.
- Green Utility Baseball type cap authorized.
- Subdued Patches (NDOC, Flag, Rank).
- Cloth Badge on both the Shirt and Hat.
- Metal or Cloth Rank Insignia.
- Name embroidered with first initial and last name is mandatory.
- Affix picture I.D. card on left shirt pocket as shown.

350.08 DRESS STANDARDS (Uniformed Staff) Class "C" C.E.R.T. BDU Uniform

1. The Class "C", C.E.R.T. BDU uniform is approved for the Department's Correctional Emergency Response Teams (C.E.R.T.), as approved by the Director. The Class "C" C.E.R.T. BDU uniform is defined as:

A. Shirt and Trousers are the same as the Class standard C uniform except the color of the 2-piece C.E.R.T. BDU uniform is black.

B. Badge will be silver in color, cloth only, with a subdued background to match the black uniform. A gold color will be worn by Sergeants and above, with the subdued background.

C. The NDOC shoulder patch, for all shirts and utility uniforms, will be sewn on the left shoulder. It will be silver in color, with a black background to match the black uniform.

D. Nametags will be embroidered only, silver in color.

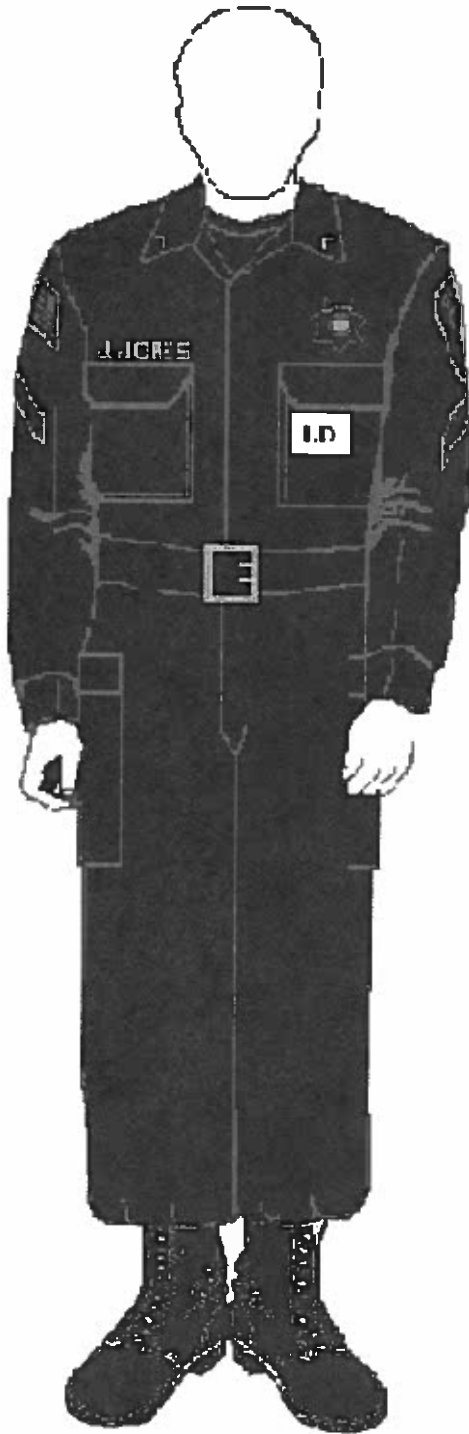
E. Collar devices will be sewn cloth only, silver in color, with a black background to match the black uniform.

F. Duty belt will be black leather or nylon type, and shall comply with duty belt requirements.

G. Certain modifications to uniforms will be allowed due to injuries which require use of a cast, sling, etc. which hinders the wearing of the uniform properly while on temporary light duty.

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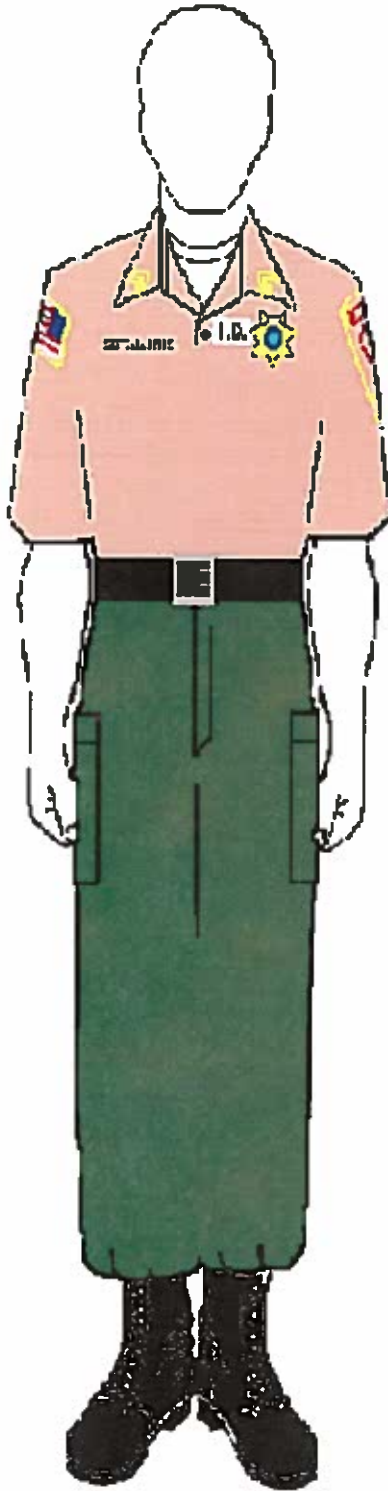
Class-C BDU Uniform (CERT)



Class-C – This uniform consists of the following items and is considered a Class-C Utility Uniform authorized for wear the entire year by CERT officers only.

- Black BDU trousers.
- Black BDU Shirt.
- Black Crew neck T-Shirt and/or Black turtle neck sweater in the winter time.
- Trouser Belt.
- Duty Belt.
- Military Type Boots.
- Black Utility Baseball type cap authorized.
- Subdued Patches (NDOC, Flag, Rank).
- Cloth Badge on both the Shirt and Hat.
- Metal or Cloth Rank Insignia.
- Name embroidered with first initial and last name is mandatory.
- Affix picture I.D. card on left shirt pocket as shown.

Class-C Summer Uniform – Polo Shirt



Class-C – This uniform consists of the following items:

- BDU Trousers or *Class-B Trousers*.
- Tan Polo Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt.
- Military Type Boots.
- Full Color Patches (NDOC, Flag).
- Cloth Badge.
- Name embroidered with Rank, first initial and last name is mandatory.
- Affix picture I.D. card as shown.
- Rank insignias to be embroidered on collar.

350.09 OUTER GARMENTS

1. Jackets - Winter jackets (nylon), green, "Tuffy" style. Silver colored buttons for C/O Trainees, C/O's and Senior C/O's; gold buttons for Sergeants and Lieutenants.
2. Dress jackets (Eisenhower jackets) – Green, silver colored buttons for C/O Trainees, C/O's and SC/O's; gold colored buttons for Sergeants and Lieutenants.
3. BDU-type jacket - OD green, may be worn with the BDU uniform only. All insignia on this jacket will be subdued in color.
4. Sweaters - Forest green, wool, pullover type, "V" neck, or cardigan from the Department's contractor. To be worn with Class A or B uniforms.
5. Rain Coats - Optional. The long yellow classic rider style design is authorized.
6. Headgear – Approved headgear as follows. They are all optional.
 - A. Green utility baseball type cap, with the Department of Corrections badge insignia. Embroidery will be silver or gold based on rank, may be worn with approved uniforms. Badge will be subdued for wear with the BDU uniform). Cap shall be worn as originally intended.
 - B. Trooper type winter hat, during cold or foul weather, may be worn as originally intended.
 - C. Winter Headgear – May be authorized during certain types of working conditions, i.e., inclement weather. Requires Warden's approval.
 - D. Warden or Facility Manager may authorize a brimmed Tilley or Outback style hat in brown or green color for inclement weather, to consider the rain or sun protection.

350.10 UNIFORM PROHIBITIONS

1. Peace Officers will not wear the Department uniform in any bar, tavern, gambling hall or nightclub, except in the necessary performance of assigned duties.
2. Department identification cards or Peace Officer badges are not to be used to misrepresent official capacity or authority.
3. While in uniform, the purchasing or consumption of alcoholic beverages, or engaging in other activities such as protesting or smoking is prohibited.
4. The wearing of an incomplete uniform on duty is prohibited.
5. Upon the discretion of the respective Wardens, uniform inspections will be held periodically. Uniforms will be kept clean and neatly pressed.

6. Unless approved by this regulation, the mixing of uniforms is not allowed.
7. No items such as qualification pins or other badges, stickers or insignias may be worn with a uniform without the specific approval of the Deputy Director based on documented training, qualification, and Department function.
8. The wearing of a uniform for off duty functions is not authorized.

350.11 UNIFORM PAYMENTS

Uniforms payments will be made to applicable staff based upon the legislatively approved uniform allowance.

350.12 DRESS STANDARDS (Nursing Staff)

Nursing staff may wear lab coats, scrubs, and other clothing *consistent* with this regulation and general community standards applicable to the medical trade and profession, mindful of the environment in which they work and consistent with this regulation. No red, blue, orange or yellow colors are authorized. The Warden maintains the final approval on colors that are not authorized in correctional facilities.

350.13 DRESS STANDARDS (Prison Industry (PI) Supervisor, Food Service Staff, Recreational Specialist and Laundry Staff)

Staff are expected to dress consistent with general community standards applicable to their trade and profession, consistent with this regulation, and mindful of the environment in which they work and consistent with this regulation. The Warden maintains the final approval.

350.14 DRESS STANDARDS (Maintenance)

Maintenance staff may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work and consistent with this regulation.

1. **Trousers:** dark brown in color, made of durable fabric such as cotton or a cotton blend fabric.
2. **Shirts:** tan, black or dark brown in color, made of a durable fabric such as cotton or a cotton blend fabric. Shirts may be short sleeve for the summer and long sleeve for the winter (either shirt may be worn year around). T-shirts are required to be worn. They must be white or black, cotton, crew neck T-shirts without any type of lettering, decals or logos.
3. **Footwear:** There are four (4) types of work shoes/boots authorized for wear. Laces much match the shoe color on all footwear. Steel toed boots are appropriate:
 - A. **Oxford type work shoe:** These are brown or black, low cut, lace up work shoes. The sole must be brown/black and be made of a slip resistant type material. The upper

part of the shoe must have a military type toe and be made of leather or a leather type synthetic material. The shoe must be maintained for a clean appearance.

B. Quarter Boot: These are brown or black lace up, quarter boots. The sole must be brown/black and made of a slip resistant type material. The upper part of the boot must have a military type toe and be made of leather or a leather type synthetic material. The boot must be maintained for a neat appearance.

C. Boot Lace up: These brown or black boots are a lace up type. The sole must be brown/black and made of a slip resistant type material. The upper part of the boot must have a military type toe and be made of leather or a leather/nylon material. The boot must be maintained for a neat appearance.

D. Wellington Type Boot: These are brown or black, pull on type work boots. The sole must be brown/black and constructed of a slip resistant material. The upper part of the boot must have a military type toe and be made of leather or a leather type synthetic material. The boot must be maintained for a clean appearance.

4. **Belt:** The belt shall be brown leather and shall be no less than 1 ½" - wide and must have a garrison type buckle, silver or gold in color. The belt will have no lettering or insignias.

5. **Work Gloves:** Gloves must be leather, palm and fingers. The style must be approved by the Maintenance Facility Supervisor or Warden of the facility, depending on the type of work being performed by the maintenance personnel.

6. **Jacket:** The winter jacket must be brown in color and match the trousers. Different styles can be approved by the Warden depending on the environmental concerns and the type of work performed by the maintenance staff.

7. **Headgear:** The one (1) authorized style of headgear is a brown, baseball type cap, with the NDOC star on the cap. Winter headgear may be authorized during certain types of working conditions, i.e., inclement weather. Must be approved by the Warden.

350.15 DRESS STANDARDS (Office of the Inspector General)

Investigators assigned to the Office of the Inspector General may wear clothing consistent with general community standards applicable to their trade and profession, mindful of the environment in which they work, consistent with this regulation and Court acceptable:

1. For any court appearance, investigators shall wear, at a minimum, long sleeve dress shirts, slacks and dress shoes. Male investigators are required to wear a tie.

2. Investigators are required to have available at all times, an appropriate coat or jacket for Court appearances or to conceal their weapon while in the community.

3. On approved days, investigators will be allowed to wear:

- A. Black or tan embroidered polo shirts obtained from the approved provider.
 - B. Button down shirts purchased from Prison Industries (Industrial Programs), embroidered with the Department of Corrections seal;
 - C. Business casual pants or slacks with dress shoes; or
 - D. Cargo or tactical style pants are authorized when approved by the supervisor.
4. Inspector General Supervisors have the authority to allow for deviation from the standard dress code based on the nature of the investigator's assignment. Deviations will be determined on a case by case basis and must be approved by the Inspector General.

350.16 DRESS STANDARDS (Training Section)

Trainers may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work, consistent with this regulation.

- 1. Non-custody Training Officers are required to wear classroom acceptable clothing:
 - A. Training Officers shall wear, at a minimum dress shirts, slacks and dress shoes. Long or short sleeve shirts are authorized. Men are required to wear a tie.
 - B. On approved designated days, Training Officers will be allowed to wear:
 - (1) Button down shirts purchased with the Department of Corrections seal; and
 - (2) Business casual pants or slacks with dress shoes/boots; or
 - (3) Cargo or tactical style pants are only authorized on defensive tactics/range days.
 - C. The Employee Development Manager has the authority to allow for deviation from the standard dress code based on the nature of the Training Officers' assignment. Deviations will be determined on a case by case basis.
- 2. Custody staff assigned to the Training Section will adhere strictly to the guidelines for Class A and C Uniforms established in this AR.
 - A. On approved days, custody training staff will be allowed to wear Class C - BDUs:
 - (1) During Defensive Tactics. BDU tops may be removed during defensive tactics as long as authorized T-shirts are worn.
 - (2) During range days.

B. The Employee Development Manager has the authority to allow for deviation from the standard dress code based on the nature of the Training Officers' assignment. Deviations will be determined on a case by case basis.

3. Academy Requirements for Recruits:

A. Class A uniforms or black slacks with a belt, white collared shirts with a pocket on the left side of the shirt.

B. Black polished shoes and black socks.

C. White t-shirt with proper under garments.

D. Gray sweatshirts and sweatpants will be worn during Physical Fitness training and Defensive Tactics training. The Academy Commander may approve T-shirts.

E. BDUs will be worn during Firearms Qualifications.

350.17 DRESS STANDARDS (Non-Uniformed)

Non-uniform staff may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work, consistent with this regulation.

1. Staff are required to wear button-up dress shirts or polo style shirts. Long or short sleeve shirts may be worn. No T-shirts, no logos. No shirt may be worn similar in color to the inmate blue. Staff may not wear see through dress blouses or shirts. All clothing must be of conservative nature. Tank tops, strapless, one-shoulder, spaghetti straps, bare midriffs, or low cut clothing or low cut V-neck garments are not authorized.

2. Staff will wear business casual wear, Docker style or dress slacks with boots, casual or dress shoes year around. Flip-flops, defined as not having a firm base structure of the shoe or back strap, are not authorized. Dresses, skirts, gauchos, skorts, and culottes will be no shorter than two (2) inches above the knee. No tight fitting clothing, i.e., spandex, or exercise type pants. Leggings may be worn if accompanied by a fingertip length or longer loose fitting top or dress.

3. When appearing in court or on outside business for the Department, i.e., legislature, personnel hearing, etc., staff will be dressed in a dress shirt (males must wear a tie), suit, dress, or dress slacks, dress shoes or boots and a sport jacket, suit coat, blazer or cardigan sweater.

4. When appropriate for range, defensive tactics, or other similar activities as required by a hosting agency, cargo pants and appropriate shoes may be worn as directed.

350.19 JEANS/BUSINESS CASUAL FRIDAYS

1. Any staff member working within a secured perimeter of any institution, camp or facility will not wear blue jeans. Jeans other than blue may be worn if appropriate, and shall be consistent with general community standards applicable to their trade and profession, mindful of the environment in which they work, and weather conditions as approved by the Wardens of each institution.
2. Business Casual Fridays, where approved, should comply with appropriate clothing items from the following:
 - A. Slacks and casual chinos;
 - B. Neat denim jeans;
 - C. Blouses;
 - D. Polo shirts;
 - E. Athletic footwear; and
 - F. Dress sandals.
3. The following is not authorized for Business Casual Fridays:
 - A. Strapless or spaghetti dresses; tight fitting clothing, i.e., spandex, stretch or stirrup type pants.
 - B. Clothing that reveals the mid-section, or tank tops;
 - C. Jeans that have holes, or are faded and frayed;
 - D. Sheer/see-through clothing, or low-cut/revealing necklines;
 - E. Worn-out sneakers, flip-flops, shower shoes or thongs;
 - F. Shorts of any kind, or pool/beach attire;
 - G. Gym wear/sweats, or logo T-shirts.

350.20 ETHNIC/RELIGIOUS DRESS

- A. Non-custody employees may wear traditional ethnic and religious clothes that do not violate safety and security mandates for the Department's work environments, or result in an undue hardship. Employees may request to wear required head dress such as Kippa or Yarmulke. Requests should be submitted to the Warden or appropriate non-custody supervisor or management official.

- B. Custody employees may request a reasonable accommodation to the Grooming and Dress Code due to their religion. Request for a reasonable accommodation shall be approved by the Warden, and officer must demonstrate compliance with Section 3 (G), if required by POST.
- C. Any employee may request an appeal or evaluation of any restriction of ethnic or religious dress. The request shall be submitted to the Equal Employment Officer (EEO). The EEO will provide a recommendation, and any deviation from the dress standards shall be approved by the Director and/or Designee.

350.21 DISABILITY ACCOMMODATION

Employees may request a reasonable accommodation to the Grooming and Dress Code due to their disability. Request for a Reasonable accommodation must be approved by the Warden.

APPLICABILITY

- 1. This regulation requires an Operational Procedure for each institution and facility and Support Services.
- 2. This regulation does not require an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
350**

DEPARTMENT GROOMING AND DRESS STANDARDS

Supersedes: AR 350 (Temporary, 08/01/11); AR-350 (Temporary, 04/25/12); 12/17/13; (Temporary, 07/20/17)
Effective date: 08/15/17+2/17/13

AUTHORITY: NRS 209.131; 613.350; 608.165

PURPOSE

To establish standards, specifics, and appropriate dress code to ensure the identification of correctional staff in order to promote staff, public and inmate safety. It is the policy of the Nevada Department of Corrections (NDOC) to ensure that all employees portray the most favorable image of law enforcement. Such an image should reflect the highest professional standards and be consistent with public expectations of a disciplined organization which demonstrates confidence and trust.

RESPONSIBILITY

The Director is responsible for the establishment of regulations.

The Deputy Directors are responsible for the implementation of grooming and dress standards for their respective divisions.

Supervisors are responsible to ensure compliance with grooming and dress standards.

All uniformed and non-uniform staff shall be responsible to understand, follow, and apply the NDOC Grooming and Dress Standards while employed at the NDOC.

350.01 GROOMING STANDARDS

1. Hair requirements for Uniformed Staff and Non-Uniform Staff who work within the institution's secure perimeter:

A. Hair shall be styled in a fashion which shall not impair vision or create a safety-hazard in the work area.

B. Hair shall not be styled or combed forward any lower on the forehead than the eyebrow, measured from the high point of the eyebrow, and shall not be visible on the forehead when the uniform hat is worn.

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C. Hair style shall not impede, restrict, or detract from the proper wearing of the uniform hat.

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A. Employee's hair shall be cut or styled so as ~~to not extend~~ below the top of the shirt collar while sitting or standing in an erect position and ~~shall not cover any part of the outside portion of the ear.~~ Hair will be neat, clean, trimmed, well groomed, and will not exceed one half inch below the top of the buttoned shirt collar while standing.

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D. Employee's hair shall be cut or styled so as ~~to not extend~~ below the top of the shirt collar while sitting or standing in an erect position and ~~shall not cover any part of the outside portion of the ear.~~ Employee's hair shall not extend below the bottom of the collar. If the hair is long, it shall be worn up in a neat style to conform to this regulation. No decorations in the hair are permitted and hair clips and/or pins shall closely match the color of the hair. No free hanging hair shall be visible. Employees may wear braids, cornrows or dreadlocks as long as the braided style lies snugly on the head and any holding device comply with the standards in this regulation. Styles that are lopsided or distinctly unbalanced are prohibited. Widely spaced individual hanging locks and other extreme styles that protrude from the head are prohibited. All styles require the proper wearing of the uniform hat. If the hat cannot be worn properly, the hair style is not permitted.

B. ~~Hair will be neat, clean, trimmed, well groomed, and will not exceed one half inch below the top of the buttoned shirt collar while standing.~~

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C. ~~Bangs will be cut or styled so that hair will not interfere with vision.~~

D. ~~Hair on the sides of the head will be combed so as not to cover more than one half inch of the outside portion of the ear.~~

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E. ~~Long hair is acceptable as long as the hair style meets the requirements of A, B, and C.~~

E. Hair style and color shall not distract from the uniform. Shaved designs (designs cut into the hair) that are visible are prohibited, to include ~~exotic~~ designs or row cutting. Designs do not include natural curls or braids that meet the standards in this regulation.

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F. ~~_____~~

G.F. _____ Hair shall not exceed two (2) inches above the top of the head.

H.G. _____ Hair shall not be worn in any eccentric style such as, ~~but not limited to:~~ Mohawk, Ducktail, ~~Knitting of the hair, to include eccentric or~~ coloring that is unnatural to human hair ~~exotic coloring.~~

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H.H. _____ Wigs and hairpieces must conform to hair requirements stated in this regulation.

~~J.I.~~ Hair shall not be styled in any fashion, which hinders wearing the approved uniform hat in its original and historical prescribed manner.

~~K.J.~~ _____ Ponytails are not authorized for uniformed staff.

2. Hair Requirements for Non-Uniformed Staff, who work outside the institution's secure perimeter.

A. Hair shall be styled in a fashion which shall not impair vision or create a safety hazard in the work area.

~~B. will~~ Hair shall be ensure their hair is clean, well-groomed and styled in a way that conforms to ~~at least~~ business casual dress standards.

C. Shaved designs that are visible are prohibited, to include designs or row cutting. Designs do not include natural curls or braids.

D. Hair shall not be worn in any eccentric style such as, but not limited to: Dread Locks that extend below the collar or Ducktail.

E. Wigs and hairpieces must conform to hair requirements stated in this regulation.

3. Facial Hair: Neatly trimmed sideburns and/or mustaches are permitted as followed:

A. Sideburns shall not extend below the bottom of the ear and shall end with a clean-shaven horizontal line. The maximum width at the bottom of the sideburns shall not exceed 1½ inches.

~~A. Sideburns shall not extend below the middle of the exterior opening of the ear.~~

B. Sideburns shall be of an even width and will not be flared.

~~C. Sideburn shall be trimmed with a clean shaved horizontal line.~~

C. Mustaches shall not extend more than ½ inch below the corners of the mouth, nor below the border of the upper lip, or extend more than ¼ inch above the corner of the mouth. Waxed ends or points shall not be allowed.

~~D. Mustaches shall not extend over the top lip, nor in any way obscure the upper lip.~~

~~E. Mustaches shall not extend beyond or below the corners of the mouth.~~

~~F. Mustaches shall be kept short and neatly trimmed to prevent an "overly" bushy appearance.~~

~~G.D.~~ _____ Beards and/or goatees are allowed. They will be kept neatly trimmed to no longer than one (1) inch in length. However, should safety equipment be part of the assigned post position, employee must be able to properly utilize said

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equipment, including the protective mask to be able to dispense the MK9.
Officers are permitted to purchase their own personal mask, developed for those
who wear a beard or goatee, but must keep on their belt at all times. Officers not
wearing a beard or goatee must be clean shaven when reporting for duty.

H.E. _____ Staff shall notify supervisor of intent to substantially change their facial
appearance, to include the growing or removal of facial hair. New NDOC
employee identification I.D. cards are mandatory, within one-week, after
substantial changes have been made. Employees are responsible for the purchase
of new I.D. cards.

4. Make-up: ~~ECosmetics shall be soft, subdued and restrained, matching the natural
color of skin and lightly applied.~~ employees may wear cosmetics that blend with or match
the natural skin tone of the employee. False eyelashes are not permitted. Upon medical
verification by the employee's personal physician, any employee may wear cosmetics to
conceal facial disfigurement. The cosmetics shall blend or match their natural skin tone.

5. Tattoos: (Uniformed Staff; Contract Staff; Vendor Staff; or Staff working in a
controlled area at a facility or institution): Tattoos or branding will not be exposed or
visible while on-duty. Such markings ~~shall~~ must be covered by clothing. All other
markings that cannot be covered by clothing ~~will~~ shall be covered using make-up, neutral
toned bandages or patches. Hand and finger tattoos shall be covered with approved
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6. Fingernails:

- A. Fingernails shall be kept clean and neatly trimmed.
- B. Fingernails of custody staff shall not extend more than ¼ inch beyond the tips of the fingers or thumbs. Fingernails of non-custody staff must not impede work identified in essential functions.
- C. Polish is permissible for all custody and non-custody staff. However, decals are not permitted for custody staff or any staff member working within a secure perimeter. colors will be neutral, light tones without designs.

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7. Jewelry: The wearing of jewelry in a prison setting is neither appropriate nor safe:

- A. Wristwatches may be worn. Watches worn on chains or pinned to the uniform are not permitted.
- B. A medical alert identification bracelet is permitted.
- C. Rings shall be limited to one ring per hand.
- D. Neck chains, bracelets, and/or necklaces shall not be permitted while on duty except for religious medals that may be worn if covered by the uniform shirt. The chain/neckless, if worn will not be visible.
- E. Stud/post earrings which do not extend below the earlobe may be worn. Stud/post earrings ~~W~~will be 4mm or less. No more than two (2) ~~Only one~~ stud/post earring(s) isare allowed per ear, and shall be worn symmetrical.
- F. Employees are prohibited from wearing face piercings or and tongue studs ~~while at work.~~
- G. Employees are prohibited from stretching their earlobes, a process called "gauging."
- H. Staff should refrain from wearing precious or semi-precious stones. The Department accepts no responsibility for loss of, or damage to, such personal items.
- I. Employees are prohibited from attaching, affixing, or displaying objects, articles or jewelry on or through the nose, tongue, eyebrow or other exposed body parts.
- J. All jewelry implants will not be exposed or visible while on-duty.

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8. Undergarments:

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~~All staff are required to wear Undergarments, which include but are not limited to: t-shirt, sports bras, brassieres, or compression garments. Such garments shall not be visible or allowed to protrude from under clothing. This prohibition does not apply to the required and approved t-shirt for uniform staff.~~

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~~B. Female staff shall wear a brassiere at all times.~~

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9. Employee Organization Pin:

Only one Employee Organization pin, depicting its emblem, may be worn on a uniform above the name tag/plate or on the collar of the civilian clothing. Field Training Officer (FTO) pins are prohibited. Pins must be approved in advance by the Deputy Director.

350.02 NDOC PICTURE IDENTIFICATION CARDS

1. In order to maintain proper identification for the safety of all facilities and Department offices, Identification Cards will be worn picture face out, in accordance with AR 352:

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A. ~~All Non-uniform~~ staff shall wear their ~~N~~Department ~~O~~f ~~C~~orrections picture I.D. on their person, in plain sight at all times, when entering and while inside all facilities and buildings, and when on official duty away from the facility, unless otherwise approved for extenuating circumstances.

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B. Non-uniform staff will either affix their picture I.D. card to the center of the left quadrant of their outer garment, picture facing out, or affix their picture I.D. card to a break-away type lanyard around their neck, picture facing forward and above the waist.

C. Uniform staff shall wear their Department picture I.D. affixed to their uniform shirt on the left front shirt pocket, centered on the pocket flap, unless they are wearing an approved outer garment or have the option of affixing their picture I.D. card to a break-away lanyard around their neck, when inside the institution or facility. – If wearing an approved outer garment, At which time, their picture I.D. card will be affixed to the approved outer garment, centered on the pocket flap, or to that affect. If representing NDOC outside of the institution, a lanyard is not approved.

2. Department picture identification cards shall be visible at all times to ascertain authority at any control point or while in the facility. Approved authority is responsible to validate individual authority, to prevent escapes and the entrance by unauthorized persons into any facility or building.

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350.03 PEACE OFFICER BADGES

1. Peace Officer's Badge are permitted: – 1) One – To be worn on the uniform shirt, Tuffy jacket or dress jacket or 2) – Cloth badges for the BDU two-piece uniform (subdued) or Tuffy jackets. – Badges may only be issued and worn by uniformed staff.

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2. Correctional Officers required to be certified by the Peace Officers' Standards and Training (POST) Commission shall not be allowed to wear the Peace Officer badge until ~~after~~ they have taken the Oath of Office.

3. Wallet Badges – Director; Deputy Directors, Wardens; Inspector General; Inspector General Investigators, and Associate Wardens are the only staff authorized to possess NDOC wallet badges while on duty.

4. Peace Officer Badges are authorized only for permanent status Peace Officers.
5. Peace Officer badges shall be obtained through the approved Department supplier. The Administrative Service Officer (ASO) at each correctional facility is responsible to obtain a Peace Officer badge for each officer within six-months of hire. As described in 18 USC 926B. Peace Officers who carry a concealed weapon while off duty, are required to have both their ID and badge in their possession.
6. Badges are authorized with a “retired” banner on plaques.
7. Any misrepresentation made by the use of the Department of Correction’s Peace Officer Badge is prohibited, and disciplinary action may occur if not used within policy guidelines and applicable State laws. Badges should not be displayed when not on duty.

350.04 PEACE OFFICER UNIFORMS

Peace Officers will ensure their uniforms are clean, pressed and serviceable when reporting for duty. Uniforms are to be purchased from the approved vendor.

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350.05 DRESS STANDARDS (Uniformed Staff Only) Class “A” Uniform

1. Class A uniform ~~shall will always~~ be worn by all ranks of Correctional Officers when they are manning a post that, on a routine basis, will be meeting the public, i.e., gatehouse, visiting, court appearances, training classes, etc. The Class A uniform ~~shall will always~~ be worn unless otherwise approved by this Administrative Regulation or by the appropriate supervisor. The requirements will be addressed in Institutional Procedures. The Class A uniform is defined as:

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A. Shirt: The shirt will be tan~~_in~~ color. Short or long sleeves may be worn year-round. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. T-shirts are required to be worn. They must be white~~or black~~, cotton crew neck T-shirt without any type of lettering or logos. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.

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B. Trousers: The trousers will be “Olive Drab Green” in color and will be the type distributed by the Department’s uniform contractor. Without cargo pockets.

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C. Tie: Ties are “Olive Drab Green” in color. Ties are optional with Class A uniforms. Ties are required with a long sleeve shirt when the Officer is appearing in Court or representing the Department outside the facility, or when directed to be worn by a supervisor or higher authority. Clip on and break-away ties are required.

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D. Trouser Belt: The belt shall be black, basket-weave design no less than 1 ½ inches in width. The buckle shall be a garrison type, silver in color for C/O’s and

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SC/O's, and gold in color for Sergeant and Lieutenant. A Velcro-type fastening device may be used instead of a buckle.

E. Duty Belt: A duty belt is required. It will be black in color and can be leather, Corfram or nylon. It will not be less than 2 $\frac{1}{2}$ - $\frac{1}{4}$ inches in width. All accessories shall match the duty belt in design and color.

F. Footwear: There are ~~four~~ five (45) types of footwear approved for wear with the officer's uniform:

(1) Oxford/Chukka – These are black, lower cut, lace-up dress shoe type. The sole must be black, and can be of leather, slip resistant type or synthetic. The upper part of the shoe must be a plain, military type toe, made of leather or corfram that will shine to a gloss finish. The laces must be black.

(2) Quarter Boots – These are black, lower cut, lace-up dress shoe type. The sole must be black and will be of a slip resistant type made of leather or synthetic type materials. The laces must be black.

(3) Boots/Lace-up Type – These boots are black in color, lace-up type. The laces must be black. The sole must be black and will be of a slip resistant type made of leather or a synthetic type material. The upper part of the boot must have a plain, military type toe, and be made of leather or a leather/Cordura type nylon, which will shine when polished to a gloss finish.

(4) Wellington Type Boots – These are black, pull on boots with a round military type toe. The sole must be black and can be constructed of slip resistant type leather or a synthetic type material. The laces must be black.

(5) Steel toed boots are appropriate footwear when assigned to work and fire crews as defined by the operational regulations of the facility or institution. The laces must match the shoe color.

2. Insignias/Attachments:

A. Shoulder Patches - Shall be worn on all shirts and uniform jackets. A rocker may be worn above the NDOC patch indicating the initials of the facility where the officer is assigned; i.e., ESP, NSP, SDCC, HDSP, etc.

B. Nametags - Standard metal nametags for shirts and uniform jackets. Silver in color for Correctional Officer Trainees, Correctional Officers and Senior Correctional Officers.

C. Collar Devices - Eleven-sixteenths (11/16") standard size, three chevron type collar devices for Sergeants, gold in color, 11/16 standard size single bar collar device for Lieutenants, gold in color, Senior Correctional Officers will wear two chevrons, silver in color, permanent Correctional Officers will wear one chevron, silver in color. BDU uniforms may be cloth, for all insignia, and subdued in color for all ranks.

D. Black Utility Pouch - Authorized.

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E. American Flag - Approximately 2 3/8" x 3 3/8" with a gold border for shirts; 2 3/8" x 3 3/8" for jackets and subdued for the BDU uniform. The American Flag will be worn on the right sleeve, at the shoulder with the stars facing forward.

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F. Flashlight/Flashlight Holder – Required while on shift.

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G. Key Holders/Snaps - Required (Okay's Key Safe style advisable).

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H. Whistle – Required to be attached to the belt or waist areas, not to the shoulder area.

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I. Handcuff Case - Required.

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J. Diagonal service stripes - gold on a tan background, 2 inches in length on long sleeve shirts and gold on green background on dress jacket, one stripe for every three (3) years of completed service. Service stripes may be worn on long sleeve dress shirts and dress jackets only.

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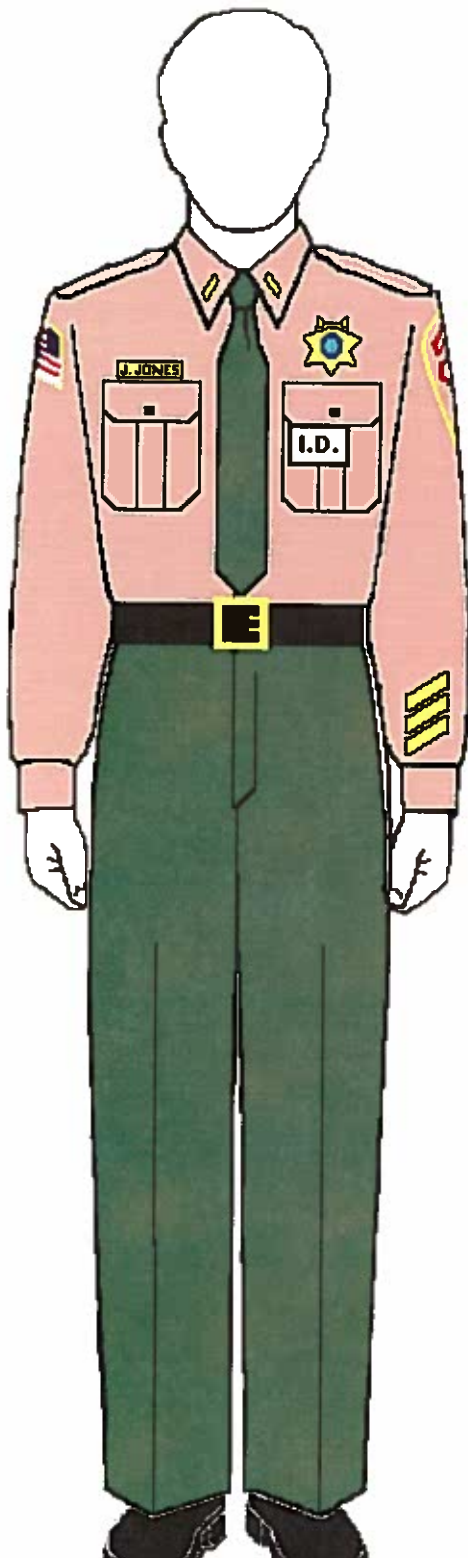
K. Chevrons - Permanent Correctional Officers will wear one silver colored, cloth chevron with a gold boarder under the American Flag and the NDOC patch. Senior Correctional Officers will wear two silver colored, cloth chevrons with gold boarders under the American Flag and the NDOC patch. Sergeants will wear standard (three chevron, gold in color) chevrons on their shirts and jacket sleeves under the American Flag and NDOC patch. Chevrons shall be in addition to the currently used collar devices. Sleeve chevrons shall be worn on both sleeves, centered with the sleeve creases. Chevrons shall be over a dark green background and may be subdued in color for the BDU uniform.

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Class-A Dress Uniform with a Tie

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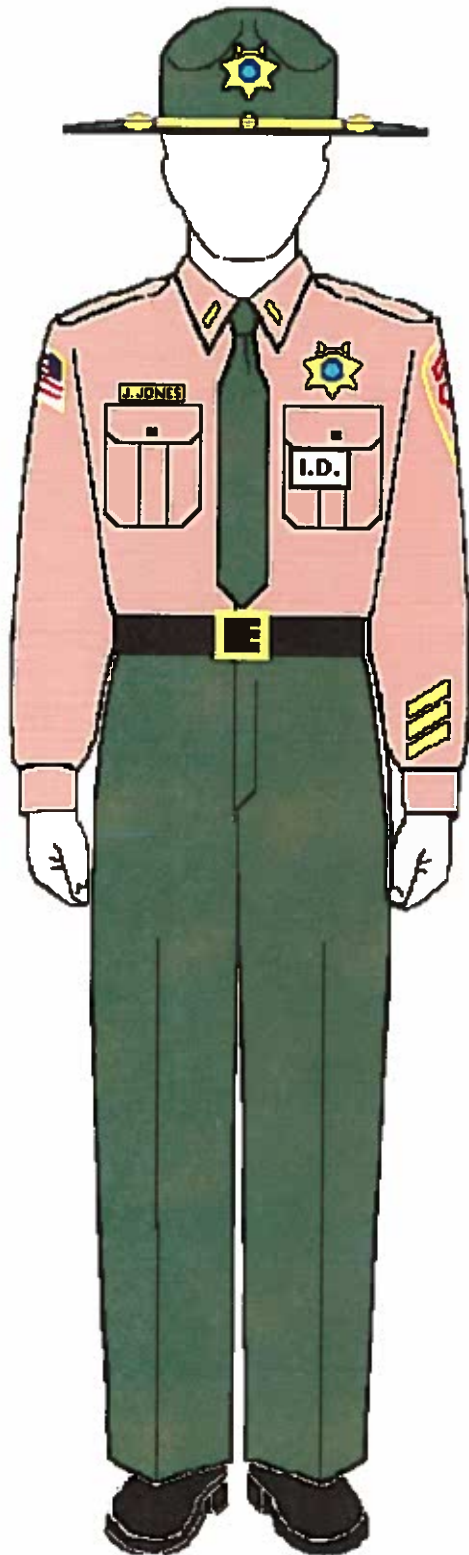
Class-A – This uniform consist of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.

- Metal Name Tag.
- Green Utility Baseball Type Cap authorized.
- Affix picture I.D. card on left pocket as shown.

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Class-A Dress Uniform with a Tie and Campaign Hat

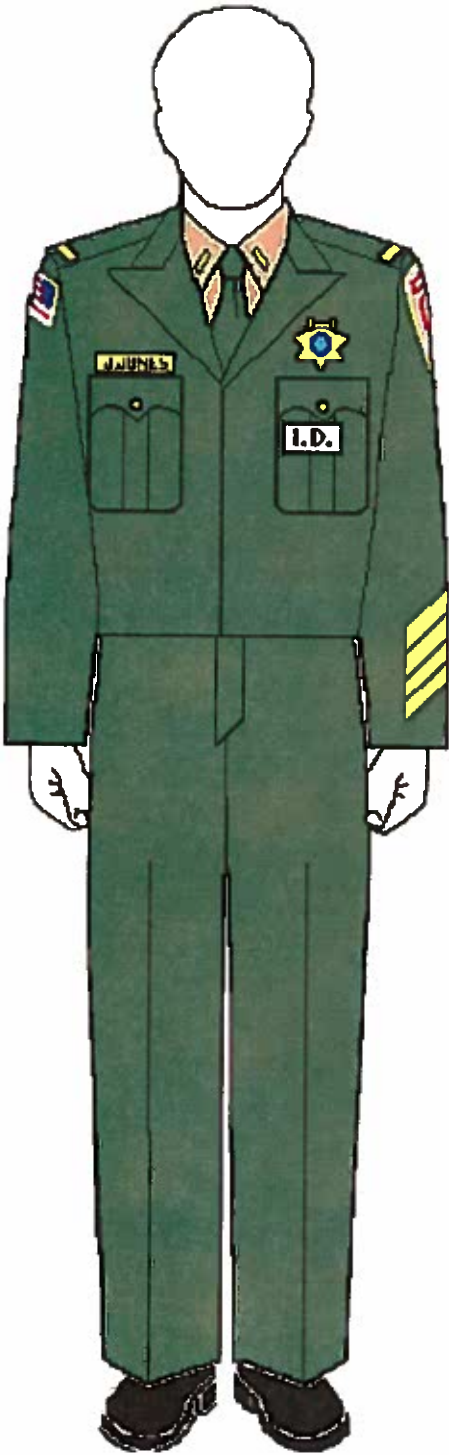


Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge.
- Full Color Patches (NDOC, Flag, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card to left shirt pocket as shown.

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Class-A Dress Uniform with Eisenhower Dress Jacket



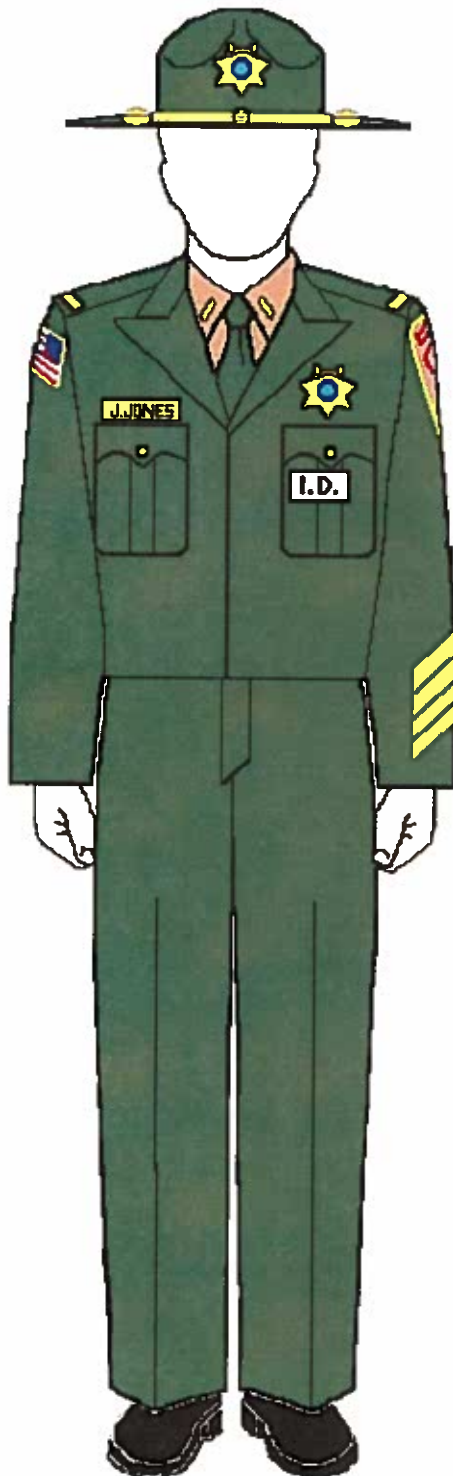
Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Eisenhower Dress Jacket.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on both the jacket and shirt).
- Metal Badge on both the jacket and shirt.
- Metal Rank Insignia on both the jacket and shirt.
- Metal Name Tag on both the jacket and shirt.
- Affix picture I.D. card to left shirt pocket as shown.

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Class-A Dress Uniform - Eisenhower Dress Jacket and Campaign Hat

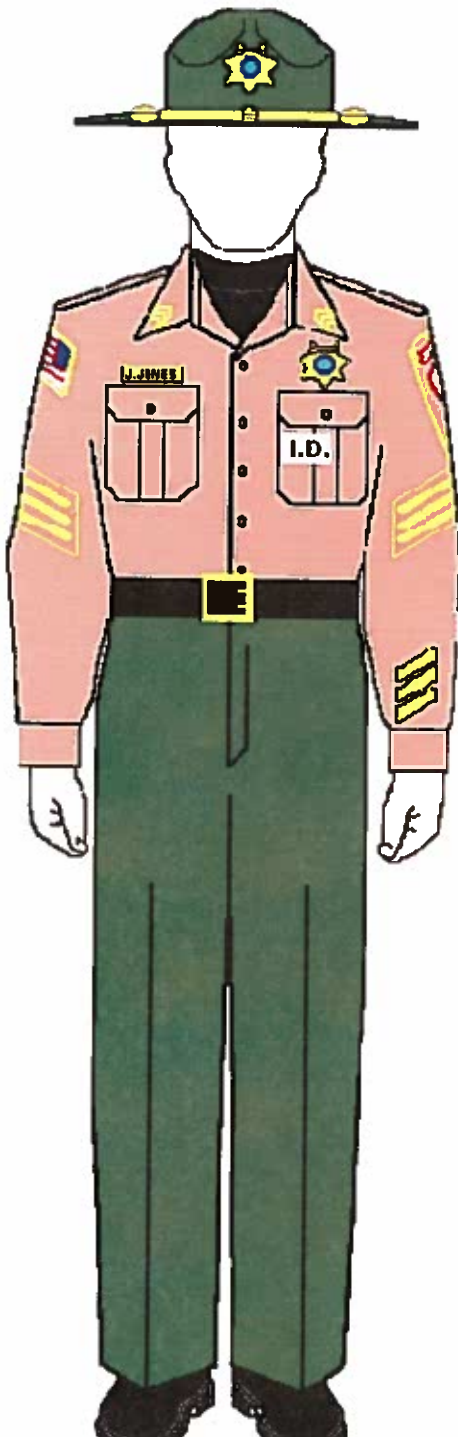
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Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

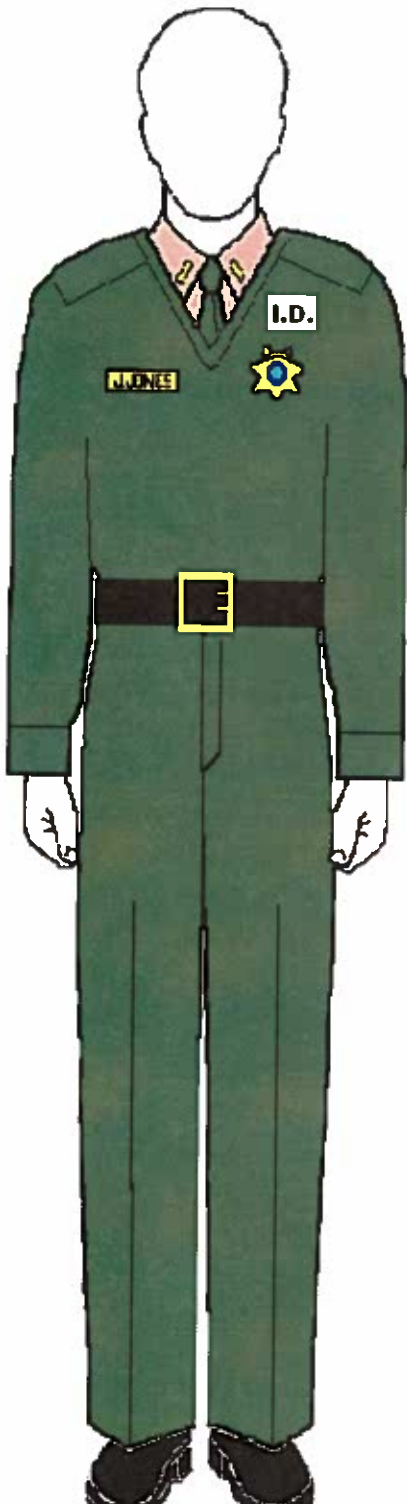
- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Eisenhower Dress Jacket.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on both the jacket and shirt).
- Metal Badge on both the jacket and shirt.
- Metal Rank Insignia on both the jacket and shirt.
- Metal Name Tag on both the jacket and shirt.
- Affix picture I.D. card to left jacket pocket as shown.

Class-A Uniform with Turtle Neck and Campaign Hat



Class-A – This uniform consists of the following items and is considered a Class A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Black or White Mock Turtleneck or Dicki.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge.
- Full Color Patches (NDOC, Flag, Rank, Service Stripes).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left pocket as shown.



**Class-A Dress Uniform with green
Commando type sweater**

Class-A – This uniform consists of the following items and is considered a Class-A Dress Uniform authorized for wear the entire year.

- Class-A trousers.
- Tan Long Sleeve Dress Shirt.
- Tie.
- Commando Type Sweater.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Service Stripes on the shirt, badge patch on sweater).
- Metal Badge on shirt.
- Metal Rank Insignia on shirt.
- Metal Name Tag on both the sweater and shirt.
- Affix picture I.D. card as shown.

8. ~~Insignias/Attachments:~~

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~~A. Shoulder Patches— Shall be worn on all shirts and uniform jackets. A rocker may be worn above the NDOC patch indicating the initials of the facility where the officer is assigned; i.e., ESP, NSP, SDCC, HDSP, etc.~~

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~~B. Nametags— Standard metal nametags for shirts and uniform jackets. Silver in color for Correctional Officer Trainees, Correctional Officers and Senior Correctional Officers. Gold colored for Sergeants, Lieutenants, and Captains. Embroidered nametags for the two piece BDU (subdued), Polo Shirts, and Tuffy jackets.~~

~~C. Collar Devices— Eleven sixteenths (11/16") standard size, three chevron type collar devices for Sergeants, gold in color, 11/16 standard size single bar collar device for Lieutenants, gold in color, Senior Correctional Officers will wear two chevrons, silver in color, permanent Correctional Officers will wear one chevron, silver in color. BDU uniforms may be cloth, for all insignia, and subdued in color for all ranks.~~

~~D. Black Utility Pouch— Authorized.~~

~~E. American Flag— Approximately 2 3/8" x 3 3/8" with a gold border for shirts; 2 3/8" x 3 3/8" for jackets and subdued for the BDU uniform. The American Flag will be worn on the right sleeve, at the shoulder with the stars facing forward.~~

~~F. Flashlight/Flashlight Holder— Required while on shift.~~

~~G. Key Holders/Snaps— Required (Okay's Key Safe style advisable).~~

~~H. Whistle— Required to be attached to the belt or waist areas, not to the shoulder area.~~

~~I. Handcuff Case— Required.~~

~~J. Diagonal service stripes— gold on a tan background, 2 inches in length on long sleeve shirts and gold on green background on dress jacket, one stripe for every three (3) years of completed service. Service stripes may be worn on long sleeve dress shirts and dress jackets only.~~

~~K. Chevrons—Permanent Correctional Officers will wear one silver colored, cloth chevron with a gold boarder under the American Flag and the NDOC patch. Senior Correctional Officers will wear two silver colored, cloth chevrons with gold boarders under the American Flag and the NDOC patch. Sergeants will wear standard (three chevron, gold in color) chevrons on their shirts and jacket sleeves under the American Flag and NDOC patch. Chevrons shall be in addition to the currently used collar devices. Sleeve chevrons shall be worn on both sleeves, centered with the sleeve creases. Chevrons shall be over a dark green background and may be subdued in color for the BDU uniform.~~

350.06 DRESS STANDARDS (Uniformed Staff) Class “B” Uniform

1. A Class B uniform ~~shall~~^{may} be worn in designated posts within the Department as determined by the Warden or higher authority. The Class B uniform is defined as:

21. **Shirt:** The shirt will be tan in color. Short or long sleeves may be worn year-round. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. T-Shirts are required to be worn. T-shirts must be white or black cotton with a crew neck, absent any type of lettering or logos. Black Dickies may be worn over the approved T-shirt. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.

32. **Trousers:** The “Class-B” trousers will be olive drab green in color with cargo pockets. The type will be determined by the Department as issued or distributed by the Department’s approved uniform supplier.

43. **Tie:** The Department’s approved color is “olive drab green” – the same color as the trousers. Ties are required when wearing a long sleeve shirt with Class B uniform, or when directed to be worn by your supervisor or higher authority.

54. **Trouser Belt:** The belt shall be black, basket-weave design no less than 1 ½ inches in width. The buckle shall be a garrison type, silver in color for C/O’s and SC/O’s, and gold in color for Sergeant and Lieutenant. A Velcro-type fastening device may be used instead of a buckle.

65. **Duty Belt:** A Duty belts is required and is are the same as for the Class A uniform. It will be black in color and can be leather, Corfram or nylon. It will not be less than 2 ½ inches in width. All accessories shall match the duty belt in design and color.

76. **Footwear:** There are four (4) types of footwear approved for wear with the officer’s uniform:

- A. Oxford/Chukka – These are black, lower cut, lace-up dress shoe type. The sole must be black, and can be of leather, slip resistant type or synthetic. The upper part of the shoe must be a plain, military type toe, made of leather or corfram that will shine to a gloss finish.
- B. Quarter Boots – These are black, lower cut, lace-up dress shoe type. The sole must be black and will be of a slip resistant type made of leather or synthetic type materials.
- C. Boots/Lace-up Type – These boots are black in color, lace-up type. The laces must be black. The sole must be black and will be of a slip resistant type made of leather or a synthetic type material. The upper part of the boot must have a

plain, military type toe, and be made of leather or a leather/Cordura type nylon, which will shine when polished to a gloss finish.

D. -Wellington Type Boots – These are black, pull on boots with a round military type toe. The sole must be black and can be constructed of slip resistant type leather or a synthetic type material.

E. Steel toed boots are appropriate when assigned to work crews and fires.

—F. Footwear: Must be the boots/lace-up type described in Class “A” Uniform Footwear
— section.

[^]87. Insignia

A. The Class B uniforms must have the Nevada Department of Corrections patch on the left shoulder and the American Flag on the right shoulder.

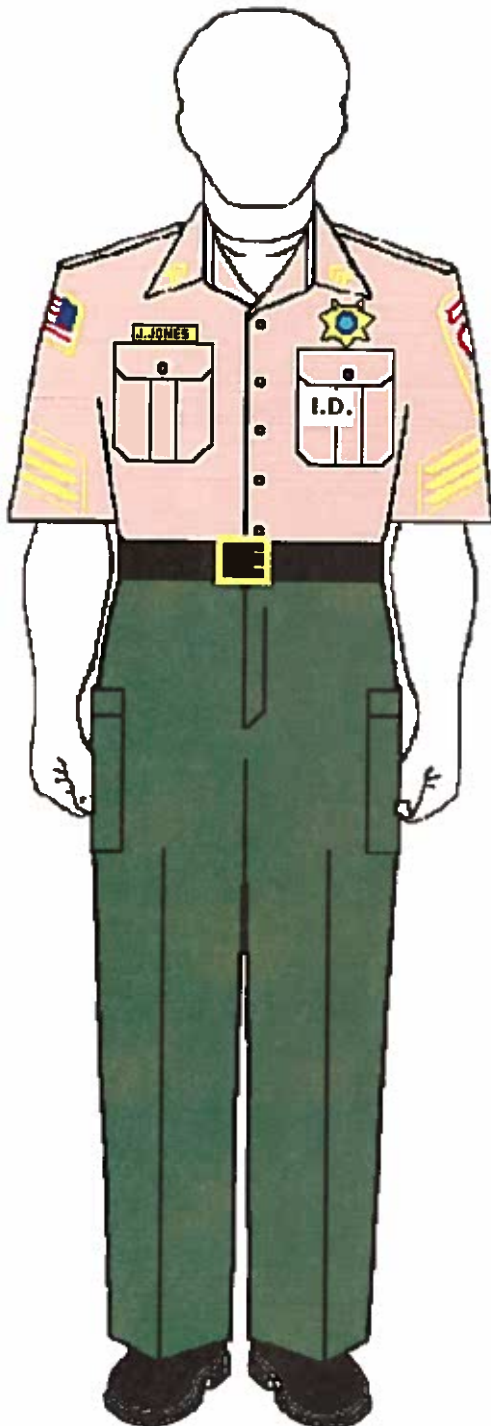
B. A rocker may be worn above the Nevada Department of Corrections insignia displaying the initials of the institution/facility where the officer is assigned; i.e., ESP, SDCC, NSP, HDSP, etc.

C. The badge must be cloth-sewn type; it will be sewn on the left side of the chest, centered on the bottom point of the badge, 1” above the top of the pocket.

D. Standard metal nametags for shirts and uniform jackets are required. The name tag must be cloth-sewn type, which will be the same color as the BDU uniform. Lettering will be black. It will be positioned immediately above, and centered over, the right breast pocket of the BDU shirt. This is applicable to the black BDU.

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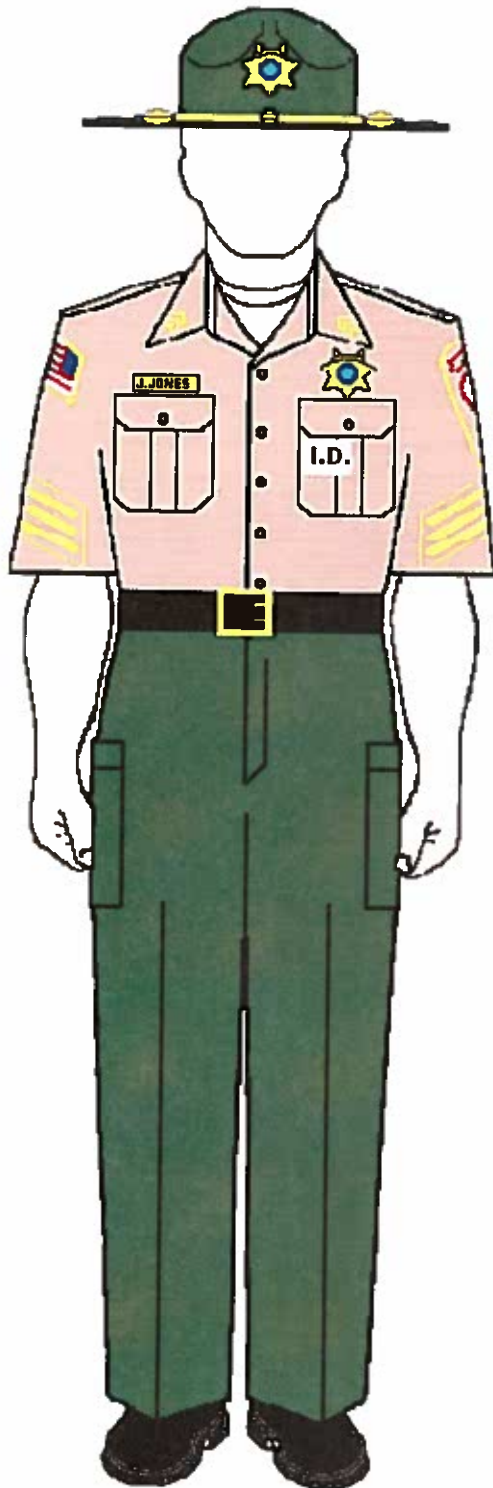
Class-B Dress Uniform



Class-B – This uniform consists of the following items and is considered a Class-B Dress Uniform authorized for wear the entire year.

- Class-B trousers.
- Tan Short Sleeve Dress Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Full Color Patches (NDOC, Flag, Rank).
- Metal Badge.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left shirt pocket as shown.

Class-B Dress Uniform with Campaign Hat



Class-B – This uniform consists of the following items and is considered a Class-B Dress Uniform authorized for wear the entire year.

- Class-B trousers.
- Tan Short Sleeve Dress Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt.
- Military Type Boots or Oxford / Chukka shoe.
- Campaign Hat with gold acorns and metal badge
- Full Color Patches (NDOC, Flag, Rank).
- Metal Badge on both the Shirt and Hat.
- Metal Rank Insignia.
- Metal Name Tag.
- Affix picture I.D. card on left shirt pocket as shown.

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350.07 DRESS STANDARDS (Uniformed Staff) Standard Class "C" BDU Uniform

1. The standard Class "C" BDU uniform shall be the Department's approved color which ~~shall~~may be worn in designated posts within the Department as determined by the Warden or higher authority. The standard Class "C" BDU uniform is defined as:

A. **Shirt:** The shirt must be a "BDU" type in the Department's approved color and distributed by the Department's supplier. Shirts must be long enough to keep tucked inside the trousers. Moisture wicking shirts are a type of shirt which claims the material removes moisture and helps to keep the wearer dry when sweating. This type shirt might help the wearer to stay cooler in hot weather and warmer in cold weather. The wear of moisture wicking shirts which adhere to standards of this regulation is authorized. A black or white crewneck undershirt/t-shirt with no visible logos or writing shall be worn.

B. **Trousers:** The trousers must be a "BDU" type in the Department's approved color and distributed by the Department's supplier. ~~Trousers will be bloused at the top of the boot.~~

C. **Belts:** Duty belts are the same as approved for Class A and Class B uniforms.

D. **Footwear:** Must be the boot/lace-up type described in Class A and Class B Uniform Footwear section.

E. **Polo Shirt:** ~~Summer Option: From April 1 until October 1,~~ Officers may wear the approved polo-type shirt year-round.

F. Wearing of the Class "C" (BDU), in all areas, ~~shall~~will be with the approval of the Warden.

G. The Class "C" two-piece BDU uniform must be the Department's approved color, with all subdued insignia. Standard and subdued insignia shall not be mixed.

H. The badge must be a cloth-sewn type, green in color, with black stitching, with a subdued background to match the green uniform.

I. The NDOC shoulder patch, for all shirts and utility uniforms, will be sewn on the left shoulder. It will be green in color, with a black background to match the green uniform.

J. Nametags will be embroidered only, black in color.

K. Collar devices will be sewn cloth only, green in color, with a black stitching to match the green uniform.

L. Duty belt will be black leather or nylon type, and shall comply with duty belt requirements.

M. Pregnant female staff may wear trousers with an expandable, elastic waistband with the uniform shirt worn outside the trousers. The shirt or BDU uniform blouse shall have a squared hemline.

N. Certain modifications to uniforms will be allowed due to injuries which require use of a cast, sling, etc. which hinders the wearing of the uniform properly while on temporary modified duty.

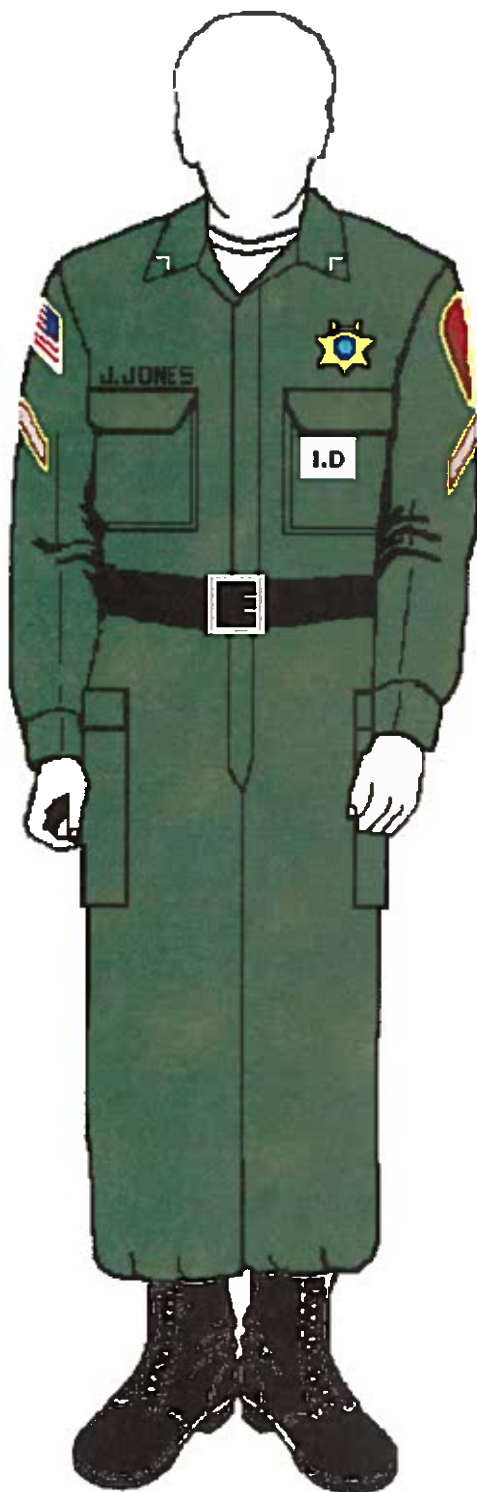
O. BDU shirts, trousers, cloth badges, NDOC shoulder patches, name tags, collar devices, polo type shirts and the approved winter hats and beanie will be as approved by the Department.

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Class-C BDU Uniform

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Class-C – This uniform consists of the following items and is considered a Class-C Utility Uniform authorized for wear the entire year.

- BDU trousers.
- BDU 2 pocket Shirt.
- White or Black Crew neck T-Shirt.
- Trouser Belt.
- Duty Belt (~~optional~~).
- Military Type Lace-up Boots ~~for blousing pants~~.
- Green Utility Baseball type cap authorized.
- Subdued Patches (NDOC, Flag, Rank).
- Cloth Badge on both the Shirt and Hat.
- Metal or Cloth Rank Insignia.
- Name embroidered with first initial and last name is mandatory.
- Affix picture I.D. card on left shirt pocket as shown.

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350.08 DRESS STANDARDS (Uniformed Staff) Class "C" C.E.R.T. BDU Uniform

1. The Class "C", C.E.R.T. BDU uniform is approved for the Department's Correctional Emergency Response Teams (C.E.R.T.), as approved by the Director, ~~Legislatively approved for Ely State Prison and High Desert State Prison.~~ The Class "C" C.E.R.T. BDU uniform is defined as:

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A. Shirt and Trousers are the same as the Class standard C uniform except the color of the 2-piece C.E.R.T. BDU uniform is black.

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B. Badge will be silver in color, cloth only, with a subdued background to match the black uniform. A gold color will be worn by Sergeants and above, with the subdued background.

C. The NDOC shoulder patch, for all shirts and utility uniforms, will be sewn on the left shoulder. It will be silver in color, with a black background to match the black uniform.

D. Nametags will be embroidered only, silver in color.

E. Collar devices will be sewn cloth only, silver in color, with a black background to match the black uniform.

F. Duty belt will be black leather or nylon type, and shall comply with duty belt requirements.

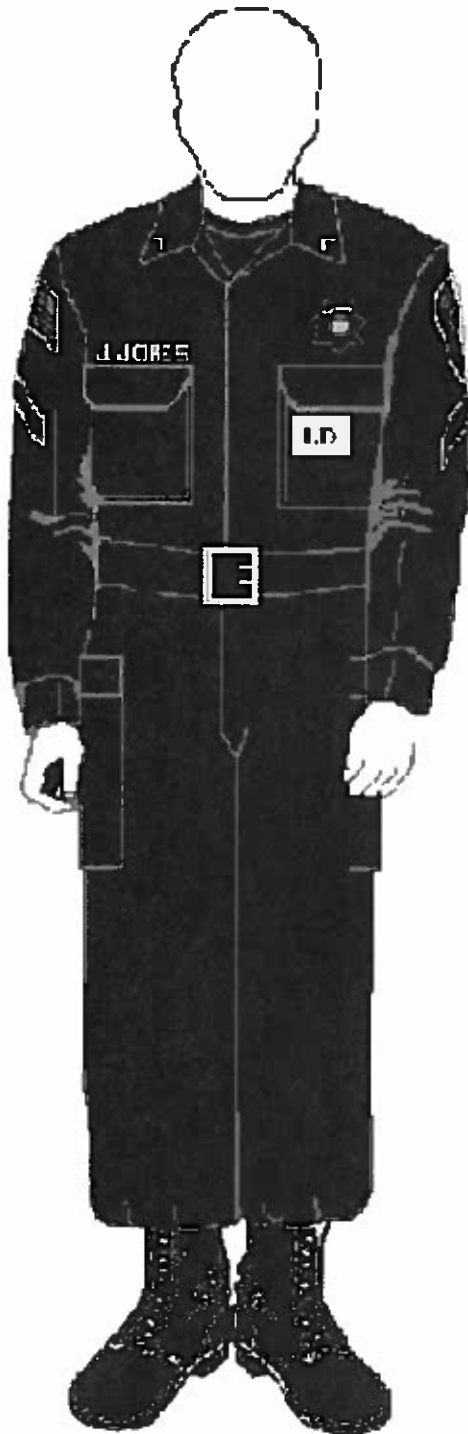
G. Certain modifications to uniforms will be allowed due to injuries which require use of a cast, sling, etc. which hinders the wearing of the uniform properly while on temporary light duty.

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Class-C BDU Uniform (CERT)

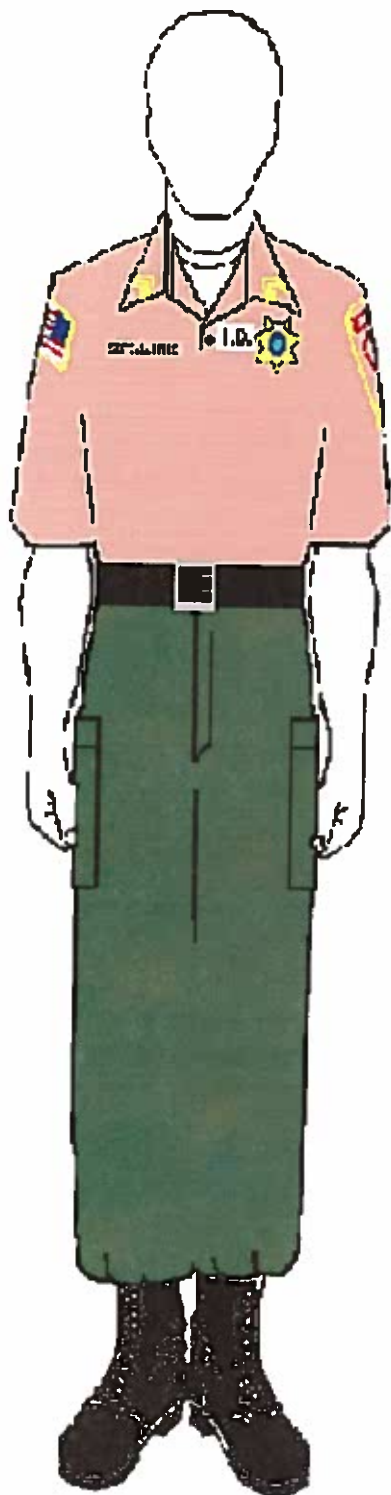


Class-C – This uniform consists of the following items and is considered a Class-C Utility Uniform authorized for wear the entire year by CERT officers only.

- Black BDU trousers.
- Black BDU Shirt.
- Black Crew neck T-Shirt and/or Black turtle neck sweater in the winter time.
- Trouser Belt.
- Duty Belt.
- Military Type Boots.
- Black Utility Baseball type cap authorized.
- Subdued Patches (NDOC, Flag, Rank).
- Cloth Badge on both the Shirt and Hat.
- Metal or Cloth Rank Insignia.
- Name embroidered with first initial and last name is mandatory.
- Affix picture I.D. card on left shirt pocket as shown.

Class-C Summer Uniform – Polo Shirt

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Class-C – This uniform consists of the following items; ~~and is considered a summer uniform authorized for wear from April 1 thru October 1. Dates can be extended by the Deputy Director.~~

- BDU Trousers or Class-B Trousers.
- Tan Polo Shirt.
- White or Black Crew neck T-Shirt. (Optional)
- Trouser Belt.
- Duty Belt.
- Military Type Boots.
- Full Color Patches (NDOC, Flag).
- Cloth Badge.
- Name embroidered with Rank, first initial and last name is mandatory.
- Affix picture I.D. card as shown.
- Rank insignias to be embroidered on collar.

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350.09 OUTER GARMENTS

1. Jackets - Winter jackets (nylon), green, "Tuffy" style. Silver colored buttons for C/O Trainees, C/O's and Senior C/O's; gold buttons for Sergeants and Lieutenants.

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2. Dress jackets (Eisenhower jackets) – Green, silver colored buttons for C/O Trainees, C/O's and SC/O's; gold colored buttons for Sergeants and Lieutenants.

3. BDU-type jacket - OD green, may be worn with the BDU uniform only. All insignia on this jacket will be subdued in color.

4. Sweaters - Forest green, wool, pullover type, "V" neck, or cardigan from the Department's contractor. To be worn with Class A or B uniforms.

5. Rain Coats - Optional. The long yellow classic rider style design is authorized.

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6. Headgear – Approved headgear as follows. They are all optional.

A. Green utility baseball type cap, with the Department of Corrections badge insignia. Embroidery will be silver or gold based on rank, may be worn with approved uniforms. Badge will be subdued for wear with the BDU uniform). Cap shall be worn as originally intended.

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B. Trooper type winter hat, during cold or foul weather, may be worn as originally intended.

C. Winter Headgear – May be authorized during certain types of working conditions, i.e., inclement weather. Requires Warden's approval.

D. Warden or Facility Manager may authorize a brimmed Tilley or Outback style hat in brown or green color for inclement weather, to consider the rain or sun protection.

350.10 UNIFORM PROHIBITIONS

1. Peace Officers will not wear the Department uniform in any bar, tavern, gambling hall or nightclub, except in the necessary performance of assigned duties.

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2. Department identification cards or Peace Officer badges are not to be used to misrepresent official capacity or authority.

3. While in uniform, the purchasing or consumption of alcoholic beverages, or engaging in other activities such as protesting or smoking, which might reflect negatively on the Department, is prohibited.

4. The wearing of an incomplete uniform on duty is prohibited.

5. Upon the discretion of the respective Wardens, uniform inspections will be held periodically. Uniforms will be kept clean and neatly pressed.

6. Unless approved by this regulation, the mixing of uniforms is not allowed.
7. No items such as qualification pins or other badges, stickers or insignias may be worn with a uniform without the specific approval of the Deputy Director based on documented training, qualification, and Department function.
8. The wearing of a uniform for off duty functions is not authorized.

350.11 UNIFORM PAYMENTS

Uniforms payments will be made to applicable staff based upon the legislatively approved uniform allowance.

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350.12 DRESS STANDARDS (Nursing Staff)

Nursing staff may wear lab coats, scrubs, and other clothing consistent with this regulation and with general community standards applicable to their medical trade and profession, mindful of the environment in which they work and consistent with this regulation. No red, blue, orange or yellow colors are authorized. The Warden maintains the final approval on colors that are not authorized in correctional facilities.

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350.13 DRESS STANDARDS (Prison Industry (PI-I) Supervisor, Food Service Staff, Recreational Specialist and Laundry Staff)

Staff are expected to dress consistent with general community standards applicable to their trade and profession, consistent with this regulation, and mindful of the environment in which they work and consistent with this regulation. The Warden maintains the final approval.

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350.14 DRESS STANDARDS (Maintenance)

Maintenance staff may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work and consistent with this regulation.

1. Trousers: –dark brown in color, made of durable fabric such as cotton or a cotton blend fabric.
2. Shirts: –tan, black or dark brown in color, made of a durable fabric such as cotton or a cotton blend fabric. Shirts may be short sleeve for the summer and long sleeve for the winter (either shirt may be worn year around). T-shirts are required to be worn. They must be white or black, cotton, crew neck T-shirts without any type of lettering, decals or logos.
3. Footwear:– There are four (4) types of work shoes/boots authorized for wear. Laces much match the shoe color on all footwear. Steel toed boots are appropriate:

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A. **Oxford type work shoe:**—These are brown or black, low cut, lace up work shoes. The sole must be brown/black and be made of a slip resistant type material. The upper part of the shoe must have a military type toe and be made of leather or a leather type synthetic material. The shoe must be maintained for a clean appearance.

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B. **Quarter Boot:**— These are brown or black lace up, quarter boots. The sole must be brown/black and made of a slip resistant type material. The upper part of the boot must have a military type toe and be made of leather or a leather type synthetic material. The boot must be maintained for a neat appearance.

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C. **Boot Lace up:**— These brown or black boots are a lace up type. The sole must be brown/black and made of a slip resistant type material. The upper part of the boot must have a military type toe and be made of leather or a leather/nylon material. The boot must be maintained for a neat appearance.

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D. **Wellington Type Boot:**— These are brown or black, pull on type work boots. The sole must be brown/black and constructed of a slip resistant material. The upper part of the boot must have a military type toe and be made of leather or a leather type synthetic material. The boot must be maintained for a clean appearance.

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4. **Belt:**— The belt shall be brown leather and shall be no less than 1 ½” - wide and must have a garrison type buckle, silver or gold in color. The belt will have no lettering or insignias.

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5. **Work Gloves:**—Gloves must be leather, palm and fingers. The style must be approved by the Maintenance Facility Supervisor or Warden of the facility, depending on the type of work being performed by the maintenance personnel.

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6. **Jacket:**—The winter jacket must be brown in color and match the trousers. Different styles can be approved by the Warden depending on the environmental concerns and the type of work performed by the maintenance staff.

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7. **Headgear:**— The one (1) authorized style of headgear is a brown, baseball type cap, with the NDOC star on the cap. Winter headgear may be authorized during certain types of working conditions, i.e., inclement weather. Must be approved by the Warden.

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350.15 DRESS STANDARDS (Office of the Inspector General)

Investigators assigned to the Office of the Inspector General may wear clothing consistent with general community standards applicable to their trade and profession, mindful of the environment in which they work, consistent with this regulation and Court acceptable:

1. For any court appearance, Male-investigators shall wear, at a minimum, long sleeve dress shirts, with a tie, slacks and dress shoes. ~~Long or short sleeve shirts may be worn.~~ Male investigators are required to wear a tie.

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2. ~~Female investigators shall wear, at a minimum, a dress blouse, slacks and dress shoes.~~

32. Investigators are required to have available at all times, an appropriate coat or jacket for Court appearances or to conceal their weapon while in the community.

43. On approved days, investigators will be allowed to wear:

A. Black or tan embroidered polo shirts obtained from the approved provider. Formatted

B. Button down shirts purchased from Prison Industries (Industrial Programs), embroidered with the Department of Corrections seal; ~~or~~

C. Business casual pants or slacks with dress shoes; or

D. Cargo or tactical style pants are authorized when approved by the supervisor.

54. Inspector General Supervisors have the authority to allow for deviation from the standard dress code based on the nature of the investigator's assignment. Deviations will be determined on a case by case basis and must be approved by the Inspector General. Formatted

350.16 DRESS STANDARDS (Training Section)

Trainers may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work, consistent with this regulation.

1. Non-custody Training Officers are required to wear classroom acceptable clothing: Formatted

A. ~~Male~~ Training Officers shall wear, at a minimum, dress shirts ~~with a tie~~, slacks and dress shoes. Long or short sleeve shirts are authorized. Men are required to wear a tie. Formatted

~~B. Female Training Officers shall wear, at a minimum, a dress blouse, slacks and dress shoes.~~

~~B~~. On approved designated days, Training Officers will be allowed to wear:

(1) Button down shirts purchased with the Department of Corrections seal; and Formatted

(2) Business casual pants or slacks with dress shoes/boots; or

(3) Cargo or tactical style pants are only authorized on defensive tactics/range days.

~~D~~C. The Employee Development Manager has the authority to allow for deviation from the standard dress code based on the nature of the Training Officers' assignment. Deviations will be determined on a case by case basis. Formatted

2. Custody staff assigned to the Training Section will adhere strictly to the guidelines for Class A and C Uniforms established in this AR. Formatted

A. On approved days, custody training staff will be allowed to wear Class C - BDUs: Formatted

(1) During Defensive Tactics. BDU tops may be removed during defensive tactics as long as authorized T-shirts are worn.

(2) During range days.

B. The Employee Development Manager has the authority to allow for deviation from the standard dress code based on the nature of the Training Officers' assignment. Deviations will be determined on a case by case basis. Formatted

3. Academy Requirements for Recruits:

A. Class A uniforms or black slacks with a belt, white collared shirts with a pocket on the left side of the shirt.

B. Black polished shoes and black socks.

C. White t-shirt with proper under garments.

D. Gray sweatshirts and sweatpants will be worn during Physical Fitness training and Defensive Tactics training. The Academy Commander may approve T-shirts.

E. BDUs will be worn during Firearms Qualifications.

350.17 DRESS STANDARDS (Non-Uniformed—Male)

Non-uniform staff may wear clothing consistent with general community standards applicable to their trade and profession, consistent with this regulation, mindful of the environment in which they work, consistent with this regulation.

1. ~~Male-s~~Staff ~~is~~are required to wear button-up dress shirts or polo style shirts. Long or short sleeve shirts may be worn. No T-shirts, no logos. No shirt may be worn similar in color to the inmate blue, ~~unless wearing a suit and tie~~. Staff may not wear see through dress blouses or shirts. All clothing must be of conservative nature. Tank tops, strapless, one-shoulder, spaghetti straps, bare midriiffs, or low cut clothing or low cut V-neck garments are not authorized. Formatted

2. ~~Male-s~~Staff will wear business casual wear, Docker style or dress slacks with boots, casual or dress shoes year around. Flip-flops, defined as not having a firm base structure of the shoe or back strap, are not authorized. Dresses, skirts, gauchos, skorts, and culottes will be no shorter than two (2) inches above the knee. No tight fitting clothing, i.e., spandex, or exercise type pants. Leggings may be worn if accompanied by a fingertip length or longer loose fitting top or dress.

3. When appearing in court or on outside business for the Department, i.e., legislature, personnel hearing, etc., ~~male~~ staff will be dressed in a dress shirt (males must wear a tie) and tie, suit, dress, or dress slacks, dress shoes or boots and a sport jacket, suit coat, blazer or cardigan sweater.

4. When appropriate for range, defensive tactics, or other similar activities as required by a hosting agency, cargo pants and appropriate shoes may be worn as directed.

~~350.18 — DRESS STANDARDS (Non Uniformed — Female)~~

~~Non-uniform staff may wear clothing consistent with general community standards applicable to their trade and profession, mindful of the environment in which they work, consistent with this regulation:~~

~~1. Female staff may wear non see through dress blouses or shirts. All clothing must be of conservative nature. Tank tops, off the shoulder or spaghetti straps, low cut blouses or sweaters, t-shirts, bare midriffs, etc., are not authorized.~~

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~~2. Female staff may wear conservative pants and pant suits. Dresses and skirts will be no shorter than two (2) inches above the knee. Gauchos, skorts, and culottes will be no shorter than two (2) inches above mid-calf. No tight fitting clothing, i.e., spandex, stretch or stirrup type pants.~~

~~3. Females may wear dress shoes, sandals, or boots. Flip flops/thongs are not authorized.~~

~~4. When appearing in Court or on outside business for the Department, i.e., Legislature, Personnel Hearings, Court, etc., dress in pantsuits, dresses, or slacks, skirts and blouses, and appropriate business footwear.~~

350.19 JEANS/BUSINESS CASUAL FRIDAYS

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1. Any staff member working within a secured perimeter of any institution, camp or facility will not wear blue jeans. Jeans other than blue may be worn if appropriate, and ~~shall will~~ be consistent with general community standards applicable to their trade and profession, mindful of the environment in which they work, and weather conditions as approved by the Wardens of each institution.

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2. Business Casual Fridays, where approved, should comply with appropriate clothing items from the following:

A. Slacks and casual chinos;

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B. Neat denim jeans;

C. Blouses;

- D. Polo shirts;
- E. Athletic footwear; and
- F. Dress sandals.

3. The following is not authorized for Business Casual Fridays:

- A. Strapless or spaghetti dresses; tight fitting clothing, i.e., spandex, stretch or stirrup type pants.
- B. Clothing that reveals the mid-section, or tank tops;
- C. Jeans that have holes, or are faded and frayed;
- D. Sheer/see-through clothing, or low-cut/revealing necklines;
- E. Worn-out sneakers, flip-flops, shower shoes or thongs;
- F. Shorts of any kind, or pool/beach attire;
- G. Gym wear/sweats, or logo T-shirts.

350.20 ETHNIC/RELIGIOUS DRESSWEAR

- A. Non-custody employees may ~~request to~~ wear traditional ethnic and religious clothes that do not violate safety and security mandates for the Department’s work environments, or result in an undue hardship. Employees may request to wear required head dress such as Kippa or Yarmulke. Requests should be submitted to the Warden or appropriate non-custody supervisor or management official.
- B. Custody employees may request a reasonable accommodation to the Grooming and Dress Code due to their religion. Request for a reasonable accommodation shall be approved by the Warden, and officer must demonstrate compliance with Section 3 (G), if required by POST.
- C. Any employee may request an appeal or evaluation of any restriction of ethnic or religious dress. The request shall be submitted to the Equal Employment Officer (EEO). The EEO will provide a recommendation, and any deviation from the dress standards shall be approved by the Director and/or Designee.

350.21 DISABILITY ACCOMMODATION

Employees may request a reasonable accommodation to the Grooming and Dress Code due to their disability. Request for a Reasonable accommodation must be approved by the Warden.

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APPLICABILITY

1. This regulation requires an Operational Procedure for each institution and facility and Support Services. ←----- Formatted

2. This regulation does not require an audit.

James Dzurenda, Director

Date ←----- Formatted

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
352**

STAFF IDENTIFICATION CARDS

Supersedes: (Temporary, 04/28/11); 06/17/12; (Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY: NRS 209.131

PURPOSE

To establish clear policies for the issuance, care and surrender of staff identification cards to ensure the safety of inmates, staff and the public.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of Support Services is responsible to ensure administration of this regulation.

The Human Resources Administrator is responsible for the implementation of this regulation including primary responsibility for authorizing staff identification (ID) cards.

Institutions and Facilities authorized to produce NDOC staff identification cards shall only do so with the Staff Identification Card Authorization Form (DOC-1027) issued by the Human Resources Division.

Supervisors are responsible to ensure all assigned employees have been issued an authorized NDOC ID card.

352.01 STAFF IDENTIFICATION CARDS

1. The Human Resources Division Administrator or designee shall authorize the issuance and replacement ID cards for NDOC employees only.
2. The Human Resources Division staff shall issue form DOC-1027 to all newly hired staff.
 - A. Non-custody staff will present form DOC-1027 to authorized staff in the Human Resources Division at the following locations:

(1) Administration Building 89

(2) Northern Nevada Correctional Center

(3) High Desert State Prison

(4) Ely State Prison

(5) Casa Grande Transitional Housing

(6) Lovelock Correctional Center

B. Custody staff will present form DOC-1027 to the Training staff upon entry into the PST Training Academy.

3. Identification cards are State property and are only to be used for official duty identification.

4. The Human Resources Division shall maintain a record of all identification cards reported as lost or stolen.

5. The Human Resources Division shall collect identification cards from employees who are separating from the Department. Reasonable attempts shall be made to collect ID cards from staff who have already separated from the Department.

A. A record shall be maintained of all identification cards not returned.

6. Identification cards shall be displayed as identified in AR 350.

7. Lost, damaged, or stolen identification cards may be replaced by contacting the Human Resources Division.

A. There will be a \$5.00 fee to be paid by the employee for replacement of an identification card for this purpose.

B. This fee will be forwarded to the NDOC Accounting office.

8. Replacement identification cards shall be authorized utilizing form DOC-1027 by the Human Resources Division following promotion, demotion, or other personnel or work status change.

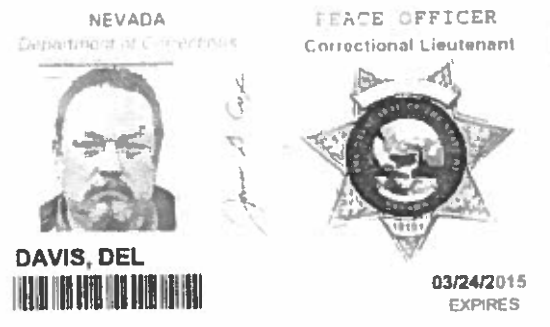
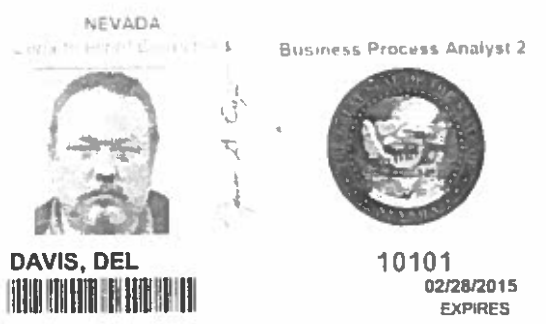
A. There will be no replacement fee for the issuance of a new ID card.

B. ID cards will be processed as directed by the employee's supervisor.

9. All Department employees shall:

A. Request a new ID card when there is an official name change or significant change in personal appearance.

- (1) A name change will require official documentation such as a certified marriage license; a United States Passport; or a Nevada State Department of Motor Vehicles identification card or driver's license.
- B. Surrender the old ID card when a replacement card is issued or upon separating from the Department.
- C. Immediately report lost ID cards to their supervisor and to all appropriate staff at locations identified in Section 352.1(2)(A) of this regulation.
- D. Surrender an ID card that was reported lost but subsequently found after a replacement was issued.
- E. Retain their ID card when transferred.
- F. Report to one of the designated locations upon expiration of their existing ID card for re-issuance.
- G. Not mutilate, bend or in any way deface their ID card.
- H. Surrender an ID card upon request of the Appointing Authority.
10. Employee ID cards shall be surrendered to an Appointing Authority or Department supervisor when an employee is placed on administrative leave pending investigation.
11. Staff ID cards shall comply with the requirements in NOTIS and shall be processed via NOTIS.



352.02 RETIREMENT ID CARDS

1. Employees who are approaching retirement may request an ID card which identifies the holder as a retired NDOC employee.

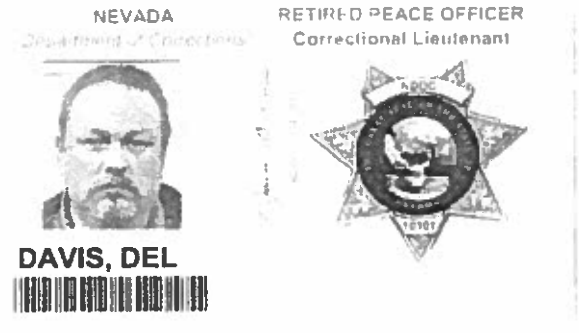
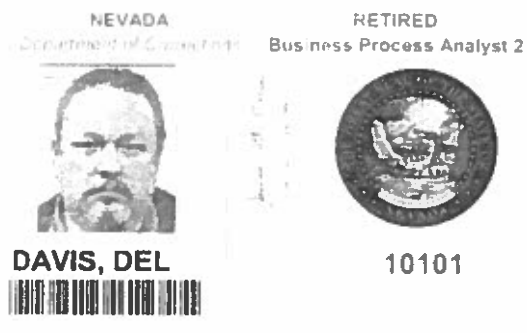
2. A written request should be submitted through their chain of command to the Human Resources Division Administrator.

A. The Human Resources Division shall prepare the paperwork for approval by the Director.

3. Once approval is received, the retiring employee shall be provided with a form DOC-1027 and shall report to one of the designated locations to process the Retiree ID card.

A. The original Staff ID card must be surrendered to the Personnel Services Division once approval is received

4. Retiree ID cards shall comply with the requirements in NOTIS and be processed via NOTIS.



APPLICABILITY

- 1. This regulation applies to all employees of the Department.
- 2. This regulation requires an Operational Procedure for the Human Services Division.
- 3. This regulation does not require an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
352

STAFF IDENTIFICATION CARDS

Supersedes: AR 352 (Temporary, 04/28/11); 06/17/12; (Temporary, 07/20/17)
Effective Date: 08/15/17—06/17/12

AUTHORITY:

NRS 209.131

PURPOSE

To establish clear policies for the issuance, care and surrender of staff identification cards to ensure the safety of inmates, staff and the public.

RESPONSIBILITY

The Director is responsible for the establishment of NDOC regulations.

The Deputy Director of Support Services is responsible to ensure administration of this regulation.

The ~~Personnel Services~~ Human Resources Administrator is responsible for the implementation of this regulation including Division has been delegated primary responsibility for authorizing Sstaff Identification (ID) cards.

Institutions and Facilities authorized to produce NDOC sStaff identification cards shall only do so with the Staff Identification Card Authorization ~~f~~Form (DOC-1027) issued by the ~~Personnel Services~~ Human Resources Division.

Supervisors are responsible to ensure all assigned employees have been issued an authorized NDOC ID card.

352.01 STAFF IDENTIFICATION CARDS

1. The Human Resources Division Administrator ~~of Personnel Services~~ or designee shall authorize the issuance and replacement ID cards for NDOC employees only.
2. The ~~Personnel Services~~ Human Resources Division staff shall issue form DOC-1027 to all newly hired staff.

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A. Non-custody staff will present form DOC-1027 to authorized ~~ID~~ staff in the Human Resources Division at the following locations:

- (1) Administration Building 89
- (2) Northern Nevada Correctional Center
- (3) High Desert State Prison
- (4) Ely State Prison
- (5) Casa Grande Transitional Housing
- (6) Lovelock Correctional Center

B. Custody staff will present form DOC-1027 to the Training staff upon entry into the PST Training Academy.

3. Identification cards are State property and are only to be used for official duty ~~related~~ identification.

4. The ~~Personnel Services-Human Resources~~ Division shall maintain a record of all identification cards reported as lost or stolen.

5. The ~~Personnel Services-Human Resources~~ Division shall collect identification cards from employees who are separating from the Department. Reasonable attempts shall be made to collect ID cards from staff who have already separated from the Department.

A. A record shall be maintained of all identification cards not returned.

6. Identification cards shall be displayed worn as identified in AR 350.

7. Lost, damaged, or stolen identification cards may be replaced by contacting the ~~Personnel Services-Human Resources~~ Division.

A. There will be a \$5.00 fee to be paid by the employee for replacement of an identification card for this purpose.

B. This fee will be forwarded to the NDOC Accounting office.

8. Replacement identification cards shall will be authorized utilizing form DOC-1027 by the ~~Personnel Services-Human Resources~~ Division following promotion, demotion, or other personnel or work status change.

A. There will be no replacement fee for the issuance of a new ID card ~~for this purpose.~~

B. ID cards will be processed as directed by the employee's supervisor.

9. All Department employees shall:

A. Request a new ID card when there is an official name change or significant change in personal appearance.

(1) A name change will require official documentation such as a certified marriage license; a United States Passport; or a Nevada State Department of Motor Vehicles identification card or driver's license.

B. Surrender the old ID card when a replacement card is issued or upon separating from the Department, termination.

C. Immediately report lost ID cards to their supervisor and to all appropriate staff at locations identified in Section 352.1(2)(A) of this regulation.

D. Surrender an ID card that was reported lost but subsequently found after a replacement was issued.

~~D~~E. Retain their ID card when transferred.

~~E~~F. Report to one of the designated locations upon expiration of their existing ID card for re-issuance.

~~F~~G. Not mutilate, bend or in any way deface their ID card.

H. Surrender an ID card upon request of the Appointing Authority.

10. Employee ID cards shall be surrendered to an Appointing Authority or Department supervisor when an employee is placed on administrative leave pending investigation.

11. Staff ID cards shall comply with the requirements in NOTIS and shall be processed via NOTIS.



352.02 RETIREMENT ID CARDS

1. Employees who are approaching retirement may request an ID card which identifies the holder as a retired NDOC employee.
2. A written request should be submitted through their chain of command to the Human Resources Division Administrator ~~of Personnel Services~~.
 - A. The ~~Personnel Services~~ Human Resources Division shall prepare the paperwork for approval by the Director.
3. Once approval is received, the retiring employee shall be provided with a form DOC-1027 and shall report to one of the designated locations to process the Retiree ID card.
 - A. The original Staff ID card must be surrendered to the Personnel Services Division once approval is received

4. Retiree ID cards shall comply with the requirements in NOTIS and be processed via NOTIS.



APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation requires an Operational Procedure for the ~~Personnel Services~~Human Services Division.
3. This regulation does not require an audit.

James ~~G. Cox~~Dzurenda, -Director

____ Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
357**

SUMMONS AND COMPLAINT SERVICE OF PROCESS

Supersedes: (Temporary, 10/26/11); 06/17/12; (Temporary, 07/20/17)
Effective date: 08/15/17

AUTHORITY: NRS 209.131, 41.0339

PURPOSE

To ensure Nevada Department of Corrections is compliant with state regulations and has an identified procedure for implementation of summons and complaint service processes.

RESPONSIBILITY

The Deputy Director of each respective division shall be responsible for the overall implementation and compliance with this regulation.

The Human Resources Division shall be responsible for the implementation of this regulation.

All employees shall be responsible to have knowledge of and comply with this regulation.

357.01 DESIGNATED REPRESENTATIVE

1. Only those employees designated below are authorized to accept service on behalf of the Department and its employees.
 - A. Designated Administrative Assistants in Human Resources.
 - B. Warden's Administrative Assistants located at Lovelock Correctional Center and Ely State Prison, based on the rural location and limitation of on-site staff.
 - C. Department Personnel Officers.
2. Personal service to an individual employee is proper and cannot be refused, but constitutes appropriate service for that person only.
3. Service shall not be accepted for defendants who are not current employees of the Department.

357.02 EMPLOYEES REQUEST FOR LEGAL REPRESENTATION CIVIL LITIGATION COORDINATION FORM III (DOC-1034)

1. NRS 41.0339 requires an employee submit a written request for defense to the Attorney General's Office within 15-days after service of a Summons and Complaint.
2. Failure to respond may result in an employee not being represented by the Attorney Generals Office.
3. Critical time limitations apply to each step of this process. Failure to satisfy these deadlines can result in a default judgment against the employee.
4. Upon receipt of a properly served Summons and Complaint the Designated Representative shall log the Summons and Complaint.

357.03 ACCEPTANCE OF SERVICE BY A REPRESENTATIVE

1. A complaint must always be accompanied by a summons, or service shall not be accepted.
2. The original Summons and Complaint will be forwarded to the Attorney General's Office in Carson City.
 - A. It will be accompanied by a "Notice To Attorney General Regarding Service of Process Civil Litigation Coordination Form I" (DOC-1032).
 - B. These documents must be forwarded within two (2) business days.
3. The Attorney General's Office will return a copy of the Summons and Complaint, along with a letter addressed to each defendant, to the Designated Representative.
 - A. The Designated Representative will forward the letter and copy of the Summons and Complaint along with an original "Employees Request for Legal Representation Civil Litigation Coordination Form III" (DOC-1034), to the employee.
 - B. The Summons and Complaint package shall be transmitted, by intra-department mail to the institution where the defendant is currently located, to the attention of the Warden's Assistant.
 - C. The Warden's Assistant will ensure the DOC-1034 is signed by the employee and returned to the Designated Representative.
 - D. The Designated Representative will log the date the DOC-1034 is returned to and forward to the Attorney General's Office in Carson City.

357.04 ACCEPTANCE OF SERVICE BY CURRENT OR FORMER EMPLOYEE

1. If a current or former employee is served personally, the current or former employee shall immediately notify the Designated Representative in their region.

A. Personal service to an individual current or former employee is proper and cannot be refused.

B. That current or former employee shall not accept service for any other current or former employees.

2. For personal service, individual employees are reminded that NRS 41.0339 requires that current or former employee names as a defendant in a civil complaint submit a written request for representation to the Attorney General within 15 days of service of a Summons and Complaint and timely notification of designated employees is essential.

A. Failure to satisfy those deadlines may result in a default judgment against the employee.

B. Failure to timely submit a request for representation may result in current or former employee being left without representation by the Nevada State Attorney General's Office.

357.05 RECORDS AND LOGS

1. All documents and logs generated by this regulation shall be maintained pursuant to normal records retention schedule.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an Operational Procedure.

3. This regulation does not require an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
357

SUMMONS AND COMPLAINT SERVICE OF PROCESS

Supersedes: AR 357 (Temporary, 10/26/11); 06/17/12; (Temporary, 07/20/17)
Effective date: ~~06/17/12~~08/15/17

AUTHORITY: NRS 209.131, 41.0339

PURPOSE

To ensure Nevada Department of Corrections is compliant with state regulations and has an identified procedure for implementation of summons and complaint service processes.

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RESPONSIBILITY

The ~~Appointing Authority~~Deputy Director of each respective division shall be responsible for the overall implementation and compliance with this regulation.

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The ~~Department Personnel~~Human Resources Division shall be responsible for the implementation of this regulation.

All employees shall be responsible to have knowledge of and comply with this regulation.

357.01 DESIGNATED REPRESENTATIVE

1. Only those employees designated below are authorized to accept service on behalf of the Department and its employees.

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A. Designated Administrative Assistants in ~~Personnel~~Human Resources.

B. Warden's Administrative Assistants located at Lovelock Correctional Center and Ely State Prison, based on the rural location and limitation of on-site staff.

C. Department Personnel Officers.

2. Personal service to an individual employee is proper and cannot be refused, but constitutes appropriate service for that person only.

3. Service ~~will~~shall not be accepted for defendants who are not current employees of the Department.

357.02 EMPLOYEES REQUEST FOR LEGAL REPRESENTATION CIVIL LITIGATION COORDINATION FORM III (DOC-1034)

1. NRS 41.0339 requires an employee submit a written request for defense to the Attorney General’s Office within 15-days after service of a Summons and Complaint.
2. Failure to respond can-may result in an employee not being represented by the Attorney Generals Office.
3. Critical time limitations apply to each step of this process. Failure to satisfy these deadlines can result in a default judgment against the employee.

4. Upon receipt of a properly served Summons and Complaint the Designated Representative shall log the Summons and Complaint.

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357.03 ACCEPTANCE OF SERVICE BY A REPRESENTATIVE

~~1. Upon receipt of a properly served Summons and Complaint the Designated Representative will log the Summons and Complaint.~~

1. A.—A complaint must always be accompanied by a summons, or service shall not be accepted.

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2. The original Summons and Complaint will be forwarded to the Attorney General’s Office in Carson City.

A. It will be accompanied by a “Notice To Attorney General Regarding Service of Process Civil Litigation Coordination Form I” (DOC-1032).

B. These documents must be forwarded ~~in the most expeditious manner~~ within two (2) business days.

3. The Attorney General’s Office will return a copy of the Summons and Complaint, along with a letter addressed to each defendant, to the Designated Representative.

A. The Designated Representative will forward the letter and copy of the Summons and Complaint along with an original “Employees Request for Legal Representation Civil Litigation Coordination Form III” (DOC-1034), to the employee.

B. The Summons and Complaint package shall be transmitted, by intra-department mail to the institution where the defendant is currently located, to the attention of the Warden’s Assistant.

C. The Warden’s Assistant will ensure the DOC-1034 is signed by the employee and returned to the Designated Representative.

D. The Designated Representative will log the date the DOC-1034 is returned to and forward to the Attorney General's Office in Carson City.

357.04 ACCEPTANCE OF SERVICE BY ~~AN INDIVIDUAL~~ CURRENT OR FORMER EMPLOYEE

1. If an current or former individual employee is served personally, the current or former employee shall immediately notify the Designated Representative in their region.

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A. Personal service to an individual current or former employee is proper and cannot be refused.

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A. Failure to satisfy those deadlines ~~can~~ may result in a default judgment against the employee.

B. Failure to timely submit a request for representation ~~respond to this request~~ ~~can~~ may result in current or former employee being left without representation by the Nevada State Attorney General's Office.

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357.05 RECORDS AND LOGS

1. All documents and logs generated by this regulation shall be maintained pursuant to normal records retention schedule.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an Operational Procedure.

3. This regulation does not require an audit.

| ~~James G. Cox~~ James Dzurenda, Director

_____ Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
364**

RESPIRATORY PROTECTION PROGRAM

Supersedes: AR 364 (Temporary, 05/29/13); 10/15/13; (Temporary, 07/05/17)
Effective Date: 08/15/17

AUTHORITY:

Occupational Safety and Health Administration (OSHA); 29 CFR 1910.134, 1910.139, NRS 209.131

PURPOSE:

To develop a Respiratory Protection Program regulation and specific standard operating procedures is to protect all NDOC inmates and staff from exposure to respiratory hazards. This regulation also serves to inform all interested persons that NDOC is complying with the OSHA Respiratory Protection Standard, 29 Code of Federal Regulations 1910.134.

RESPONSIBILITY:

The Deputy Director of Operations shall be responsible for the administration of this regulation at all institutions and facilities.

The Warden shall designate a Program Administrator at each institution/facility to oversee the institution/facility's Respiratory Protection Program and provide the resources necessary to effectively implement and maintain the program.

A Program Administrator (PA) shall be responsible for oversight of the institution/facility respiratory protection program.

Each employee shall be responsible to wear a respirator when and where required and in the manner in which they were trained.

The Compliance Enforcement Unit shall be responsible to conduct periodic evaluations of each facility to verify the provisions of this program are being implemented and maintained.

364.01 MEDICAL EVALUATION

Employees who are required to wear a respirator must pass a medical exam before being permitted to wear a respirator on the job. Employees shall be prohibited from wearing a respirator until a physician has determined that they are medically able to do so. Any employee refusing the medical evaluation will be prohibited from working in an area requiring use of a respirator. Not following this procedure may result in employee discipline. A licensed physician contracted through the State of Nevada will provide the medical evaluations.

364.02 TYPES OF RESPIRATORS

1. The two basic types of air purifying respirators used by NDOC:
 - A. Filter or air purifying element – means a component used in respirators to remove solid or liquid aerosols from the inspired air such as the common disposable particulate respirator referred to as the N95.
 - B. Air-purifying respirator – means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.
2. The use of any other Respiratory Protection Device requires an Operational Procedure (OP) developed by the institution that meets or exceeds Occupational Safety and Health Administration standard 29 CFR 1910.134. The OP must be submitted by the institution to the Compliance Enforcement Unit; and approved by the Compliance Enforcement Unit.

364.03 DOCUMENTATION AND RECORDKEEPING

1. A copy of this written respiratory protection program and the OSHA standard will be kept in the Program Administrators office and shall be available for review.
2. The Program Administrator will keep copies of all fit testing records and forward the originals to the Employee Development section. These records will be updated as new employees are trained, as existing employees receive refresher training, and as new fit tests are conducted.
3. Employee Development section will maintain the following records:
 - A. Training records
 - B. Fit testing records received from the Program Administrator
 - C. Physician's written approval regarding each employee's ability to wear a respirator
4. The completed medical questionnaire and the physician's documented findings are confidential and will remain at the contracted physician's office.

APPLICABILITY

1. This administrative regulation requires the attached operational procedure be implemented.
2. This administrative regulation requires an audit.

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
364

RESPIRATORY PROTECTION PROGRAM

Supersedes: AR 364 (Temporary, 05/29/13); 10/15/13; (Temporary, 07/05/17)
Effective Date: ~~10/08/15/13~~ 17

AUTHORITY:

Occupational Safety and Health Administration (OSHA); 29, CFR 1910.134, 1910.139, NRS 209.131

PURPOSE:

To develop a Respiratory Protection Program regulation and specific standard operating procedures is to protect all NDOC inmates and staff from exposure to respiratory hazards. This regulation also serves to inform all interested persons that NDOC is complying with the OSHA Respiratory Protection Standard, 29 Code of Federal Regulations 1910.134.

RESPONSIBILITY:

~~1. Director/The Deputy Director will direct Wardens in writing to appoint~~ Operations shall be responsible for the administration of this regulation at all institutions and facilities.

The Warden shall designate a Program Administrator at each institution/facility to oversee the institution's/institution/facility's Respiratory Protection Program. ~~The Director/Deputy Director will direct Wardens in writing to and~~ provide the resources necessary to effectively implement and maintain the program.

~~2. A Program Administrator (PA) shall be assigned by the Warden at each institution/facility. The PA shall be~~ responsible for oversight of the institution/facility respiratory protection program.

~~3. Warden/Associate Warden/Lieutenant/Sergeant shall be responsible for the respiratory protection program being implemented and adhered to at their particular institution/facility.~~

~~4. Each employee shall be responsible to wear a respirator when and where required and in the manner in which they were trained.~~

~~5. The Compliance Enforcement Unit will~~ shall be responsible to conduct periodic evaluations of each facility to verify the provisions of this program are being implemented and maintained.

364.01 MEDICAL EVALUATION

Employees who are required to wear a respirator must pass a medical exam before being permitted to wear a respirator on the job. Employees shall be prohibited from wearing a respirator until a physician has determined that they are medically able to do so. Any employee refusing the medical evaluation will be prohibited from working in an area requiring use of a respirator. Not following this procedure may result in employee discipline. A licensed physician contracted through the State of Nevada will provide the medical evaluations.

|

364.02 — 364.02 TYPES OF RESPIRATORS

1. The two basic types of air purifying respirators used by NDOC:
 - A. Filter or air purifying element – means a component used in respirators to remove solid or liquid aerosols from the inspired air such as the common disposable particulate respirator referred to as the N95.
 - B. Air-purifying respirator – means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.
2. The use of any other Respiratory Protection Device requires an Operational Procedure (OP) developed by the institution that meets or exceeds Occupational Safety and Health Administration standard 29 CFR 1910.134. The OP must be submitted by the institution to the Compliance Enforcement Unit; and approved by the Compliance Enforcement Unit.

364.03 364.03 DOCUMENTATION AND RECORDKEEPING

1. A copy of this written respiratory protection program and the OSHA standard will be kept in the Program Administrators office and shall be available for review.
2. The Program Administrator will keep copies of all fit testing records and forward the originals to the Employee Development section. These records will be updated as new employees are trained, as existing employees receive refresher training, and as new fit tests are conducted.
3. Employee Development section will maintain the following records:
 - A. Training records
 - B. Fit testing records received from the Program Administrator
 - C. Physician’s written approval regarding each employee’s ability to wear a respirator
4. The completed medical questionnaire and the physician’s documented findings are confidential and will remain at the contracted physician’s office.

APPLICABILITY

1. This administrative regulation requires ~~an~~the attached operational procedure be implemented.
2. This administrative regulation requires an audit.

James ~~G. Cox~~Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
430**

TRANSPORTATION OF INMATES

Supersedes: AR 430 (03/19/13); AR 430 (Temporary, 10/02/13); 10/15/13;
(Temporary, 07/20/17)
Effective Date: 8/15/17

AUTHORITY

NRS 209.131, NRS 209.261; NRS 209.274; 42 U.S.C. § 15601, *et seq.* and 28 C.F.R § 115

PURPOSE

To provide clear guidance in compliance with Adult Correctional Institution best practices for the transportation of inmates that emphasizes safety.

RESPONSIBILITY

The Director of Corrections is responsible for the implementation of this AR through the Deputy Director of Programs.

The Deputy Director of Programs is responsible through the Offender Management Administrator for overall implementation and compliance regarding this regulation.

The Central Transportation Lieutenant is responsible to ensure compliance with this regulation relative to the operations of the transportation unit and his/her staff.

Designated transportation correction officers are responsible to comply with this regulation.

430.00 – TRANSPORTATION PERSONNEL

1. Transportation correction officer and/or supervisors will have current driver's licenses and a copy of their driver's license will be maintained in a supervisor's file that is secure and not accessible to other staff and or inmates.
2. Transportation correction officer operating vehicles that require Commercial Driver's License (CDL) will have a current CDL and a copy of their driver's license will be maintained in a supervisor's file that is secure and not accessible to other staff and or inmates.

3. The maximum driving time will comply with the United States Department of Transportation (DOT) maximum driving time limits.
4. Transportation correction officers will have completed the annual training including NDOC's ARs regarding transportation of inmates, use of force, use of restraints and driver's safety.
5. Transportation correction officers will familiarize themselves with their equipment, vehicle and destination prior to commencing the transport.

430.01 VEHICLES USED TO TRANSPORT

1. Inmates will be transported in vehicles approved by the Department.
2. Privately owned vehicles may be used only in cases of extreme emergency when state vehicles are not available.
3. Inmates may be transported by private sector transport contractors described in section 430.03.
4. The transportation vehicle will be thoroughly searched and inspected for cleanliness before any inmates are loaded for transport. The vehicle will be searched and cleaned on the end of each transport.
5. Vehicle records will be maintained which include mileage logs and vehicle maintenance records.

430.02 TRIP PREPARATIONS

1. Transportation preparations shall be limited to those which are required to conform to law, policy, and for the safe and secure operation of the transport vehicle and necessary medical activities.
2. The transport correction officers will inspect the vehicle to ensure that the lights, horn, brakes and other essential functions are in good working order prior to initiating the transport.
3. The transport correction officers will inspect the vehicle to ensure that safety equipment such as a fire extinguisher, flashlight, and emergency restraint gear is available if necessary, emergency medical kit is available and emergency telephone numbers are in the vehicle.
4. Transportation correction officers will ensure that meals (sack lunches) are provided for each inmate on long distance transports and that any keep on person medications are provided by health care staff for chronic conditions.

5. Staff travel authorization and per diem advances shall be completed prior to the departure of overnight transportation activities unless the transport is as a result of an emergency situation. In emergency situations the travel authorization will be completed as soon as possible after staff has returned to their home base.

6. If a chase vehicle is included as part of the transport, the correction officers will discuss the transport plans with each other to include destination, number of inmates in the transport vehicle, identification of the inmates, any inmate medical conditions that may affect the transport and any other information pertinent to the transport.

7. A Transportation Order (DOC Form 2042) must be completed for all transportation trips except those for the purpose of transporting inmates to and from scheduled work assignments such as the transport of camp/minimum custody inmates to their work assignments.

8. The approving authority should take reasonable steps to ensure that each transportation order is justified on the basis of supporting documentation. Supporting documentation includes but is not limited to:

A. Completed classification action sheets;

B. Court orders to produce;

C. Physicians orders;

D. Orders approved through NOTIS.

9. The approving authority for transportation orders is the Warden, Associate Warden, or Facility Manager.

E. This responsibility cannot be delegated.

F. If transport must occur after normal business hours, the shift supervisor will contact the duty administrator for verbal approval. If verbal approval is obtained by the shift supervisor, the approving authority will be noted on the order.

430.03 TRANSPORTATION OF INMATES

1. A positive face to photo identification will be made of each inmate and the face to photo identification will match the documents authorizing the transport of each inmate such as court order, etc., prior to the inmate being loaded in the vehicle.

2. Restraint equipment should be used only for the purpose of control and should never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of the inmate. The inmate will be in restraints before they enter the vehicle and restraints will not be removed while the inmate is in the vehicle.

3. If a medical emergency arises during the transport, the inmate will be transported to the nearest medical facility and the restraint gear will be removed only at the direction of the medical staff. Transport correction officers will immediately notify the sending or receiving facility that a medical emergency has occurred, and provide the location of the medical facility, the name of the inmate with the medical emergency and the names of the transport staff and names of any additional inmates in the transport vehicle. The facility contacted will dispatch staff to assist the transportation correction officers.
4. If a natural disaster, road blockage or other impediment to the transport occurs the transport correction officers will immediately notify Central Transport and the nearest facility for assistance.
5. Unless special circumstances dictate otherwise, inmates should be transported in groups to avoid unnecessary expense. The number of inmates transported has to be consistent with the load or passenger specifications for the transport vehicle.
6. Transporting correction officers will not physically handle an inmate while armed or the inmate's restraint gear or place themselves in a position where the inmate has access to their weapon.
7. Restraints, security equipment and staff for maximum and close custody inmates are as follows:
 - A. Transportation will be conducted in security vans or buses.
 - B. Maximum and close custody inmates will be transported in waist and leg restraints.
 - C. Maximum and close custody inmates must be transported by at least two correction officers, one of whom will be armed.
 - D. A chase vehicle with at least one armed correction officer should be utilized for all inmates considered high escape risks.
 - E. A chase vehicle, additional correction officers and added security equipment may be requested by the approving authority.
8. Restraints, security equipment and staff to be used for medium custody inmate transportation are as follows:
 - A. The approving authority will have the discretion to determine the level of security to include the number of correction officers, type of vehicles, and weapons to be used in the transportation.
 - B. Waist and leg restraints are required.

9. Minimum custody inmates may be transported by a single correction officer or state employee. Restraints are not required.
10. Transitional Housing (TH) and restitution center inmates may travel on routine or emergency trips outside of the facility without escort or restraints.
 - A. TH/Restitution center inmates may use public transportation.
 - B. TH/Restitution center inmates may be transported in private vehicles related to their employment.
11. When transporting inmates with mixed custody levels, all inmates will be restrained according to the transportation requirements of the inmate in the vehicle with the highest custody level.
12. Operational Procedures should include provisions for medical conditions which prevent the employment of conventional restraint practices.
 - A. Medical conditions, which do not permit the full utilization of routine restraint apparatus, will be evaluated on a case-by-case basis. To the extent possible, the arrangement of restraints will be modified to accommodate the medical condition. In any event, public safety will remain the overriding concern.
 - B. Pregnant Inmates shall not be transported in waist or leg restraints. Refer to the provisions in AR 407, Use of Handcuffs and Restraints.
13. Operational Procedures should make provisions for the employment of enhanced restraint devices in the event an inmate presents a significant control or behavioral problem.
 - A. These enhanced restraints may include but are not limited to handcuff covers, a control chain, or restraint belt.
 - B. Institutions may utilize restraint belts for transporting high risk inmates at the discretion of an Associate Warden or higher.
14. Unclothed body searches are required for persons being transported for any reason other than scheduled outside work for minimum inmates.
 - A. Persons being transported for any reason, other than scheduled outside work (minimum), must submit to an unclothed body search prior to transport. In addition to the general provisions outlined below, the specific requirements of the Department's Administrative Regulation 422 should be followed.
 - (1) All unclothed body searches will comply with the Prison Rape Elimination Act, (PREA) standard requirements. The unclothed body search will be conducted by a staff member of the same gender as the inmate being searched.

(2) After the unclothed body search, the inmate shall be isolated from other inmates being transported that have not had an unclothed body search and will remain under direct supervision. If any contact is made between the searched inmate and any other inmate who has not been searched, a second search will be conducted.

(3) If the transporting correction officer(s) is different from the correction officer who conducted the search, a second search will be conducted at the discretion of the transporting correction officer. Inmates shall have nothing in their pockets nor be in possession of any personal property before being presented to the transportation correction officer for search and placement in restraints.

(4) During transportation, articles that may be in an inmate's possession are limited to Keep on Person (KOP) medications, approved medical appliances, (no canes, crutches, etc) and wedding rings. Use or possession of tobacco products is prohibited. Inmates are not allowed to carry lighters or matches.

(5) Legal papers being transported with the inmate for court hearings will be inspected (not read) for contraband by the transporting correction officers in the presence of the inmate and will be carried in the driver's compartment of the transportation vehicle.

(6) All other property to be transported will be thoroughly searched and appropriately boxed (in accordance with the Department's Administrative Regulation 711) prior to being placed in the vehicle. All property will be stored separately in the transportation vehicle and under no circumstances will an inmate be allowed access to any property. The inmate's property will be re-issued at the receiving institution.

15. Operational procedures will conform to the specific requirements of AR 422.

16. Minimum inmates should receive a clothed body search prior to departing for their work assignments and when returning from their work assignments.

A. Random unclothed searches of minimum inmates may be conducted.

17. Inmates will generally be transported using the following clothing requirements:

A. Blue issue shirt;

B. Denim blue jeans;

C. Appropriate underwear;

D. Appropriate footwear; and

- E. Jacket or outside coat appropriate to the weather.
- 18. Maximum security inmates who are transported outside of an institution should be dressed in orange coveralls in lieu of shirts and denim trousers.
- 19. Inmates of the Department may be transported using the services of a private sector transportation contractor for interstate movement.
- 20. Male and female inmates may be transported in the same vehicle.
 - A. When possible and when transporting female inmates, a female correction officer shall be present unless extenuating circumstances prevent a female correction officer to conduct the transport.
 - B. Two male correction officers may transport numerous female inmates at the same time, if a female correction officer is not available to be a member of the transport team.
 - C. Two male correction officers or a single male correction officer cannot transport a single female inmate.

APPLICABILITY

- 1. This regulation requires an Operational Procedure for the Central Transportation Section and for all institutions and facilities.
- 2. This regulation requires an audit.

REFERENCES

ACA Standards 4-4005; 4-4188-90; 4-4389; 4-4349; 4-4012; and 4-4014; 4-4206

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
430

TRANSPORTATION OF INMATES

Supersedes: —AR 430 (03/19/13); and AR 430 (Temporary, 10/02/13);
10/15/13; (Temporary, 07/20/17)
Effective Date: —10/15/13 8/15/17

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AUTHORITY

NRS 209.131, NRS 209.261; NRS 209.274; ~~NRS 209.376~~, 42 U.S.C. § 15601, *et seq.* and
28 C.F.R § 115

PURPOSE

To provide clear guidance in compliance with Adult Correctional Institution best practices for the transportation of inmates that emphasizes safety.

RESPONSIBILITY

The Director of Corrections is responsible for the implementation of this AR through the Deputy Director of Programs.

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The Deputy Director of Programs is responsible through the Offender Management Administrator for overall implementation and compliance regarding this regulation.

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The Central Transportation Lieutenant is responsible to ensure compliance with this regulation relative to the operations of the transportation unit and his/her staff.

Designated transportation **correction** officers are responsible to comply with this regulation.

430.00 – TRANSPORTATION PERSONNEL

1. Transportation **correction** officer and/or supervisors will have current driver's licenses and a copy of their driver's license will be maintained in a supervisor's file that is secure and not accessible to other staff and or inmates.

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2. Transportation **correction** officer operating vehicles that require Commercial Driver's License (CDL) will have a current CDL and a copy of their driver's license will be maintained in a supervisor's file that is secure and not accessible to other staff and or inmates.
3. The maximum driving time will comply with the United States Department of Transportation (DOT) maximum driving time limits.
4. Transportation **correction** officers will have completed the annual training including NDOC's ARs regarding transportation of inmates, use of force, use of restraints and driver's safety.
5. Transportation **correction** officers will familiarize themselves with their equipment, vehicle and destination prior to commencing the transport.

430.01 VEHICLES USED TO TRANSPORT

1. Inmates will be transported in vehicles approved by the Department.
2. Privately owned vehicles may be used only in cases of extreme emergency when state vehicles are not available.
3. Inmates may be transported by private sector transport contractors described in section 430.03.
4. The transportation vehicle will be thoroughly searched and inspected for cleanliness before any inmates are loaded for transport. The vehicle will be searched and cleaned on the end of each transport.
5. Vehicle records will be maintained which include mileage logs and vehicle maintenance records.

430.02 TRIP PREPARATIONS

1. Transportation preparations activities shall be limited to those which are minimally required to conform to law, policy, and required for the safe and secure operational of the transport vehicle and necessary medical activities.
2. The transport **correction** officers will inspect the vehicle to ensure that the lights, horn, brakes and other essential functions are in good working order prior to initiating the transport.
3. The transport **correction** officers will inspect the vehicle to ensure that safety equipment such as a fire extinguisher, flashlight, and emergency restraint gear is available if necessary, emergency medical kit is available and emergency telephone numbers are in the vehicle.

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4. Transportation **correction** officers will ensure that meals (sack lunches) are provided for each inmate on long distance transports and that any keep on **person** medications are provided by health care staff for chronic conditions.

5. Staff travel authorization and per diem advances ~~shall~~ be completed prior to the departure of overnight transportation activities unless the transport is as a result of an emergency situation. In emergency situations the travel authorization will be completed as soon as possible after staff has returned to their home base.

6. If a chase vehicle is included as part of the transport, the **correction** officers will discuss the transport plans with each other to include destination, number of inmates in the transport vehicle, identification of the inmates, any inmate medical conditions that may affect the transport and any other information pertinent to the transport.

743. A Transportation Order (DOC Form 2042) must be completed for all transportation trips except those for the purpose of transporting inmates to and from scheduled work assignments such as the transport of in the example of camp/minimum custody inmates to their work assignments.

48. The approving authority should take reasonable steps to ensure that each transportation order is justified on the basis of supporting documentation. Supporting documentation includes but is not limited to:

- A. Completed classification action sheets;
- B. Court orders to produce;
- C. Physicians orders;
- D. Orders approved through NOTIS.

59. The approving authority for transportation orders is the Warden, Associate Warden, or Facility Manager.

AE. This responsibility cannot be delegated.

BF. If transport must occur after normal business hours, ~~then~~ the shift supervisor will contact the duty administrator for verbal approval. If verbal approval is obtained by the shift supervisor, the approving authority will be noted on the order.

430.03 TRANSPORTATION OF INMATES

1. A positive face to photo identification will be made of each inmate and the face to photo identification will match the documents authorizing the transport of each inmate such as court order, etc., prior to the inmate being loaded in the vehicle.

2. Restraint equipment should be used only for the purpose of control and should never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of the inmate. The inmate will be in restraints before they enter the vehicle and restraints will not be removed while the inmate is in the vehicle.

3. If a medical emergency arises during the transport, the inmate will be transported to the nearest medical facility and the restraint gear will be removed only at the direction of the medical staff. Transport **correction** officers will immediately notify the sending or receiving facility that a medical emergency has occurred, and provide the location of the medical facility, the name of the inmate with the medical emergency and the names of the transport staff and names of any additional inmates in the transport vehicle. The facility contacted will dispatch staff to assist the transportation **correction** officers.

4. If a natural disaster, road blockage or other impediment to the transport occurs the transport **correction** officers will immediately notify Central Transport and the nearest facility for assistance.

52. Unless special circumstances dictate otherwise, inmates should be transported in groups to avoid unnecessary expense. The number of inmates transported has to be consistent with the load or passenger specifications for the transport vehicle.

63. At no time will transporting **correction** officers will not physically handle an inmate while ~~armed~~armed or the inmate's restraint gear or place themselves in a position where the inmate has access to ~~their a~~holstered weapon.

74. Restraints, security equipment and staff for maximum and close custody inmates are as follows:

A. Transportation will be conducted in security vans or buses.

B. Maximum and close custody inmates will be transported in waist and leg restraints.

C. Maximum and close custody inmates must be transported by at least two **correction** officers, one of whom will be armed.

D. A chase vehicle with at least one armed **correction** officer should be utilized for all inmates considered high escape risks.

E. A chase vehicle, additional **correction** officers and added security equipment may be requested by the approving authority.

85. Restraints, security equipment and staff to be used for medium custody inmate transportation are as follows:

A. The approving authority will have the discretion to determine the level of security to include the number of correction officers, type of vehicles, and weapons to be used in the transportation.

B. Waist and leg restraints are required.

96. Minimum custody inmates may be transported by a single correction officer or state employee. Restraints are not required.

107. Transitional Housing (TH) and restitution center inmates may travel on routine or emergency trips outside of the facility without escort or restraints.

A. TH/Restitution center inmates may use public transportation.

B. TH/Restitution center inmates may be transported in private vehicles related to their employment.

118. When transporting inmates with mixed custody levels, all inmates will be restrained according to the transportation requirements of the inmate in the vehicle with the highest custody level.

129. Operational Procedures should include provisions for medical conditions which prevent the employment of conventional restraint practices.

A. Medical conditions, which do not permit the full utilization of routine restraint apparatus, will be evaluated on a case-by-case basis. To the extent possible, the arrangement of restraints will be modified to accommodate the medical condition. In any event, public safety will remain the overriding concern.

~~B. For Pregnant Inmates being transported within the institution refer to the provisions in AR 407, Use of Handcuffs and Restraints.~~

~~CB. For Pregnant Inmates shall not be transported in waist or leg restraints, being transported outside the institution.~~ Refer to the provisions in AR 407, Use of Handcuffs and Restraints.

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130. Operational Procedures should make provisions for the employment of enhanced restraint devices in the event an inmate presents a significant control or behavioral problem.

A. These enhanced restraints may include but are not limited to handcuff covers, a control chain, or restraint belt.

B. Institutions may utilize restraint belts for transporting high risk inmates at the discretion of an Associate Warden or higher.

144. Unclothed body searches are required for persons being transported for any reason other than scheduled outside work for minimum inmates.

A. Persons being transported for any reason, other than scheduled outside work (minimum), must submit to an unclothed body search prior to transport. In addition to the general provisions outlined below, the specific requirements of the Department's Administrative Regulation 422 should be followed.

(1) All unclothed body searches will comply with the Prison Rape Elimination Act, (PREA) standard requirements. The unclothed body search will be conducted by a staff member of the same gender as the inmate being searched.

(2) After the unclothed body search, the inmate shall be isolated from other inmates being transported that have not had an unclothed body search and will remain under direct supervision. If any contact is made between the searched inmate and any other inmate who has not been searched, a second search will be conducted.

(3) If the transporting correction officer(s) is different from the correction officer who conducted the search, a second search will be conducted at the discretion of the transporting correction officer. Inmates shall have nothing in their pockets nor be in possession of any personal property before being presented to the transportation correction officer for search and placement in restraints.

(4) During transportation, articles that may be in an inmate's possession are limited to Keep on Person (KOP) medications, approved medical appliances, (no canes, crutches, etc) and wedding rings. Use or possession of tobacco products is prohibited. Inmates are not allowed to carry lighters or matches.

(5) Legal papers being transported with the inmate for court hearings will be inspected (not read) for contraband by the transporting correction officers in the presence of the inmate and will be carried in the driver's compartment of the transportation vehicle.

(6) ~~All other~~ All property other to property to be transported ~~will be~~ will be ~~thoroughly~~ thoroughly ~~searched~~ searched and appropriately boxed (in accordance with the Department's Administrative Regulation 711) prior to being placed in the vehicle. All property will be stored separately in the transportation vehicle and under no circumstances will an inmate be allowed access to any property. The inmate's property will be re-issued at the receiving institution.

152. Operational procedures will conform to the specific requirements of AR 422.

163. Minimum inmates should receive a clothed body search prior to departing for their work assignments and when returning from their work assignments.

A. Random unclothed searches of minimum inmates may be conducted.

174. Inmates will generally be transported using the following clothing requirements:

- A. Blue issue shirt;
- B. Denim blue jeans;
- C. Appropriate underwear;
- D. Appropriate footwear; and
- E. Jacket or outside coat appropriate to the weather.

185. Maximum security inmates who are transported outside of an institution should be dressed in orange coveralls in lieu of shirts and denim trousers.

196. Inmates of the Department may be transported using the services of a private sector transportation contractor for interstate movement.

2017. Male and female inmates may be transported in the same vehicle.

- A. When possible and when transporting female inmates, a female correction officer shall ~~be~~ be present unless extenuating circumstances prevent a female correction officer to conduct the transport.
- B. Two male correction officers may transport numerous female inmates at the same time, if a female correction officer is not available to be a member of the transport team.
- C. Two male correction officers or a single male correction officer cannot transport a single female inmate.

APPLICABILITY

1. This regulation requires an Operational Procedure for the Central Transportation Section and for all institutions and facilities.
2. This regulation requires an audit.

REFERENCES

ACA Standards 4-4004; 4-4005; 4-4188-90; 4-4389; 4-4349; 4-4012; and 4-4014; 4-4206

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James Dzurcinda ~~G. Cox~~, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
431**

TRANSPORTATION OF INMATES TO COURT

Supersedes: AR 431 (08/13/10); AR 431 (Temporary, 10/02/13); 10/15/13;
(Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY

NRS 209.131, NRS 209.376

RESPONSIBILITY

The Director of Corrections is responsible for the administration of all regulations.

The Deputy Directors Operations and Programs are responsible through the respective Wardens and Central Transportation for overall implementation and compliance regarding this regulation.

All designated transportation officers are responsible to comply with this regulation.

The Central Transportation Lieutenant is to ensure compliance with this regulation and to provide the training for transportation officers.

Associate Wardens through the respective shift commanders are to ensure compliance with this regulation for facility transportation officers.

Shift supervisors are responsible for compliance with the requirements established within the Department's Administrative Regulation 430.

431.01 SELECTION OF OFFICERS

1. The shift supervisor will assign an officer to be in charge for each transportation run not handled by Central Transportation.
 - A. The assigned officer in charge will have had prior experience in both transportation and in security coverage of inmates during court proceedings unless exception is granted by the Warden or designee.
 - B. Whenever possible, the officer in charge will hold the rank of at least Senior Correctional Officer.
2. Each officer or supervisor selected for court detail must meet the following requirements:

- A. Have completed at least one (1) year of custody experience and completed the NDOC's training academy.
 - B. Demonstrated good judgment and an understanding of written and verbal orders.
 - C. Shall be neat in appearance.
 - D. Shall be thoroughly familiar with courtroom security and transportation procedures.
 - E. Shall be currently qualified on weapons that will be used during the transport.
3. All inmate transports from one location to another shall be controlled and supervised by staff at all times.
4. Guidelines for transporting inmates shall emphasize safety and be made available to all personnel involved in transporting inmates.

431.02 SECURITY PRECAUTIONS

1. Prior to an inmate's court appearance, the Department of Corrections shall determine if additional security measures need to be taken.
- A. Additional security precautions may be necessary for those inmates who are considered high escape risk, extremely dangerous or if other exigent circumstances exist.
 - B. If additional security precautions are deemed necessary, the Department shall:
 - (1) Confer with the presiding judge to make a determination of the type of action to be taken.
 - (2) The presiding judge shall have final authority over courtroom security.
 - C. A chase vehicle may be utilized at the discretion of the Warden or Associate Warden.
 - D. If a chase vehicle is utilized the transport officers and the chase vehicle officer will confer on the transport, the identification of the inmate, the anticipated route that will be taken and the procedure for removing the inmate from the transport vehicle with the officer from the chase vehicle ensuring that civilians and others are not in close proximity to the transport vehicle, the transport officers and the inmate.
2. All inmates will submit to an unclothed body search prior to being transported to court by an officer of the same gender. The search will be in compliance with PREA (AR 573).

3. A comparison of the face to NDOC issued photo identification of the inmate will be made by the officer in charge of the transport and ensure that the court order and the inmate being transported are the same person prior to initiating the transport.
4. All items including legal materials the inmate takes to court will be carefully searched for contraband. Legal and/or medical material will not be read.
5. If the inmate/inmates are expected to be in court past a regular meal, a sack meal will be provided to the transport team for each inmate that is being transported.
6. If the inmate/inmates are on medication, that is required to be taken during the transport period, the transport team will be provided by health-care staff with the medication and instructions on when to allow the inmate access to the medication.
7. Prior to moving an inmate into the courthouse, the officer in charge will make a tour of the building and in particular the hold room where the inmate may be held while waiting for the hearing or courtroom where the hearing is to be held with the approval of court staff to ensure that the area where the inmate is going to be held, is secure and free of contraband.
 - A. Any situation or occurrence, which is out of the ordinary, will be reported by telephone to the appropriate supervisor.
 - B. When transporting high-risk inmates, as part of the transportation order, a complete security search of the area, with approval of court staff, will be ensured by the appropriate appointing authority as part of the transportation order.
8. A portable metal scanner may accompany staff assigned to provide courtroom security for maximum-security inmates or as otherwise deemed necessary. It will not be used unless prior approval is obtained from court staff.
9. All armed NDOC personnel will strictly adhere to Departmental procedures concerning the carrying and use of firearms and transporting officers will not physically handle an inmate while armed or the inmate's restraint gear or place themselves in a position where the inmate has access to their weapon.

431.03 TRANSPORTING VEHICLE

1. Inmates shall be transported to court hearings in state owned vehicles only.
2. The officers conducting the transport will inspect the vehicle prior to initiating the transport to ensure that it is in good working order.
3. The officers conducting the transport will inspect the vehicle prior to, and after, the transport for cleanliness and to ensure that there is no contraband.

4. The officers conducting the transport will log the time and mileage upon departure and return to the facility.
5. The transporting vehicle will be safely parked in an authorized area and securely locked before it is left unattended.

431.04 COURTROOM HOLDING AREAS

1. The officer in charge will ensure that inmates are taken directly from the transportation vehicle to the appropriate courtroom or other area as designated by the presiding judge. When more than one inmate is required to be present in the courtroom simultaneously, the group will be kept together in the designated holding area separate from the general public. Inmates who are known enemies or who are associated or members of opposing Security Threat Groups (STGs) will be kept separate as well as inmates who may be in court to testify against other inmates.
2. Inmates will be held in the designated holding area until summoned by the bailiff. No visiting by attorneys or other associates will be allowed in the holding area, except as may be specifically ordered by the presiding judge. When an inmate is ordered removed from the courtroom, he will be placed in the holding area until released or recalled by the presiding judge.

431.05 OFFICER RESPONSIBILITIES

1. The inmate shall be under the personal observation and control of the transporting officers at all times. This responsibility shall not be delegated or transferred from the officers assigned to that specific detail unless the inmate is placed into the custody of another agency for court supervision.
 - A. A minimum of one (1) officer shall be in personal contact with the inmate(s) at all times.
 - B. A minimum of two (2) officers shall be present when an inmate is moved for any reason.
 - C. Inmates who require using the restrooms will be under the direct visual observation of an escorting officer at all times. Restrooms will be cleared and searched for contraband prior to access by inmates.

431.06 IN-COURT PROCEDURES

1. Duties of the Transporting Officers:
 - A. The inmate shall be seated in the chair designated by the court. The transporting officer shall take seats in the chairs provided behind or to the side of the inmate, or as

directed by court staff, officers shall maintain visual contact of the inmate at all times and assist bailiffs in the following:

- (1) Allow no unauthorized movement of the inmate.
 - (2) Prohibit any physical material passing between the inmate and the court visitors. No one will be permitted to give the inmate anything unless it is directed by the court and the item is carefully searched.
 - (3) Inhibit any verbal communication between the inmate and court visitors.
 - (4) Be alert for any directions of the court or other appointed authority regarding the activity or orders to the inmate.
2. The use of restraints on pregnant inmates will comply with the provisions of AR 407, Use of Handcuffs and Restraints. The use of restraints during court proceedings will correspond to the inmate's custody level, pregnancy status, and as determined by the court.
3. The first consideration and duty of the transporting officers is the security of the inmate.
- A. Except upon orders of the presiding judge, physical restraint will not be used against an inmate who becomes verbally disruptive. However, the transporting officers shall restrain any inmate who becomes physically disruptive, or attempts to leave his assigned place and necessary assistance will be requested from the bailiffs.
 - B. Courtroom disruptions by visitors shall be the responsibility of the bailiffs. At no time shall transporting officers assist in these emergencies when by doing so the security of the inmate is neglected. The inmate shall be maintained in a secure manner or removed from the courtroom if directed by the court.
 - C. In the case of emergencies occurring at the court, the following order of jurisdiction will apply:
 - (1) In the courtroom, the presiding judge and bailiff have jurisdiction.
 - (2) Outside the courtroom, but inside the courthouse, the Sheriff's Department or U.S. Marshals have overall responsibility.
 - (3) Once the inmate leaves the courthouse itself, the jurisdiction is vested in the Nevada Department of Corrections, whose staff then has total responsibility for the security of the inmate.
4. Court Appearance Record:

A. The Court Appearance Report, Form DOC-2031 will be completed by the transporting officer and distributed to the designated institutional Associate Warden, institutional transfer coordinator and the Central Transportation Lieutenant.

B. The court detail supervisor shall determine the following from the proceedings:

- (1) Next court appearance date;
- (2) Courtroom to appear in;
- (3) Nature of pending proceeding;
- (4) Behavior of the inmate; and
- (5) Any other facts as may apply to hearings or security.

C. If Central Transportation does not provide the transportation of the inmate to court, the transporting institution must notify Central Transportation of the outcome of the court proceedings in writing on Form DOC-2031 to the Central Transportation Lieutenant within one working day.

431.07 RETURN TRANSPORTATION PROCEDURES

1. Upon completion of the court proceedings, the inmate shall be removed from the court.
 - A. The inmate will be returned to the institution as soon as can be safely accomplished.
 - B. All restraint equipment will be inspected for damage or tampering prior to transporting the inmate.
 - C. The Sheriff's Department will be notified of the departure time if their assistance is required.
 - D. Transporting officers will inspect, and search the transportation vehicle for contraband prior to the inmate being loaded.
 - E. Any weapons secured will be retrieved.
 - F. Upon departure, the receiving institution shall be notified, if requested, by radio or the departure time and estimated time of arrival.
 - G. The inmate and all property will be searched for contraband upon return to the institution. When searching legal materials, the officers shall not read the materials.
 - H. Weapons and restraint equipment will be checked as per procedure.

431.08 COURTROOM DEPARTMENT

1. Officers assigned to court transportation details are deemed to be disinterested parties to the court proceedings.
2. Conversations between clients and attorneys are confidential.
3. Intervention in proceedings may be instigated only when there is probable cause to believe the security of the inmate is being compromised.
4. Officers shall maintain a professional attitude before the court.
5. Inappropriate interaction with an inmate may adversely influence the court or jury and reduces the officer's effectiveness in controlling the inmate.
6. Every effort shall be made to cooperate with the courts, bailiffs, county sheriff's deputies and jail personnel.
7. Directions and requests by the court or county officials shall be honored except as may conflict with state and institutional orders or where the safety and security of the inmate is jeopardized.
8. The escorting officers must be neatly groomed and comply with the uniform regulations.
 - A. Supervisors and officers assigned are visual representatives of the Department of Corrections.
 - B. Staff assigned to scheduled court details shall wear the Class A uniform in the correct and prescribed manner.

431.09 USE OF FORCE IN THE COMMUNITY

1. The use of force in the community calls for exercising extreme caution and making careful decisions.
 - A. The level of force utilized in any particular situation must be based on the physical surroundings, the threat posed and the proximity of civilians to ensure that uninvolved civilians are not accidentally or inadvertently harmed while employing force.
 - B. The least amount of force necessary to gain compliance with a lawful order will be employed the use of force shall be in compliance with departmental policy.
 - C. Anytime use of force is used it shall be reported to the sending institution as soon as possible, and submitted on, Use of Force Form DOC-1

APPLICABILITY

1. This regulation requires an operational procedures for all institutions.
2. This regulation requires an audit.

ACA Standards 4-4013, 4-4188-189, 4-4190, 4-4192, 4-4206, 4-4201, 4-4202 and 4-4204

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
431**

TRANSPORTATION OF INMATES TO COURT

Supersedes: ~~AR 431 (08/13/10); and AR 431 (Temporary, 10/02/13);~~
10/15/13; (Temporary, 07/20/17)

Effective Date: ~~10/15/13~~08/15/17

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AUTHORITY

NRS 209.131, NRS 209.376

RESPONSIBILITY

The Director of Corrections is responsible for the implementation-administration of all regulations of this AR through the Deputy Director Programs.

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The Deputy Directors Operations and Programs are responsible through the respective Wardens and Central Transportation for overall implementation and compliance regarding this regulation.

All designated transportation officers are responsible to comply with this regulation.

The Central Transportation Lieutenant is to ensure compliance with this regulation and to provide the training for transportation officers.

Associate Wardens through the respective shift commanders are to ensure compliance with this regulation for facility transportation officers.

Shift supervisors are responsible for compliance with the requirements established within the Department's Administrative Regulation 430.

~~The Deputy Director or designee is responsible for the operation and management of inmate transportation.~~

431.01 SELECTION OF OFFICERS

1. The shift supervisor will assign an officer to be in charge for each transportation run not handled by Central Transportation.

- A. The assigned officer in charge will have had prior experience in both transportation and in security coverage of inmates during court proceedings unless exception is granted by the Warden or designee appointing authority.
 - B. Whenever possible, the officer in charge will hold the rank of at least Senior Correctional Officer.
2. Each officer or supervisor selected for court detail must meet the following requirements:
- A. Have completed at least one (1) year of custody experience and completed the NDOC's training academy.
 - B. Demonstrated good judgment and an understanding of written and verbal orders.
 - C. Shall be neat in appearance.
 - D. Shall be thoroughly familiar with courtroom security and transportation procedures.
 - E. Shall be currently qualified on weapons that will be used during the transport.
3. All inmate transports from one location to another shall be controlled and supervised by staff at all times.
4. Guidelines for transporting inmates shall emphasize safety and be made available to all personnel involved in transporting inmates.

431.02 SECURITY PRECAUTIONS

1. Prior to an inmate's court appearance, the Department of Corrections shall determine if additional security measures need to be taken.
 - A. Additional security precautions may be necessary for those inmates who are considered high escape risk, extremely dangerous or if other exigent circumstances exist.
 - B. If additional security precautions are deemed necessary, the Department shall:
 - (1) Confer with the presiding judge to make a determination of the type of action to be taken.
 - (2) The presiding judge shall have final authority over courtroom security.
 - C. A chase vehicle may be utilized at the discretion of the Warden or Associate Warden.
 - D. If a chase vehicle is utilized the transport officers and the chase vehicle officer will

confer on the transport, the identification of the inmate, the anticipated route that will be taken and the procedure for removing the inmate from the transport vehicle with the officer from the chase vehicle ensuring that civilians and others are not in close proximity to the transport vehicle, the transport officers and the inmate.

2. All inmates will submit to an unclothed body search prior to being transported to court by an officer of the same gender. The search will be in compliance with PREA (AR 573).

3. A comparison of the face to NDOC issued photo identification of the inmate will be made by the officer in charge of the transport and ensure that the court order and the inmate being transported are the same person prior to initiating the transport.

4. All items including legal materials the inmate takes to court will be carefully searched for contraband. Legal and/or medical material will not be read.

5. If the inmate/inmates are expected to be in court past a regular meal, a sack meal will be provided to the transport team for each inmate that is being transported.

6. If the inmate/inmates are on medication, that is required to be taken during the transport period, the transport team will be provided by health-care staff with the medication and instructions on when to allow the inmate access to the medication.

73. Prior to moving an inmate into the courthouse, the officer in charge will make a tour of the building and in particular the hold room where the inmate may be held while waiting for the hearing or courtroom where the hearing is to be held with the approval of court staff to ensure that the area where the inmate is going to be held, is secure and free of contraband.

A. Any situation or occurrence, which is out of the ordinary, will be reported by telephone to the appropriate supervisor.

B. When transporting high-risk inmates, as part of the transportation order, a complete security search of the area, with approval of court staff, will be ensured by the appropriate appointing authority as part of the transportation order.

84. A portable metal scanner may accompany staff assigned to provide courtroom security for maximum-security inmates or as otherwise deemed necessary. It will not be used unless prior approval is obtained from court staff.

95. All armed NDOC personnel will strictly adhere to Departmental procedures concerning the carrying and use of firearms and transporting officers will not physically handle an inmate while armed or the inmate's restraint gear or place themselves in a position where the inmate has access to their weapon.

431.03 TRANSPORTING VEHICLE

1. ~~1.~~ Inmates shall be transported to court hearings in state owned vehicles only.
2. The officers conducting the transport will inspect the vehicle prior to initiating the transport to ensure that it is in good working order.
3. The officers conducting the transport will inspect the vehicle prior to, and after, the transport for cleanliness and to ensure that there is no contraband ~~that the inmate may have access to.~~
4. The officers conducting the transport will log the time and mileage upon departure and return to the facility.
5. The transporting vehicle will be safely parked in an authorized area and securely locked before it is left unattended.

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431.04 COURTROOM HOLDING AREAS

1. The officer in charge will ensure that inmates are taken directly from the transportation vehicle to the appropriate courtroom or other area as designated by the presiding judge. When more than one inmate is required to be present in the courtroom simultaneously, the group will be kept together in thea designated holding area section separate from the general public. Inmates who are known enemies or who are associated or members of opposing Security Threat Groups (STGs) will be kept separate as well as inmates who may be in court to testify against other inmates.

2. Inmates will be held in the designated holding area until summoned by the bailiff. No visiting by attorneys or other associates will be allowed in the holding area, except as may be specifically ordered by the presiding judge. When an inmate is ordered removed from the courtroom, he will be placed in the holding area until released or recalled by the presiding judge.

431.05 OFFICER RESPONSIBILITIES

1. The inmate shall be under the personal observation and control of the transporting officers at all times. This responsibility shall not be delegated or transferred from the officers assigned to that specific detail unless the inmate is placed into the custody of another agency for court supervision.
 - A. A minimum of one (1) officer shall be in personal contact with the inmate(s) at all times.
 - B. A minimum of two (2) officers shall be present when an inmate is moved for any reason.

C. Inmates who require using the restrooms will be under the direct visual observation of an escorting officer at all times. Restrooms will be cleared and searched for contraband prior to access by inmates.

431.06 IN-COURT PROCEDURES

1. Duties of the Transporting Officers:

A. The inmate shall be seated in the chair designated by the court. The transporting officer shall take seats in the chairs provided behind or to the side of the inmate, or as directed by court staff, officers shall maintain visual contact of the inmate at all times and assist bailiffs in the following:

- (1) Allow no unauthorized movement of the inmate.
- (2) Prohibit any physical material passing between the inmate and the court visitors. No one will be permitted to give the inmate anything unless it is directed by the court and the item is carefully searched.
- (3) Inhibit any verbal communication between the inmate and court visitors.
- (4) Be alert for any directions of the court or other appointed authority regarding the activity or orders to the inmate.

2. The use of restraints on pregnant inmates will comply with the provisions of AR 407, Use of Handcuffs and Restraints. The use of restraints during court proceedings will correspond to the inmate's custody level, pregnancy status, and as determined by the court.

3. The first consideration and duty of the transporting officers is the security of the inmate.

A. Except upon orders of the presiding judge, physical restraint will not be used against an inmate who becomes verbally disruptive. However, the transporting officers shall restrain any inmate who becomes physically disruptive, or attempts to leave his assigned place and necessary assistance will be requested from the bailiffs.

B. Courtroom disruptions by visitors shall be the responsibility of the bailiffs. At no time shall transporting officers assist in these emergencies when by doing so the security of the inmate is neglected. The inmate shall be maintained in a secure manner or removed from the courtroom if directed by the court.

C. In the case of emergencies occurring at the court, the following order of jurisdiction will apply:

- (1) In the courtroom, the presiding judge and bailiff have jurisdiction.

(2) Outside the courtroom, but inside the courthouse, the Sheriff's Department or U.S. Marshals have overall responsibility.

(3) Once the inmate leaves the courthouse itself, the jurisdiction is vested in the Nevada Department of Corrections, whose staff then has total responsibility for the security of the inmate.

4. Court Appearance Record:

A. The Court Appearance Report, Form DOC-2031 will be completed by the transporting officer and distributed to the designated institutional Associate Warden, institutional transfer coordinator and the Central Transportation Lieutenant.

B. The court detail supervisor shall determine the following from the proceedings:

(1) Next court appearance date;

(2) Courtroom to appear in;

(3) Nature of pending proceeding;

(4) Behavior of the inmate; and

(5) Any other facts as may apply to hearings or security.

C. If Central Transportation does not provide the transportation of the inmate to court, the transporting institution must notify Central Transportation of the outcome of the court proceedings in writing on Form DOC-2031 to the Central Transportation Lieutenant within one working day.

431.07 RETURN TRANSPORTATION PROCEDURES

1. Upon completion of the court proceedings, the inmate shall be removed from the court.

A. The inmate will be returned to the institution as soon as can be safely accomplished.

B. All restraint equipment will be inspected for damage or tampering prior to transporting the inmate.

C. The Sheriff's Department will be notified of the departure time if their assistance is required.

D. Transporting officers will inspect, and search the transportation vehicle for contraband prior to the inmate being loaded.

E. Any weapons secured will be retrieved.

F. Upon departure, the receiving institution shall be notified, if requested, by radio or the departure time and estimated time of arrival.

G. The inmate and all property will be searched for contraband upon return to the institution. When searching legal materials, the officers shall not read the materials.

H. Weapons and restraint equipment will be checked as per procedure.

431.08 COURTROOM DEPARTMENT

1. Officers assigned to court transportation details are deemed to be disinterested parties to the court proceedings.

2. Conversations between clients and attorneys are confidential.

3. Intervention in proceedings may be instigated only when there is probable cause to believe the security of the inmate is being compromised.

4. Officers shall maintain a professional attitude before the court.

5. Inappropriate interaction with an inmate may adversely influence the court or jury and reduces the officer's effectiveness in controlling the inmate.

6. Every effort shall be made to cooperate with the courts, bailiffs, county sheriff's deputies and jail personnel.

7. Directions and requests by the court or county officials shall be honored except as may conflict with state and institutional orders or where the safety and security of the inmate is jeopardized.

8. The escorting officers must be neatly groomed and comply with the uniform regulations.

A. Supervisors and officers assigned are visual representatives of the Department of Corrections.

B. Staff assigned to scheduled court details shall wear the Class A uniform in the correct and prescribed manner.

431.09 USE OF FORCE IN THE COMMUNITY

1. The use of force in the community calls for exercising extreme caution and making careful decisions.

A. ~~A.~~ The level of force utilized in any particular situation must be based largely on the physical surroundings, the threat posed and the proximity of civilians to ensure that

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uninvolved civilians are not accidentally or inadvertently harmed while employing force.

B. The least amount of force necessary to gain compliance with a lawful order will be employed the use of force shall be in compliance with departmental policy.

CB. Anytime use of force is used it shall be reported to the sending institution as soon as possible, and submitted on, Use of Force Form DOC-1664.

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REFERENCES

APPLICABILITY

1. This regulation requires an operational procedures for all institutions.

2. This regulation requires an audit.

ACA Standards 4-4013, 4-4188-189, 4-4190, 4-4192, 4-4206, 4-4201, 4-4202 and 4-4204

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James Dzurenda, Director

Date

REFERENCES

ACA Standards 4-4013, 4-4188, 4-4189, 4-4206, 4-4192, 4-4201 and 4-4204

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James G. Cox, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
494**

**EVALUATION, PLACEMENT, AND TREATMENT OF
TRANSGENDER AND/OR INTERSEX INMATES**

Supersedes: AR 494 (Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY: NRS 209.131

RESPONSIBILITY:

The Director is responsible for the establishment of all Departmental policies to ensure public, staff and inmate safety.

The Deputy Director of Operations and the Medical Director are responsible to ensure compliance with the Administrative Regulation and managing the Non-Conforming Gender Review Committee (NGRC).

The Warden or designee is responsible to ensure that all inmates have access to evaluation, placement, and appropriate treatment while recognizing the inherent limitations of resources, and the need to maintain facility security, order and discipline, and the health and safety of all inmates.

The Inspector General is responsible to investigate any complaints related to Prison Rape Elimination Act (PREA) violations, reference Administrative Regulation (AR) 573.

The Medical Director and Mental Health Director have the responsibility to ensure both a medical and psychological evaluation for each inmate and that an appropriate plan has been established and is complied with.

All staff at NDOC must implement this regulation and all relevant operational procedures.

494.01 PURPOSE AND POLICY

To provide guidelines for evaluation, placement, and treatment of inmates who have undergone transgender treatment, or are identified as transgender, intersex or gender-variant, and to manage inmate safety and access to appropriate medical/mental health care. This regulation is intended to assist staff in identifying inmates who present with non-conforming gender upon entry to the NDOC. Whenever possible, this identification process should occur during intake processing, and in a respectful manner, considerate of each inmate. This process would assess, review, and manage inmates that present with nonconforming gender at intake, or if reported after intake, on a case-by-case basis, in a respectful manner, considering each inmate's individual circumstances,

including but not limited to the inmate's physical sexual characteristics, gender identification, physical presentation, behavior and programming needs.

494.02 DEFINITIONS OF GENDER

Gender: denotes the socially constructed roles, behaviors, activities, and attributes that a given society typically or historically assigns to men and women.

Gender identity: refers to the actual and perceived gender of an individual regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Nonconforming Gender: refers to a person's physical appearance and characteristics and/or behaviors that do not conform to those typically associated with a person's sex at birth or traditional societal gender expectations.

- A. **Gender-variant** – refers to a person who is uncertain of gender identification, or who does not identify as either male or female.
- B. **Intersex** – refers to a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.
- C. **Transgender** – refers to an umbrella term describing individuals, including such examples as transsexuals, who live and/or identify themselves as a gender other than that assigned at birth. This could result in a medical definition of gender identity disorder, referred to in section 494.05.
- D. **Non-Conforming Gender Review Committee (NGRC) for Housing** – comprised of the health services director, department medical director, intake/security representative, mental health director, director of nursing, warden of the facility where the inmate is currently housed, and any other department employee deemed necessary to render a decision for the health and safety of staff, public and the inmate.
- E. **Transsexual** – refers to a person who seeks or has undergone a social transition from male to female or female to male. This may also involve a physical transition through genital surgery and/or cross-sex hormone therapy.
- F. **Queer** – refers to a person who does not identify with one sexual orientation, and/or may be considered Gender Neutral.

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494.03 IDENTIFICATION, ASSESSMENT, REVIEW, AND MANAGEMENT OF INMATES THAT PRESENT WITH NON-CONFORMING GENDER AT INTAKE

A. Assessment

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the NDOC considers on a case-by-case basis whether a placement would manage the inmate's health and safety, and whether the placement would present management or security problems. The institutional placement based on gender identity should also reference AR 573. The NDOC does not place gay, lesbian, bisexual, transgender, gender-variant, or intersex inmates in dedicated facilities or housing units based on such identification or status, unless required to by law or court action. The NDOC shall evaluate inmates who prove to be undergoing transgender or transsexual-related treatment prior to incarceration, inmates who identify and appear to be transgender or intersex, or inmates having other clinical conditions in which the gender assignment is unclear and place accordingly. When indicated by appropriate health services staff, the department provides gender-related mental health services and other medical or mental health therapy, as medically necessary, throughout the inmate's incarceration.

B. Intake Review and Process

(1) Identification at Intake: Staff shall seek to identify inmates that present with nonconforming gender upon delivery to the NDOC during intake processing, based on available information from the county, the inmate (including the inmate's stated gender identity, if any), and as developed by staff.

(2) Appropriate and Professional Questioning: Staff shall question inmates regarding their sex and gender identity only when necessary to develop information for making appropriate intake and housing assignments, classification assignments, programming assignments; to provide health care and health assessments; and as necessary for the inmate's health or safety, or for the safe, secure, and orderly operation of the facility. Staff shall question inmates in a private and professional manner to avoid subjecting the inmate to the risk of possible abuse or ridicule.

(3) Initial Placement in Holding Cell: When staff identifies an inmate as presenting with nonconforming gender during intake processing, staff shall place the inmate in a holding cell, in the receiving and/or discharge unit, to provide for the inmate's safety and to provide the inmate with a measure of privacy pending further review.

(4) Skin Searches:

(a) After one of the definitions of non-conforming gender in 494.02 is met, skin searches are performed by appropriate security staff on each inmate upon the inmate's delivery to the facility. Ordinarily, a security staff member of the same sex as the inmate will be assigned to conduct the skin search.

(b) The facility or institution shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as a broader medical examination conducted in private by a medical practitioner.

(c) Once gender is identified, the OIC shall then assign a security staff member of an appropriate sex to conduct the skin search of the inmate based on the information available and discussion with the inmate.

(d) If staff has not determined that an inmate presents with nonconforming gender, and security staff discover during the conduct of a skin search that the inmate has physical sexual characteristics of the sex opposite of the security staff member conducting the search, the security staff member will immediately cease conducting the search and notify the intake sergeant. The intake sergeant shall follow the steps in subsection (b) above to conduct the skin search.

(5) Intake Housing Assignment: Following initial placement in a holding cell, an inmate identified by staff as presenting with nonconforming gender during intake processing shall be assigned to a single cell in the Infirmary or pre-determined space as identified by the Warden or designee, on a space available basis, until the appropriate housing for the inmate has been staffed by the Non-Conforming Gender Review Committee (NGRC).

(6) Clothing at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake shall be issued the following clothing to wear during intake processing - two sets of scrubs; two t-shirts; sweatshirt; two bras (if requested or needed); underwear (type issued based on inmate request); pajamas (type issued based on inmate request); and socks and intake shoes.

(7) Recreation at Intake Center: All inmates will be afforded "out-of-cell" time equal to the unit they are being housed in or as facility operation allows. A minimum out of cell time will be based on classification and consistent with all inmates with the same or similar classification, including but not limited to orientation.

(8) Shower and Hygiene at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake shall shower separately from other inmates. All inmates are able to shower, perform bodily function, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genital area/status.

494.04 PROCEDURE – NON-CONFORMING GENDER REVIEW COMMITTEE

A. After one of the definitions of non-conforming gender in 494.02 is met, facility staff determines placement of the inmate until the NGRC determines final placement. To be diagnosed with a gender identity disorder, there must be evidence of a strong and persistent cross-gender identification (i.e., the desire to be, or the insistence that one

is, of the other sex) and evidence of persistent discomfort about one's assigned sex or a sense of inappropriateness in the gender role of that sex. While imprisonment provides special difficulties in the diagnosis and management of persons with gender identity disorders, an initial medical and mental health evaluation will be performed, followed by implementation of an individual management plan by both custody and health care staff.

- B. If an inmate is suspected of having a gender identity disorder the medical provider shall ensure that the inmate receives a complete medical history and physical examination, including a detailed genital or pelvic examination by a physician and a comprehensive evaluation by a psychiatrist or a psychologist. Specific historical details, including identifying all prior medical practitioners who have treated the inmate for gender identity disorder, and any hormonal or surgical sex reassignment or cosmetic surgical procedures, shall be included. Documents supporting any claims of prior diagnosis, treatment, and cross-gender living and working shall be provided by the inmate. The evaluations and the historical documentation shall be filed in the inmate health record.
- C. The medical unit services shall complete a history and physical examination and, if applicable, the psychiatrist or psychologist shall complete a comprehensive psychological examination, including the inmate's view with respect to his/her own safety. The health services staff does not search or physically examine a transgender, gender variant, or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

If applicable, facility health services staff shall require the inmate to sign a release of information to obtain medical/mental health records when an inmate:

1. Indicates a history of transgender or transsexual-related treatment; or
 2. Identifies as, or is reported by staff to be gender-variant; or
 3. Has other clinical conditions in which gender assignment is unclear, such as cross dressing or physical features characteristic of a gender different from that assigned at birth.
- D. If cases where an inmate refuses to provide a complete medical history, physical examination, a psychological examination (if applicable), and/or refuses to sign a release of information form for medical/psychological (if applicable), then the health services staff shall seek a court order to obtain these records.
 - E. The NGRC meets and recommends placement and a treatment plan to the Offender Management Division (OMD) within 15 days of identifying criteria. The recommendations must include: single cell restrictions (if appropriate), shower restrictions (if appropriate), hormone therapy (if medically appropriate as determined by NDOC, if legally prescribed prior to incarceration and consistent with Nevada's Division

of Health Care Policy and Financing (Medicaid) allowable services, and any other recommendations as the NGRC deems necessary to maintain the inmate's safety. The NGRC may, at its discretion, consult with the inmate and outside health care providers to assist in making its recommendations.

- F. The Deputy Director of Operations determines the placement of the inmate, in consultation with the OMD, within five days of receiving the recommendation from the NCGR and informs the warden to arrange for such placement. The determination shall be placed in the inmate's I-file, mental health, and medical record.
- G. A facility may seek reconsideration of the placement for any reason. The warden must contact the OMD. If the Warden or designee determines further evaluation is needed, he/she must contact the NGRC Chair, Deputy Director of Operations, to convene the committee for evaluation and recommendation. The Attorney General's Office will be included as part of the NGRC. The final decision is made by the Director or designee.
- H. The chair of the NGRC identifies all transgender inmates quarterly for review of appropriate placement and treatment, unless determined that a review is required earlier.

**494.05 INDIVIDUAL MANAGEMENT PLAN AND PLACEMENT FOR
GENDER IDENTITY DISORDER**

- A. If the medical/mental health evaluations support a diagnosis of gender identity disorder, the medical provider shall formulate an individual management plan to include requirements for visits to a mental health provider for supportive psychotherapy. The visits initially shall be required by the medical professional and consistent with policies of the State Medicaid Plan to ensure consistency with allowable services upon release of the inmate in the community.
- B. The NDOC Medical Director must sign off the final plan.
- C. The NDOC Medical Director shall consult with OMD regarding the plan and, if approved, appropriate placement of the inmate. A copy of the Individual Management Plan for Gender Identity Disorder shall be provided to the appropriate mental health psychologist, and included in the inmate files and in the inmate health record.
- D. The inmate shall be seen by an appropriate medical provider at least annually for the medical provider to determine if any changes are needed to the approved individual management plan. Any recommended changes to the plan shall be specifically identified in the medical and mental health records. Any inmate who fails to cooperate or agree to undergo this yearly review shall be subject to cessation or reduced treatment until the review can be conducted unless cessation of treatment is deemed a serious risk to the health of the inmate.

494.06 HORMONAL TREATMENT

Hormonal treatment of inmate with a gender identity disorder may be undertaken only if approved by the NDOC Medical Director and only if one or more of the following apply:

- A. The inmate was scheduled for sex reassignment surgery no later than six (6) months prior to incarceration and was receiving hormonal treatment at a recognized university affiliated gender identity disorder clinic (as documented by receipt of definitive records) and was receiving hormonal treatment under that legally licensed clinic's supervision;
- B. The inmate has been surgically castrated (confirmed anatomically or, in biological females, by receipt of definitive records); and
- C. The inmate had a valid and legal prescription prior to incarceration for hormonal treatment.

Prior to beginning hormonal treatment of the inmate, the inmate shall be advised of potential side effects and dangers of the treatment. The treatment shall begin only after the inmate provides written informed consent to receive the treatment. Only hormones approved by the NDOC Medical Director shall be used in the treatment, as identified as eligible by the Nevada State Medicaid Manual to ensure transition of the inmate to the community results in continuity-of-care and services for the safety of the public, staff and inmate. "Dosages shall be at the discretion of the CMO and NDOC Medical Director."

APPLICABILITY:

- 1. This Administrative Regulation requires a medical and mental health operational procedure that applies to all facilities and institutions.
- 2. This Administrative Regulations requires an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
494**

**EVALUATION, PLACEMENT, AND TREATMENT OF
TRANSGENDER AND/OR INTERSEX INMATES**

Supersedes: New Policy AR 494 (Temporary, 07/20/17)
Effective Date: 08/15/17 07/20/17, Temporary

AUTHORITY: NRS 209.131

RESPONSIBILITY:

The Director is responsible for the establishment of all Departmental policies to ensure public, staff and inmate safety.

The Deputy Director of Operations and the Medical Director are responsible to ensure compliance with the Administrative Regulation and managing the Non-Conforming Gender Review Committee (NGRC).

The Warden or designee is responsible to ensure that all inmates have access to evaluation, placement, and appropriate treatment while recognizing the inherent limitations of resources, and the need to maintain facility security, order and discipline, and the health and safety of all inmates.

The Inspector General is responsible to investigate any complaints related to Prison Rape Elimination Act (PREA) violations, reference Administrative Regulation (AR) 573.

The Medical Director and Mental Health Director have the responsibility to ensure both a medical and psychological evaluation for each inmate and that an appropriate plan has been established and is complied with.

All staff at NDOC must implement this regulation and all relevant operational procedures.

494.01 PURPOSE AND POLICY

To provide guidelines for evaluation, placement, and treatment of inmates who have undergone transgender treatment, or are identified as transgender, intersex or gender-variant, and to manage inmate safety and access to appropriate medical/mental health care. This regulation is intended to assist staff in identifying inmates who present with non-conforming gender upon entry to the NDOC. Whenever possible, this identification process should occur during intake processing, and in a respectful manner, considerate of each inmate. This process would assess, review, and manage inmates that present with nonconforming gender at intake, or if reported after intake, on a case-by-case basis, in a respectful manner, considering each inmate's individual circumstances,

including but not limited to the inmate's physical sexual characteristics, gender identification, physical presentation, behavior and programming needs.

494.02 DEFINITIONS OF GENDER

Gender: denotes the socially constructed roles, behaviors, activities, and attributes that a given society typically or historically assigns to men and women.

Gender identity: refers to the actual and perceived gender of an individual regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Nonconforming Gender: refers to a person's physical appearance and characteristics and/or behaviors that do not conform to those typically associated with a person's sex at birth or traditional societal gender expectations.

- A. Gender-variant** – refers to a person who is uncertain of gender identification, or who does not identify as either male or female.
- B. Intersex** –refers to a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.
- C. Transgender** – refers to an umbrella term describing individuals, including such examples as transsexuals, who live and/or identify themselves as a gender other than that assigned at birth. This could result in a medical definition of gender identity disorder, referred to in section 494.05.
- D. Non-Conforming Gender Review Committee (NGRC) for Housing** – comprised of the health services director, department medical director, intake/security representative, mental health director, director of nursing, warden of the facility where the inmate is currently housed, and any other department employee deemed necessary to render a decision for the health and safety of staff, public and the inmate.
- E. Transsexual** – refers to a person who seeks or has undergone a social transition from male to female or female to male. This may also involve a physical transition through genital surgery and/or cross-sex hormone therapy.
- F. Queer** – refers to a person who does not identify with one sexual orientation, and/or may be considered Gender Neutral.

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494.03 IDENTIFICATION, ASSESSMENT, REVIEW, AND MANAGEMENT OF INMATES THAT PRESENT WITH NON-CONFORMING GENDER AT INTAKE

A. Assessment

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the NDOC considers on a case-by-case basis whether a placement would manage the inmate's health and safety, and whether the placement would present management or security problems. The institutional placement based on gender identity should also reference AR 573. The NDOC does not place gay, lesbian, bisexual, transgender, gender-variant, or intersex inmates in dedicated facilities or housing units based on such identification or status, unless required to by law or court action. The NDOC shall evaluate inmates who prove to be undergoing transgender or transsexual-related treatment prior to incarceration, inmates who identify and appear to be transgender or intersex, or inmates having other clinical conditions in which the gender assignment is unclear and place accordingly. When indicated by appropriate health services staff, the department provides gender-related mental health services and other medical or mental health therapy, as medically necessary, throughout the inmate's incarceration.

B. Intake Review and Process

(1) Identification at Intake: Staff shall seek to identify inmates that present with nonconforming gender upon delivery to the NDOC during intake processing, based on available information from the county, the inmate (including the inmate's stated gender identity, if any), and as developed by staff.

(2) Appropriate and Professional Questioning: Staff shall question inmates regarding their sex and gender identity only when necessary to develop information for making appropriate intake and housing assignments, classification assignments, programming assignments; to provide health care and health assessments; and as necessary for the inmate's health or safety, or for the safe, secure, and orderly operation of the facility. Staff shall question inmates in a private and professional manner to avoid subjecting the inmate to the risk of possible abuse or ridicule.

(3) Initial Placement in Holding Cell: When staff identifies an inmate as presenting with nonconforming gender during intake processing, staff shall place the inmate in a holding cell, in the receiving and/or discharge unit, to provide for the inmate's safety and to provide the inmate with a measure of privacy pending further review.

(4) Skin Searches:

(a) After one of the definitions of non-conforming gender in 494.02 is met, skin searches are performed by appropriate security staff on each inmate upon the inmate's delivery to the facility. Ordinarily, a security staff member of the same sex as the inmate will be assigned to conduct the skin search.

(b) The facility or institution shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as a broader medical examination conducted in private by a medical practitioner.

(c) Once gender is identified, the OIC shall then assign a security staff member of an appropriate sex to conduct the skin search of the inmate based on the information available and discussion with the inmate.

(d) If staff has not determined that an inmate presents with nonconforming gender, and security staff discover during the conduct of a skin search that the inmate has physical sexual characteristics of the sex opposite of the security staff member conducting the search, the security staff member will immediately cease conducting the search and notify the intake sergeant. The intake sergeant shall follow the steps in subsection (b) above to conduct the skin search.

(5) Intake Housing Assignment: Following initial placement in a holding cell, an inmate identified by staff as presenting with nonconforming gender during intake processing shall be assigned to a single cell in the Infirmary or pre-determined space as identified by the Warden or designee, on a space available basis, until the appropriate housing for the inmate has been staffed by the Non-Conforming Gender Review Committee (NGRC).

(6) Clothing at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake shall be issued the following clothing to wear during intake processing - two sets of scrubs; two t-shirts; sweatshirt; two bras (if requested or needed); underwear (type issued based on inmate request); pajamas (type issued based on inmate request); and socks and intake shoes.

(7) Recreation at Intake Center: All inmates will be afforded "out-of-cell" time equal to the unit they are being housed in or as facility operation allows. A minimum out of cell time will be based on classification and consistent with all inmates with the same or similar classification, including but not limited to orientation.

(8) Shower and Hygiene at Intake Center: Inmates that have been identified by staff as presenting with nonconforming gender at intake shall shower separately from other inmates. All inmates are able to shower, perform bodily function, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genital area/status.

494.04 PROCEDURE – NON-CONFORMING GENDER REVIEW COMMITTEE

A. After one of the definitions of non-conforming gender in 494.02 is met, facility staff determines placement of the inmate until the NGRC determines final placement. To be diagnosed with a gender identity disorder, there must be evidence of a strong and persistent cross-gender identification (i.e., the desire to be, or the insistence that one

is, of the other sex) and evidence of persistent discomfort about one's assigned sex or a sense of inappropriateness in the gender role of that sex. While imprisonment provides special difficulties in the diagnosis and management of persons with gender identity disorders, an initial medical and mental health evaluation will be performed, followed by implementation of an individual management plan by both custody and health care staff.

- B. If an inmate is suspected of having a gender identity disorder the medical provider shall ensure that the inmate receives a complete medical history and physical examination, including a detailed genital or pelvic examination by a physician and a comprehensive evaluation by a psychiatrist or a psychologist. Specific historical details, including identifying all prior medical practitioners who have treated the inmate for gender identity disorder, and any hormonal or surgical sex reassignment or cosmetic surgical procedures, shall be included. Documents supporting any claims of prior diagnosis, treatment, and cross-gender living and working shall be provided by the inmate. The evaluations and the historical documentation shall be filed in the inmate health record.
- C. The medical unit services shall complete a history and physical examination and, if applicable, the psychiatrist or psychologist shall complete a comprehensive psychological examination, including the inmate's view with respect to his/her own safety. The health services staff does not search or physically examine a transgender, gender variant, or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

If applicable, facility health services staff shall require the inmate to sign a release of information to obtain medical/mental health records when an inmate:

1. Indicates a history of transgender or transsexual-related treatment; or
 2. Identifies as, or is reported by staff to be gender-variant; or
 3. Has other clinical conditions in which gender assignment is unclear, such as cross dressing or physical features characteristic of a gender different from that assigned at birth.
- D. If cases where an inmate refuses to provide a complete medical history, physical examination, a psychological examination (if applicable), and/or refuses to sign a release of information form for medical/psychological (if applicable), then the health services staff shall seek a court order to obtain these records.
 - E. The NGRC meets and recommends placement and a treatment plan to the Offender Management Division (OMD) within 15 days of identifying criteria. The recommendations must include: single cell restrictions (if appropriate), shower restrictions (if appropriate), hormone therapy (if medically appropriate as determined by NDOC, if legally prescribed prior to incarceration and consistent with Nevada's Division

of Health Care Policy and Financing (Medicaid) allowable services, and any other recommendations as the NGRC deems necessary to maintain the inmate's safety. The NGRC may, at its discretion, consult with the inmate and outside health care providers to assist in making its recommendations.

- F. The Deputy Director of Operations determines the placement of the inmate, in consultation with the OMD, within five days of receiving the recommendation from the NCGR and informs the warden to arrange for such placement. The determination shall be placed in the inmate's I-file, mental health, and medical record.
- G. A facility may seek reconsideration of the placement for any reason. The warden must contact the OMD. If the Warden or designee determines further evaluation is needed, he/she must contact the NGRC Chair, Deputy Director of Operations, to convene the committee for evaluation and recommendation. The Attorney General's Office will be included as part of the NGRC. The final decision is made by the Director or designee.
- H. The chair of the NGRC identifies all transgender inmates quarterly for review of appropriate placement and treatment, unless determined that a review is required earlier.

**494.05 INDIVIDUAL MANAGEMENT PLAN AND PLACEMENT FOR
GENDER IDENTITY DISORDER**

- A. If the medical/mental health evaluations support a diagnosis of gender identity disorder, the medical provider shall formulate an individual management plan to include requirements for visits to a mental health provider for supportive psychotherapy. The visits initially shall be required by the medical professional and consistent with policies of the State Medicaid Plan to ensure consistency with allowable services upon release of the inmate in the community.
- B. The NDOC Medical Director must sign off the final plan.
- C. The NDOC Medical Director shall consult with OMD regarding the plan and, if approved, appropriate placement of the inmate. A copy of the Individual Management Plan for Gender Identity Disorder shall be provided to the appropriate mental health psychologist, and included in the inmate files and in the inmate health record.
- D. The inmate shall be seen by an appropriate medical provider at least annually for the medical provider to determine if any changes are needed to the approved individual management plan. Any recommended changes to the plan shall be specifically identified in the medical and mental health records. Any inmate who fails to cooperate or agree to undergo this yearly review shall be subject to cessation or reduced treatment until the review can be conducted unless cessation of treatment is deemed a serious risk to the health of the inmate.

494.06 HORMONAL TREATMENT

Hormonal treatment of inmate with a gender identity disorder may be undertaken only if approved by the NDOC Medical Director and only if one or more of the following apply:

- A. The inmate was scheduled for sex reassignment surgery no later than six (6) months prior to incarceration and was receiving hormonal treatment at a recognized university affiliated gender identity disorder clinic (as documented by receipt of definitive records) and was receiving hormonal treatment under that legally licensed clinic's supervision;
- B. The inmate has been surgically castrated (confirmed anatomically or, in biological females, by receipt of definitive records); and
- C. The inmate had a valid and legal prescription prior to incarceration for hormonal treatment.

Prior to beginning hormonal treatment of the inmate, the inmate shall be advised of potential side effects and dangers of the treatment. The treatment shall begin only after the inmate provides written informed consent to receive the treatment. Only hormones approved by the NDOC Medical Director shall be used in the treatment, as identified as eligible by the Nevada State Medicaid Manual to ensure transition of the inmate to the community results in continuity-of-care and services for the safety of the public, staff and inmate. "Dosages shall be at the discretion of the CMO and NDOC Medical Director."

APPLICABILITY:

- 1. This Administrative Regulation requires a medical and mental health operational procedure that applies to all facilities and institutions.
- 2. This Administrative Regulations requires an audit.

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
545**

SERIOUS ILLNESS/ESCORTED LEAVE

Supersedes: AR 545 (Temporary, 12/14/11); 06/17/12; (Temporary, 07/20/17)
Effective Date: 08/15/17

AUTHORITY: NRS 209.501

RESPONSIBILITY

The Director is responsible for all regulations.

The Deputy Director of Programs is responsible for ensuring the implementation of this regulation.

The Offender Management Administrator (OMA) is responsible for the final review and approval/disapproval of escorted leave requests.

Wardens are responsible for the review of all escorted leave requests.

545.01 SERIOUS ILLNESS/FUNERAL ESCORT

1. Under specified conditions, inmates may be allowed to visit immediate family members for deathbed visits and /or to attend the funeral of an immediate family member.

A. Deathbed visits are authorized only to the location of the ill relative for no longer than 2 hours (not including travel time), unless approved by the Director or designee.

B. Funeral destinations may include church, funeral home or cemetery.

C. Immediate family is defined as husband, wife, father, mother, step-father, step-mother, sons, daughters, brothers, sisters, grandparents, grandchildren, step-children and/or legal guardian (such as foster parent), aunts and uncles.”

2. Institutional staff:

A. Will obtain independent verification from a source, other than a family member, of the illness or death.

B. Will verify the immediate family relationship with the inmate.

- C. Will verify with medical authorities that the illnesses are critical or terminal.
3. With the approval of the OMA/designee, the inmate may be transferred to another institution or facility to facilitate the visit.
- A. Offender Management Division (OMD) transfer approval must be obtained prior to transfer.
- B. The sending institution will coordinate with the receiving institution before the request for transfer to ensure that the receiving institution can support the escorted visit.
- C. Visits are not allowed to out of state locations.
- D. The inmate or family, in advance of the visit, shall pay any expense related to any visit approved under this regulation. These expenses include but are not limited to travel costs and staff costs.
- E. After the expense funds have been received by the Department and prior to the actual visit, the inmate will sign DOC Form 3011, General Rules/Inmates.
- F. If the inmate is approved for the visit, the inmate will only be allowed to wear prison clothing. The wearing of any non-prison clothing is prohibited and is grounds for immediate termination of the visit.
- G. Serious illness or funeral escorted leave will not be approved in the following instances:
- (1) Family injury or death was the result of unusual circumstances that might result in retaliation by the inmate against another person in the community.
 - (2) The visit would place the inmate or the escorting staff in danger.
 - (3) For inmates with serious behavioral problems or inmates who represent an escape risk.
 - (4) For inmates with documented threats to individuals in the community.
 - (5) Notorious inmates that have generated great public concern and/or inmates identified with organized crime, gang activities or who are active members or a security threat group.

- (6) Inmates without the financial ability to pay for the costs associated with the visits.
- (7) Inmates whose criminal history would indicate that they would represent a serious risk to injure or assault members of the community with whom they might come in contact were they to escape.
- (8) When the institution/facility does not have the staff resources to provide the escort for the visit, or if overtime resources are required for the management of the institution.
- (9) Where the inmate is medium, close, maximum or unassigned custody.
- (10) Where the inmate has a life without possibility of parole or death sentence.
- (11) Where the inmate has been imprisoned for a violation of Nevada Revised Statute (NRS) 201, who have not been certified by a designated board as eligible for parole.
- (12) Where the offender is imprisoned for committing battery which constitutes domestic violence pursuant to NRS 33.018, unless the Director/designee makes a finding that the offender is not likely to pose a threat to the victim of the battery.

4. Boarders

- A. Inmates who are boarders or contract inmates from other states under the Interstate Compact will not be approved for a visit without the approval of the transfer state.
- B. Federal prisoners will not be approved for visits unless those visits are approved and conducted by the United States Marshal.
- C. County safe keepers will not be approved for visits unless those visits are approved and conducted by a County Deputy Sheriff.

APPLICABILITY

- 1. This procedure does not require an institutional Operational Procedure.
- 2. This regulation does not require an audit.

REFERENCES

ACA Standard 4-4392

ATTACHMENTS

General Rules/Inmates DOC – 3011.

James Dzurenda, Director

Date

GENERAL RULES/INMATES

- 1. I agree to attend the death bed visit/funeral for a maximum of two (2) hours.**
- 2. I will act responsibly and professionally.**
- 3. I will dress in attire per AR 545.**
- 4. I will not attend any family gathering where alcohol is being consumed.**
- 5. I will not drink/consume alcohol.**
- 6. I agree to pay costs associated with the visit in advance.**
- 7. I understand that failure to return on time or leaving staff supervision may result in criminal prosecution for unauthorized absence.**
- 8. I understand that any violation of the Code of Penal Discipline may result in disciplinary action.**

Inmate Signature

Date

Staff Witness

Date

DOC 3011 (rev 05/17)

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
545**

SERIOUS ILLNESS/ESCORTED LEAVE

Supersedes: AR 545 (Temporary, 12/14/11); 06/17/12; (Temporary, 07/20/17)
Effective Date: ~~06/17/12~~08/15/17

AUTHORITY: NRS 209.501

RESPONSIBILITY

The Director is responsible for all regulations.

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The Deputy Director of Programs is responsible for ensuring the implementation of this regulation.

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The Offender Management Administrator (OMA) is responsible for the final review and approval/disapproval of escorted leave requests.

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C. Immediate family is defined as husband, wife, father, mother, step-father, step-mother, sons, daughters, brothers, sisters, grandparents, grandchildren, step-children and/or legal guardian (such as foster parent), aunts and uncles."

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2. Institutional staff:

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A. Will obtain independent verification from a source, other than a family member, of the illness or death.

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B. Will verify the immediate family relationship ~~to~~with the inmate.

C. Will verify with medical authorities that the illnesses are critical or terminal.

3. With the approval of the OMA/designee, the inmate may be transferred to another institution or facility to facilitate the visit.

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A. Offender Management Division (OMD) transfer approval must be obtained prior to transfer.

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B. The sending institution will coordinate with the receiving institution before the request for transfer to ensure that the receiving institution can support the escorted visit.

C. Visits are not allowed to out of state locations.

D. The inmate or family, in advance of the visit, shall pay any expense related to any visit approved under this regulation. These expenses include but are not limited to travel costs and staff costs.

E. After the expense funds have been received by the Department and prior to the actual visit, the inmate will sign DOC Form 3011, General Rules/Inmates.

F. If the inmate is approved for the visit, the inmate will only be allowed to wear prison clothing. The wearing of any non-prison clothing is prohibited and is grounds for immediate termination of the visit.

G. Serious illness or funeral escorted leave will not be approved in the following instances:

~~(1) Where the inmate is seriously emotionally disturbed.~~

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~~(2)~~ Family injury or death was the result of unusual circumstances that might result in retaliation by the inmate against another person in the community.

~~(3)~~ The visit would place the inmate or the escorting staff in danger.

~~(4)~~ For inmates with serious behavioral problems or inmates who represent an escape risk.

~~(5)~~ For inmates with documented threats to individuals in the community.

(65) Notorious inmates that have generated great public concern and/or inmates identified with organized crime, gang activities or who are active members or a security threat group.

(76) Inmates without the financial ability to pay for the costs associated with the visits.

(87) Inmates whose criminal history would indicate that they would represent a serious risk to injure or assault members of the community with whom they might come in contact, were they to escape.

(98) When the institution/facility does not have the staff resources to provide the escort for the visit, or if overtime resources are required for the management of the institution.

(109) Where the inmate is medium, close, maximum or unassigned custody.

(10) Where the inmate has a life without possibility of parole or death sentence.

(11) Where the inmate has been imprisoned for a violation of Nevada Revised Statute (NRS) 201, who have not been certified by a designated board as eligible for parole.

(12) Where the offender is imprisoned for committing battery which constitutes domestic violence pursuant to NRS 33.018, unless the Director/designee makes a finding that the offender is not likely to pose a threat to the victim of the battery.

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4. Boarders:

A. Inmates who are boarders or contract inmates from other states under the Interstate Compact will not be approved for a visit without the approval of the transfer state.

B. Federal prisoners will not be approved for visits unless those visits are approved and conducted by the United States Marshal.

C. County safe keepers will not be approved for visits unless those visits are approved and conducted by a County Deputy Sheriff.

APPLICABILITY

1. This procedure does not require an institutional Operational Procedure.

2. This regulation does not require an audit.

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| **REFERENCES**

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| ACA Standard 4-4392

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| **ATTACHMENTS**

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| General Rules/Inmates DOC – 3011.

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| _____
James ~~G. Cox~~Dzurenda, Director

Date

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GENERAL RULES/INMATES

- 1. I agree to attend the death bed visit/funeral for a maximum of two (2) hours.
- 2. I will act responsibly and professionally.
- 3. I will dress in attire per AR 545.

4. I will not attend any family gathering ~~or imbibe in the use of~~ where alcohol is being consumed. Formatted

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~~5.6.~~ I agree to pay costs associated with the visit in advance. Formatted single, No t

~~6.7.~~ I understand that failure to return on time or leaving staff supervision ~~could~~ may result in criminal prosecution for unauthorized absence.

~~7.8.~~ I understand that any violation of the Code of Penal Discipline ~~could~~ may result in disciplinary action. Formatted

Inmate Signature

Date

Staff Witness

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
610**

**HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED
IMMUNE DEFICIENCY SYNDROME (AIDS)**

Supersedes: AR 610 (05/19/2015); (Temporary, 10/12/2016); (Temporary, 06/07/17)
Effective date: 08/15/17

AUTHORITY: NRS 209.131; NRS 209.385; NRS 209.511; NRS 441A

PURPOSE

To ensure that inmates while incarcerated in the Nevada Department of Corrections will be afforded the opportunity to receive screening, counseling and treatment services. This regulation works to provide guidance on reporting, protection of protected health information, and responsibilities related to inmates with HIV or AIDS.

RESPONSIBILITY

The Director is responsible to ensure administration of all regulations.

The Medical Director is responsible to ensure implementation of this regulation.

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

610.01 HIV STATUS AND AIDS INFORMATION

1. The Department should deliver treatment, programs, and services to inmates with Human Immunodeficiency Virus (HIV) antibodies.
2. Mandatory screening for HIV will be conducted during the intake process on all inmates housed in the Department and after an incident involving the inmate.
3. All inmates who test positive for HIV in the initial screening test shall be retested, as the Medical Director determines appropriate, for confirmation.
 - B. Positive results from the confirmatory test for HIV do not necessarily indicate that the inmate has Acquired Immunodeficiency Syndrome (AIDS), but that the inmate is presumed to be infected with HIV.

4. All inmates will be given AIDS information handouts coupled with an educational and pre-test counseling component explicitly emphasizing modes of transmission and specific risk reduction behaviors during the intake orientation process.

A. Inmates that test positive for HIV will be offered voluntary counseling during incarceration and prior to release from prison.

610.02 REQUIREMENTS FOR INMATES WHO TEST HIV POSITIVE

1. The name of the inmate(s) who test positive for HIV antibodies in the supplemental test may be disclosed to the following parties via a confidential list prepared and distributed by Medical Administration:

- A. Director;
- B. Medical Director and those responsible for the medical treatment of the inmate or require the employee to come into contact with the blood or bodily fluids of the inmate;
- C. Inmate management administrative officers; and
- D. The Warden/manager of each institution/facility at which the inmate is confined;

2. Outdated lists should be shredded or deleted.

3. If an employee of the Department comes into contact with the blood or bodily fluids of an inmate the Warden/manager/Shift Supervisor may contact medical staff to inquire if the subject inmate has tested positive for HIV. The Warden/Manager/Shift Supervisor should inform the employee if the inmate is HIV positive for their own protection and medical need.

4. All information of a personal nature about any person that concerns a real or suspected case of a communicable disease is confidential medical information.

A. Disclosure of the names of persons infected with HIV virus is prohibited except as provided for in Nevada Revised Statute 209.385 and 441A.220.

B. No Department employee who has knowledge of an infected inmate based on his legal right to know may disclose this information to anyone except as described in paragraphs 1 and 3 above.

C. Unauthorized disclosure of confidential information may result in disciplinary action.

5. In cases of inmate disciplinary action where there is evidence that a HIV positive inmate engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate must be segregated from every other inmate whose HIV test results are negative.

A. Subsequent to being assigned to conduct a Disciplinary Hearing (DH) but prior to the actual Disciplinary Hearing, the Disciplinary Hearing Officer (DHO) will review the Offense

In Custody (OIC) report to determine if any of the alleged inmate behavior increased the risk of transmitting the virus, and if so they will contact designated medical staff to inquire whether the inmate tested positive for HIV.

B. If there is any question as to whether the behavior in the OIC increased the risk of transmitting the virus or not, medical staff will be consulted prior to the DH.

C. If found guilty, or if the inmate pleads guilty, at the DH to any OIC which is for behavior that increases the risk of transmitting the virus, the DHO, in order to comply with the mandatory segregation stipulated in NRS 209.385.4, must impose a Disciplinary Segregation (DS) sanction appropriate for that OIC, and in line with the approved Chart of Disciplinary Sanctions.

D. Upon completion of the imposed DS, such inmate would be eligible for reclassification as deemed appropriate, to include returning to their prior custody level, provided they are no longer engaging in the same or other behavior that increases the risk of transmitting the virus.

6. Staff will use Standard (Universal) Precautions.

610.03 DEPARTMENT'S RESPONSIBILITY TO INMATES

1. All inmates will be provided with an educational program during the inmate orientation process and annually thereafter to provide information about HIV infection, means of virus transmission and measures to prevent transmission.

A. HIV positive inmates and those with AIDS will receive adequate mental health and medical care, including the availability of standard diagnostic tests and medications proven to be effective.

B. Inmates may be entered into approved medication trials after signing informed consent and with the approval of the Medical Director/Designee.

610.04 EXIT TESTING AND DISSEMINATION OF INFORMATION TO STATE HEALTH DIVISION

1. Correctional Case Records Manager/designee will provide the Medical Division a printout that lists inmate discharges.

A. The Medical Division will contact each inmate on the list to have the required exit labs drawn.

2. All inmates paroling or discharging will be tested for HIV prior to release from custody..

3. The Medical Division staff at each institution will ensure that counseling is conducted by a practitioner for all inmates who have confirmed positive results. Appropriate reports will be sent to the State Health Division by the Disease Control Specialist III.

A. If the inmate is released before receiving confirmed test results, the Disease Control Specialist III will notify the inmate (if forwarding address known) and the State Health Division in writing of confirmed positive tests and to advise that post-test counseling and contact tracing are required.

APPLICABILITY

1. This regulation requires a Medical Directive for HIV treatment, management and precautions for NDOC institutions and facilities.
2. This regulation requires an audit.

REFERENCES:

National Commission on Correctional Health Care Standards, 2014 Revision, P-B-01.

Medical Director

Date

Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
610**

**HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED
IMMUNE DEFICIENCY SYNDROME (AIDS)**

Supersedes: —AR 610 (~~0503/19/2015~~);~~13~~); and AR 610 (Temporary, ~~10/12/2016~~);
(Temporary, ~~06/07/1701/14/15~~)

Effective date: 0805/19/15/17

AUTHORITY: NRS 209.131; NRS 209.385; NRS 209.511; NRS 441A; NAC 446.211

PURPOSE

~~To ensure that inmates while incarcerated in the Nevada Department of Corrections will be afforded the opportunity to receive screening, counseling and treatment services. This regulation works to provide guidance on reporting, protection of protected health information, and responsibilities related to inmates with HIV or AIDS.~~

RESPONSIBILITY

~~The Director is responsible to ensure administration of all regulations.~~

~~The Medical Director is responsible to ensure implementation of this regulation.~~

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

610.01 HIV STATUS AND AIDS INFORMATION

1. The Department should deliver treatment, programs, and services to inmates with ~~Human Immunodeficiency Virus (HIV)~~HIV antibodies.
2. Mandatory screening for HIV ~~will~~should be conducted during the intake process on all inmates housed in the Department ~~and after an incident involving the inmate.~~
3. All inmates who test positive ~~for HIV~~ in the initial screening test ~~shall~~will be retested, ~~as the Medical Director determines appropriate,~~ for confirmation.
 - A. A positive confirmatory test is necessary to identify a person infected by the HIV virus.

B. Positive results from the confirmatory test ~~for HIV~~ do not necessarily indicate that the inmate has ~~Acquired Immunodeficiency Syndrome (AIDS)~~, but that the inmate is presumed to be infected with HIV.

4. All inmates ~~will~~should be given AIDS information handouts coupled with an educational and pre-test counseling component explicitly emphasizing modes of transmission and specific risk reduction behaviors during the intake orientation process.

A. Inmates that ~~test~~tested positive for HIV ~~will~~should be offered voluntary counseling during incarceration and prior to release from prison.

610.02 CLASSIFICATION REQUIREMENTS FOR INMATES WHO TEST HIV POSITIVE

1. The name of the inmateoffender(s) who test positive for HIV antibodies ~~in the supplemental test may will~~ be disclosed to the following parties via a confidential weekly list prepared and distributed by Medical Administration:

~~A. Director;~~

~~B. Medical Director and those responsible for the medical treatment of the inmate or require the employee to come into contact with the blood or bodily fluids of the inmate;~~

~~C. Inmate management administrative officers; and~~

~~DA. Offender Management Administrator;~~

B. The Manager or Warden/manager of eachthe institution/facility at which the inmateoffender is confined;

C. The Warden/Manager of the institution/facility at which the offender is confined will provide the shift supervisor with one (1) copy of the confidential listing that will be placed in a secure area.

2. Outdated lists should be shredded or deleted.

3. If an employee of the Department comes into contact with the blood or bodily fluids of an inmate the ~~Warden/manager/Shift Supervisor may contact medical staff to inquire if the subject inmate has tested positive for HIV. The Warden/Manager/Shift Supervisor~~shift supervisor should inform the employee if the inmate is HIV positive ~~for their own protection and medical need.~~

4. All information of a personal nature about any person that concerns a real or suspected case of a communicable disease is confidential medical information.

A. Disclosure of the names of persons infected with HIV virus is prohibited except as provided for in ~~Nevada Revised Statute 209.385 and~~NRS 441A.220.

B. No Department employee who has knowledge of an infected inmate based on his legal right to know may disclose this information to anyone except as described in paragraphs 1 and 3 above.

C. Unauthorized disclosure of confidential information may result in disciplinary action.

610.03 PRECAUTIONARY MEASURES - INMATES WHO TEST POSITIVE FOR HIV ANTIBODIES

1. Inmates who test positive for HIV may be classified to a work or housing assignment/activity that is outside the main security area on a case by case basis.

A. This includes, but is not limited to, restitution centers, work release, and outside government work.

B. Institutional minimum custody is not considered a community assignment as long as the inmate is within tower supervision range.

C. Inmates who test positive may be assigned to residential confinement.

2. Any inmate who is HIV positive may be classified to assignments in the canteen, culinary, food services, infirmary, or allied health services area, so long as they meet the classification criteria normally associated with those assignments and are subject to the same health and safety requirements applicable to any inmate assigned to those areas.

3. Inmates with HIV antibodies are subject to the following housing guidelines:

A. May be housed in a single occupancy cell;

B. May not be housed in double occupancy cells with non-HIV inmates;

C. May live in a dormitory type setting with non-HIV positive inmates.

4. Weekly audits of the institution's housing plan should ensure compliance by the Associate Warden/designee.

5. The decision to house an inmate with AIDS in the infirmary should be based on a clinical decision made by the treating practitioner (Physician, Physician Assistant, Advanced Practitioner of Nursing).

6. In all cases of inmate disciplinary action where there is some evidence that ~~a HIV positive inmate~~the offender engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate ~~must be segregated from every other inmate whose HIV test results are negative.~~ may be classified and moved to the appropriate housing.

~~A. Subsequent to being assigned to conduct a Disciplinary Hearing (DH) but prior to the actual Disciplinary Hearing, the Disciplinary Hearing Officer (DHO) will review the Offense In Custody (OIC) report to determine if any of the alleged inmate behavior increased the risk of transmitting the virus, and if so they will contact designated medical staff to inquire whether the inmate tested positive for HIV.~~

~~B. If there is any question as to whether the behavior in the OIC increased the risk of transmitting the virus or not, medical staff will be consulted prior to the DH.~~

~~C. If found guilty, or if the inmate pleads guilty, at the DH to any OIC which is for behavior that increases the risk of transmitting the virus, the DHO, in order to comply with the~~

~~mandatory segregation stipulated in NRS 209.385.4, must impose a Disciplinary Segregation (DS) sanction appropriate for that OIC, and in line with the approved Chart of Disciplinary Sanctions.~~

~~D. Upon completion of the imposed DS, such inmate would be eligible for reclassification as deemed appropriate, to include returning to their prior custody level, provided they are no longer engaging in the same or other behavior that increases the risk of transmitting the virus.~~

A. When the disciplinary sanction, if any, expires, the inmate should be segregated under the conditions of Administrative Segregation.

B. The Offender Management Administrator (OMA) must approve any classification decision.

7. Staff will use Standard (Universal) Precautions.

610.03610.04 CLASSIFICATION OF WORK ACTIVITY

<u>Category</u>	<u>Nature of Task/Activity</u>	<u>Protective Equipment</u>	
		<u>Available</u>	<u>Worn</u>
<u>I</u>	<u>Direct contact with blood or other body fluids to which standard precautions apply</u>	<u>Yes</u>	<u>Yes</u>

II Activity performed without Yes No
blood exposure but exposure
may occur in an emergency

III Task/activity does not entail No No
predictable or unpredictable
exposure to blood

610.05 DEPARTMENT'S RESPONSIBILITY TO INMATES

1. All inmates ~~will~~should be provided with an educational program during the inmate orientation process and annually thereafter to provide information about HIV infection, means of virus transmission, and measures to prevent transmission.

A. HIV positive inmates and those with AIDS will receive adequate mental health and medical care, including the availability of standard diagnostic tests and medications proven to be effective.

B. Inmates may be entered into approved medication trials after signing informed consent and with the approval of the Medical Director/Designee.

610.0406 EXIT TESTING AND DISSEMINATION OF INFORMATION TO STATE HEALTH DIVISION

1. Correctional Case Records Manager/designee will provide the Medical Division a printout that lists inmate discharges.

A. The Medical Division will contact each inmate on the list to have the required exit labs drawn.

2. All inmates paroling or discharging will be HIV tested ~~for HIV~~ prior to ~~release from custody~~leaving.

3. The Medical Division staff at each institution will ensure that counseling is conducted by a practitioner for all inmates who have confirmed positive results. Appropriate reports will be sent to the State Health Division by the Disease Control Specialist III.

A. If the inmate is released before receiving confirmed test results, the Disease Control Specialist III will notify the inmate (if forwarding address known) and the State Health Division in writing of confirmed positive tests and to advise that post-test counseling and contact tracing are required.

APPLICABILITY

1. This regulation requires a Medical Directive for HIV treatment, management and precautions for NDOC institutions and facilities.

2. This regulation requires an audit.

REFERENCES:

| National Commission on Correctional Health Care Standards, 2014 Revision~~Revision~~, P-B-01.

Medical Director

Date

Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
638**

CONSENT/REFUSAL OF TREATMENT

Supersedes: AR 638 (Temporary, 02/28/11); 06/17/12; 03/15/2017 (Temporary)
Effective date: 8/15/17

AUTHORITY: NRS 209.131, 209.381

PURPOSE

The purpose of the consent/refusal treatment regulation is to ensure compliance with federal and state regulations regarding an inmate's right to consent or refuse medical treatment. When health care is rendered against the patient's will, it is in accordance with state and federal laws and regulations. Otherwise, any offender may refuse in writing (medical, dental and mental health care).

RESPONSIBILITY

The Director shall be responsible for the administration of this regulation and the direct supervision of the Medical Director.

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

638.01 INFORMED CONSENT

1. A signed consent for operation/procedure will not be required for routine medical treatment. The inmate has given implied consent through presenting himself/herself for treatment and through his/her written request to be seen.
2. Prior to the initiation of an examination, treatment, or procedure involving invasion of a body cavity, surgery, or procedures involving a risk to the individual's life or health status, the practitioner (physician, physician assistant, advanced practitioner of nursing), dentist, or designated assistant will explain the procedure, medical indications and necessity, alternatives, benefits and risks to the inmate.
3. The inmate will sign a written consent form authorizing the treatment prior to receiving any type of invasive procedure or treatment beyond that of venipuncture and mandatory testing.

- A. A member of the health care staff will also sign this form as a witness to the consent and then file the completed form in the medical record.
- B. Inmates are not allowed to witness consent forms.
- C. If an inmate refuses to sign a consent form, no procedure or treatment shall be performed. If inmate is unable to sign a consent form, two medical staff members may sign witnessing the inmate's verbal consent. This does not apply if immediate action is required to sustain life.
- D. In the case of a minor, the Nevada Department of Corrections (NDOC) is the guardian and needs no other consent.
- E. The minor should be given the opportunity to sign the consent form.

638.02 REFUSAL OF TREATMENT AND CONSENT WAIVERS

1. In those cases where an inmate chooses to refuse treatment, a Release of Liability form will be completed. A member of the medical staff will witness the completion of the form.
2. According to Nevada Law NRS 209.246, inmates that cause self inflicted injury may be financially responsible for any subsequent medical care. The inmate will be advised that refusal of treatment may constitute a self-inflicted injury. This may result in the inmate being disciplined for a self-inflicted injury and the inmate being financially responsible for any further treatment that is required as a result of the refusal.
3. If an inmate refuses to sign the Release of Liability, two staff members will write, "Inmate refuses to sign" and witness the form.
4. In addition to placing the refusal form in the medical record, documentation shall be made in the Progress Notes of the inmate's medical record.
5. The right of the inmate to refuse treatment may be waived under the following circumstances:
 - A. An emergency which requires immediate medical intervention for the safety of the patient, including but not limited to, suicidal patients, self-mutilation, or the emergency care of patients who do not have the capacity to understand the urgent need for treatment.
 - B. The inmate will be medically quarantined in cases where the refusal of treatment could potentially jeopardize the health and well being of other inmates or staff members.
 - C. Inmates, who refuse the intake physical examination, transfer screening, or who are suspected of having a contagious illness or venereal disease will not be housed in the general population until a determination is made as to their health status.

6. By refusing treatment, the inmate does not waive his/her right to subsequent health care. The inmate has the right to accept or refuse health care offered at a later time.

638.03 INVOLUNTARY TREATMENT

1. Treatment beyond that required for the safety of the patient or others in an emergency situation will not be forced.

A. For such cases, a court order for treatment may be sought by the Director or Warden after consultation with the treating practitioner or dentist.

B. In all cases involving the forced treatment of an inmate whether under emergency conditions or for the safety of the patient or others, documentation will be included in the medical record.

2. A panel may be appointed by the Medical Director/designee to review, approve, defer, or disapprove any proposed use of forced medical treatment and will review any approval, referral or disapproval at least every 90-calendar days.

A. The panel will consist of at least a psychiatrist, who is not the treating psychiatrist, the Warden/designee, Mental Health specialist(s), and other personnel as needed based on the type of treatment.

3. All medical services for inmates in the care of the NDOC will be provided by Medical Division personnel employed or contracted by the NDOC.

4. Outside consultants are chosen by the institutions physicians or Medical Director/Designee, who are licensed in the State of Nevada and approved as Medicaid State Providers.

5. Inmates on work release may choose their own practitioner or dentist in the private sector when they are employed in the private sector and are covered by their employer's insurance, at their expense.

APPLICABILITY

1. This regulation requires a Medical Directive for Consent and Refusal of Treatment.

2. This regulation requires an audit.

ACA 4th Edition: 4-4397

Romeo Aranas, D.O., Medical Director

Date

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
638**

CONSENT/REFUSAL OF TREATMENT

Supersedes: AR 638 (Temporary, 02/28/11); 06/17/12; 03/15/2017 (Temporary)
Effective date: ~~06/17/12~~06/15/17

AUTHORITY: NRS 209.131, 209.381

PURPOSE

The purpose of the consent/refusal treatment regulation is to ensure compliance with federal and state regulations regarding an inmate's right to consent or refuse medical treatment. When health care is rendered against the patient's will, it is in accordance with state and federal laws and regulations. Otherwise, any offender may refuse in writing (medical, dental and mental health care).

RESPONSIBILITY

The Director shall be responsible for the administration of this regulation and the direct supervision of the Medical Director.

All Medical Division staff and all Medical Officers are responsible for ~~the~~ compliance with this regulation.

638.01 INFORMED CONSENT

1. A ~~signed consent for~~ operation/procedure will ~~not~~ be required for routine medical treatment. The inmate has given implied consent through presenting himself/herself for treatment and through his/her written request to be seen.
2. Prior to the initiation of an examination, treatment, or procedure involving invasion of a body cavity, surgery, or procedures involving a risk to the individual's life or health status, the practitioner (physician, physician assistant, advanced practitioner of nursing), dentist, or designated assistant will explain the procedure, medical indications and necessity, alternatives, benefits and risks to the inmate.
3. The inmate will sign a written consent form authorizing the treatment prior to receiving any type of invasive procedure or treatment beyond that of venipuncture and mandatory testing.

A. A member of the health care staff will also sign this form as a witness to the consent and then file the completed form in the medical record.

B. Inmates are not allowed to witness consent forms.

C. If an inmate ~~consents verbally to procedures outlined above, but~~ refuses to sign a consent form, no procedure or treatment shall be performed. If inmate is unable to sign a consent form, two medical staff members may sign witnessing the inmate's verbal consent. This does not apply if immediate action is required to sustain life.

D. In the case of a minor, the Nevada Department of Corrections (NDOC) is the guardian and needs no other consent.

E. The minor should be given the opportunity to sign the consent form.

638.02 REFUSAL OF TREATMENT AND CONSENT WAIVERS

1. In those cases where an inmate chooses to refuse treatment, a Release of Liability form will be completed. A member of the medical staff will witness the completion of the form.

2. According to Nevada Law NRS 209.246, inmates that cause self inflicted injury may be financially responsible for any subsequent medical care. The inmate will be advised that refusal of treatment may constitute a self-inflicted injury. This may result in the inmate being disciplined for a self-inflicted injury and the inmate being financially responsible for any further treatment that is required as a result of the refusal.

3. If an inmate refuses to sign the Release of Liability, two staff members will write, "Inmate refuses to sign" and witness the form.

4. In addition to placing the refusal form in the medical record, documentation ~~should~~ shall be made in the Progress Notes of the inmate's medical record.

5. The right of the inmate to refuse treatment may be waived under the following circumstances:

A. An emergency which requires immediate medical intervention for the safety of the patient, including but not limited to, suicidal patients, self-mutilation, or the emergency care of patients who do not have the capacity to understand the urgent need for treatment.

B. The inmate will be medically quarantined in cases where the refusal of treatment could potentially jeopardize the health and well being of other inmates or staff members.

C. Inmates, who refuse the intake physical examination, transfer screening, or who are suspected of having a contagious illness or venereal disease will not be housed in the general population until a determination is made as to their health status.

6. By refusing treatment, the inmate does not waive his/her right to subsequent health care. The inmate has the right to accept or refuse health care offered at a later time.

638.03 INVOLUNTARY TREATMENT

1. Treatment beyond that required for the safety of the patient or others in an emergency situation will not be forced.

A. For such cases, a court order for treatment may be sought by the Director or Warden after consultation with the treating practitioner or dentist.

B. In all cases involving the forced treatment of an inmate whether under emergency conditions or for the safety of the patient or others, documentation will be included in the medical record.

2. A panel may be appointed by the Medical Director/designee to review, approve, defer, or disapprove any proposed use of forced medical treatment and will review any approval, referral or disapproval at least every ~~six~~ 90-calendar days.~~months.~~

A. The panel will consist of at least a psychiatrist, who is not the treating psychiatrist, the Warden/designee, Mental Health specialist(s), and other personnel as needed based on the type of treatment.

3. All medical services for inmates in the care of the NDOC will be provided by Medical Division personnel employed or contracted by the NDOC.

4. Outside consultants are chosen by the institutions physicians or Medical Director/Designee, who are licensed in the State of Nevada and approved as Medicaid State Providers.

5. Inmates on work release may choose their own practitioner or dentist in the private sector when they are employed in the private sector and are covered by their employer's insurance, at their expense.

APPLICABILITY

1. This regulation requires a Medical Directive for Consent and Refusal of Treatment.

2. This regulation requires an audit.

ACA 4th Edition: 4-4397

~~R. Bruce Bannister~~ Romeo Aranas, D.O., Medical Director

Date

| ~~James G. Cox~~ Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
734**

INMATE DISCIPLINARY DETENTION

Supersedes: AR 734 (Temporary, 12/06/11); 06/17/12;
Effective Date: 08/15/17

AUTHORITY

NRS 209.131; NRS 209.361

PURPOSE

The purpose of inmate disciplinary detention is to ensure the safety, security, and orderly operation of correctional facilities, and the protection of the public, by allowing Nevada Department of Correction staff to impose sanctions on inmates who commit prohibited acts. Sanctions will not be imposed in a capricious or retaliatory manner.

RESPONSIBILITY

The Director has the responsibility for the administration of NDOC Regulations.

The Director of Operations is responsible to ensure all facilities and institutions are in compliance with operational regulations.

The Warden is responsible for the implementation of this regulation at their respective facility.

Mental health professionals under the direction of the supervising psychologists are responsible for ensuring that inmates are evaluated and treated if necessary as required by this regulation.

734.01 DISCIPLINARY DETENTION POLICY

1. Disciplinary detention may be ordered only in a unit designated as a disciplinary detention area by the Warden.
2. An inmate may be placed in disciplinary detention for not more than five (5) days for a general violation.
3. An inmate may be placed in disciplinary detention for not more than fifteen (15) consecutive days for major and/or work release violations.
4. If more than one violation occurs during a single incident, disciplinary detention may only be imposed once and not consecutively to each charge.

5. Under no circumstances will an inmate be confined to disciplinary detention for more than fifteen (15) consecutive days in one thirty (30) day period.
6. If it is determined that the inmate's mental health or medical condition was a substantial cause of the misconduct, discipline, in the form of additional disciplinary detention shall not be imposed.
7. If a major or general violation occurs while the inmate is confined to disciplinary detention, the inmate shall be subjected to a psychological examination before further sanctions are imposed.
 - A. A correctional officer will observe the inmate while the inmate is in the cell every 30 minutes.
 - B. If the sanction imposed is 15 days, a supervisor will review the inmate's status and interview the inmate every 5 days to determine if the inmate should remain in disciplinary detention or if the inmate's sanction should be terminated.
 - C. If the supervisor determines that the sanction should be terminated, the supervisor will make that recommendation to the Associate Warden who will then make the decision to terminate or continue the sanction.
 - D. Each inmate in disciplinary detention will be observed and interviewed by a mental health professional daily to determine if the disciplinary detention is having a negative impact on the inmate's mental health.
 - E. If the mental health professional determines that the inmate's mental health is deteriorating the clinical will report the evaluation to the Associate Warden and the inmate's disciplinary detention will be suspended or terminated pending mental health treatment.

734.02 DISCIPLINARY DETENTION PROCEDURE

1. Inmates will not be permitted to use or possess items of personal property while undergoing disciplinary detention, except those of a health or personal hygiene nature, i.e., soap, toothpaste, toothbrush.
2. Inmates will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention
3. Inmates will not be permitted to wear or possess personally owned clothing while undergoing disciplinary detention.
 - A. Only state issued clothing and footwear will be permitted.
4. Inmates undergoing disciplinary detention will be fed the same meal and ration as provided for other inmates in the general population.
5. The sending and receiving of first class mail will not be restricted due to the inmate's confinement in disciplinary detention. Delivery of packages, publications, and newspapers (except legal materials), will be withheld during disciplinary detention.

6. Inmates undergoing disciplinary detention will not be limited in their access to the courts.
 - A. Upon request, legal material in an inmate's personal property shall be issued.
 - B. Legal books shall be limited to five (5) at any one time.
7. Inmates undergoing disciplinary detention can receive legal visits and regular visits one day a week..
8. Inmates undergoing disciplinary detention will be provided the means to keep themselves clean and well-groomed. Showers shall be made available at least once every 72 hours.
9. Inmates undergoing disciplinary detention will be permitted state owned or religious texts, first class mail and legal materials.
10. Inmates undergoing disciplinary detention should be permitted a minimum of one (1) hour per day, five (5) days per week, of exercise outside their cells unless security and safety considerations preclude such activity.
11. All other privileges with inmates housed in the secure housing unit will be suspended during disciplinary detention. This includes, but is not limited to, personal non-emergency phone calls, use of recreation equipment, the viewing of television and prison employment.

APPLICABILITY

1. This regulation requires an Institutional Operational Procedure.
2. This regulation requires an audit.

REFERENCES

ACA Standards, 4th Edition, 4-4249; 4-4270; 4-4272, and 4-4249

James Dzurenda, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
734**

INMATE DISCIPLINARY DETENTION

Supersedes: AR 734 (Temporary, 12/06/11); 06/17/12;
Effective Date: -08/15/17

AUTHORITY

NRS 209.131; NRS 209.361

PURPOSE

The purpose of inmate disciplinary detention is to ensure the safety, security, and orderly operation of correctional facilities, and the protection of the public, by allowing Nevada Department of Correction staff to impose sanctions on inmates who commit prohibited acts. Sanctions will not be imposed in a capricious or retaliatory manner.

RESPONSIBILITY

The Director has the responsibility for the implementation administration of NDOC of the Disciplinary Administrative Regulations in the NDOC.

The Director of Operations is responsible to ensure all facilities and institutions are in compliance with operational regulations.

The Warden is responsible for the implementation of this regulation at their respective facility.

Associate Wardens are responsible for ensuring that the policies regarding this regulation are followed.

Mental health professionals under the direction of the supervising psychologists are responsible for ensuring that inmates are evaluated and treated if necessary as required by this regulation.

734.01 DISCIPLINARY DETENTION POLICY

1. Disciplinary detention may be ordered only in a unit designated as a disciplinary detention area by the Warden.
2. An inmate may be placed in disciplinary detention for not more than five (5) days for a general violation.

3. An inmate may be placed in disciplinary detention for not more than fifteen (15) consecutive days for major and/or work release violations.

4. If more than one violation occurs during a single incident, disciplinary detention may only be imposed once and not consecutively to each charge.

5. Under no circumstances will an inmate be confined to disciplinary detention for more than fifteen (15) consecutive days in one thirty (30) day period.

6. If it is determined that the inmate's mental health or medical condition was a substantial cause of the misconduct, discipline, in the form of additional disciplinary detention shall not be imposed.

7.6. If a major or general violation occurs while the inmate is confined to disciplinary detention, the inmate shall be subjected to a psychological examination before further sanctions are imposed.

A. A correctional officer will observe the inmate while the inmate is in the cell every 30 minutes.

A.B. If the sanction imposed is 15 days, a supervisor will review the inmate's status and interview the inmate every 5 days to determine if the inmate should remain in disciplinary detention or if the inmate's sanction should be terminated.

C. If the supervisor determines that the sanction should be terminated, the supervisor will make that recommendation to the Associate Warden who will then make the decision to terminate or continue the sanction.

~~A. If it is determined that the conditions of confinement in disciplinary detention were a substantial cause of the misconduct, discipline, in the form of additional disciplinary detention shall not be imposed.~~

~~A.~~

D. Each inmate in disciplinary detention will be observed and interviewed by a mental health professional daily to determine if the disciplinary detention is having a negative impact on the inmate's mental health.

A-DE. If the mental health professional determines that the inmate's mental health is deteriorating the clinical will report the evaluation to the Associate Warden and the inmate's disciplinary detention will be suspended or terminated pending mental health treatment.

734.02 DISCIPLINARY DETENTION PROCEDURE

1. Inmates will not be permitted to use or possess items of personal property while undergoing disciplinary detention, except those of a health or personal hygiene nature, i.e., soap, toothpaste, toothbrush.

2. Inmates will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention

3. Inmates will not be permitted to wear or possess personally owned clothing while undergoing

disciplinary detention.

A. Only state issued clothing and footwear will be permitted.

4. Inmates undergoing disciplinary detention will be fed the same meal and ration as provided for other inmates in the general population.

5. The sending and receiving of first class mail will not be restricted due to the inmate's confinement in disciplinary detention. Delivery of packages, publications, and newspapers (except legal materials), will be withheld during disciplinary detention.

6. Inmates undergoing disciplinary detention will not be limited in their access to the courts.

A. Upon request, legal material in an inmate's personal property ~~shall~~ may be issued.

B. Legal books shall be limited to five (5) at any one time.

7. Inmates undergoing disciplinary detention can receive legal visits and regular visits one day a week only.

8. Inmates undergoing disciplinary detention will be provided the means to keep themselves clean and well-groomed. Showers shall be made available at least once every 72 hours.

9. Inmates undergoing disciplinary detention will ~~not~~ be permitted state owned or ~~personal reading materials with the exception of~~ religious texts, first class mail and legal materials.

10. Inmates undergoing disciplinary detention should be permitted a minimum of one (1) hour per day, five (5) days per week, of exercise outside their cells unless security and safety considerations preclude such activity.

11. All other privileges with inmates housed in the secure housing unit will be suspended during disciplinary detention. This includes, but is not limited to, personal non-emergency phone calls, use of recreation equipment, the viewing of television and prison employment.

APPLICABILITY

1. This regulation requires an Institutional Operational Procedure.

2. This regulation requires an audit.

REFERENCES

ACA Standards, 4th Edition, 4-4249; 4-4270; 4-4272, and 4-4249

James Dzurenda~~James G. Cox~~, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
740**

INMATE GRIEVANCE PROCEDURE

Supersedes: AR 740 (02/12/10); and AR 740 (Temporary, 06/16/14); 09/16/14; (Temporary, 01/03/17); 03/07/17

Effective Date: 08/15/17

AUTHORITY: NRS 209.131, 209.243; 41.031; 41.0322; 41.0375; 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

PURPOSE:

1. The purpose of this Administrative Regulation (“AR”) is to set forth the requirements and procedures of the administrative process that Nevada Department of Corrections (“NDOC”) inmates must utilize to resolve addressable grievances and claims including, but not limited to, claims for personal property, property damage, disciplinary appeals, personal injuries, and any other tort or civil rights claim relating to conditions of confinement. Inmates may use the Inmate Grievance Procedure to resolve addressable inmate claims only if the inmate can factually demonstrate a loss or harm. This procedure describes the formal grievance processes and will guide NDOC employees in the administration, investigation, response and resolution of inmate grievances.

2. The provisions of this AR shall be effective on or after the effective date of this AR. The provisions of this AR are not retroactive and do not apply to incidents and/or claims that occurred prior to the effective date of this AR.

A. Only inmate claims arising out of, or relating to, issues within the authority and control of the NDOC may be submitted for review and resolution by way of the grievance process.

B. A good faith effort will be made to resolve legitimate inmate claims without requiring the inmate to file a formal grievance.

3. This AR does not create any right, liberty or property interest, or establish the basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

RESPONSIBILITY

1. The Director, through the Deputy Directors (DDs), shall be responsible in establishing and supervising an inmate grievance process that provides an appropriate response to an inmate’s claim, as well as an administrative means for the expression of, and prompt and fair resolution of, inmate problems and concerns.

2. The Warden through the Associate Wardens (AWs) shall be responsible in managing the grievance process at each institution and any facilities under the control of the parent institution. The AW may designate an Inmate Grievance Coordinator to conduct functions required by this regulation.
3. The Management Information System Director shall be responsible for the operation of the Nevada Offender Issue Tracking System (NOTIS), including programming.
4. The Offender Management Division (OMD) shall be responsible for tracking and reporting on program information in NOTIS.

740.01 ADMINISTRATION OF INMATE GRIEVANCES

1. Each institution/facility shall establish locked boxes where all inmates have access to submit their grievances directly to the box. Keys will be issued by the Warden, to an AW and/or a designated staff.
 - A. Lock boxes will be maintained in segregation/max units in a manner in which the inmate will be allowed to have direct access. A designated staff may go cell to cell to pick up grievances in segregation /max units due to security and safety concerns, if necessary.
 - B. Emergency grievances will be handed to any staff member for immediate processing per this regulation.
2. Grievances will be treated as legal correspondence and will be gathered daily, Monday through Friday, excluding holidays, by the AW or designated Grievance Coordinator(s) and or designated staff member.
3. Grievance forms will be kept in housing units and may be accessed through the unit staff, the unit caseworker or in the Institutional Law Library. Emergency forms may be accessed through any employee.
4. Grievances may be GRANTED, DENIED or PARTIALLY GRANTED at any level as deemed appropriate after the claim in the grievance has been investigated.
 - A. Grievance findings or responses will not be titled "Substantiated."
5. The Grievance Coordinator should record receipts, transmittals, actions, and responses on all grievances to NOTIS within three (3) working days of receipt.
 - A. The coordinator should sign, date and enter the approximate time as noted on DOC 3091, 3093 and 3094.
 - B. The front page of the grievance should be date stamped the day entered into NOTIS.
 - C. DOC 3097, continuation forms, shall not exceed more than two (2) pages per grievance.

6. Monthly and annual grievance reports generated by NOTIS will be reviewed by the Deputy Directors (DDs), Wardens and Associate Wardens (AWs) on a quarterly and annual basis.

740.02 GRIEVANCE RECORDS

1. Grievance documents shall be stored at the facility/institution where the grievance issue occurred.

A. Grievance files shall be in separate files for each inmate and maintained in alphabetical order by the inmate's last name.

B. Grievance copies shall not be placed in an inmate's Institutional or Central File, nor shall they be available to employees not involved in the grievance process, unless the employee has a need for the information in the grievance or the responses to the grievance.

2. Grievance files shall be maintained at each institution for a minimum of five (5) years following final disposition of the grievance.

3. Employees who are participating in the disposition of a grievance shall have access to records essential to the disposition of the grievance.

4. Inmates will not have access to grievance records unless ordered by a court, as grievance records are considered confidential and they may be redacted if appropriate.

5. Upon completion of each level of the grievance process, the form and all relevant attachments shall be maintained in the inmate's separate grievance file. Copies shall be given to the inmate.

740.03 GRIEVANCE ISSUES

1. Inmates may use the Inmate Grievance Procedure to resolve addressable inmate claims, only if the inmate can factually demonstrate a loss or harm. Grievances may be filed to include, but not limited to, personal property, property damage, disciplinary appeals, personal injuries, and any other tort claim or civil rights claim relating to conditions of institutional life. The inmate must state the action or remedy that will satisfy the claim in the grievance.

a) If the inmate does not factually demonstrate a loss or harm and does not state the action or remedy that will satisfy the claim in the grievance, the grievance will be "DISMISSED" and returned to the inmate with an explanation as to what was missing in order for the grievance to be processed.

b) A Grievance will not be used as a "KITE" to advise staff of issues, actions or conditions that they do not like but suffered no harm or loss.

2. All allegations of inmate abuse by Department staff, employees, agents or independent contractors, shall be immediately reported to the Warden, AWs, and the Inspector General's Office, in accordance with investigator guidelines via the NOTIS reporting system.

- A. Any third party reporting of sexual abuse against an inmate will be referred to the Warden or designee for entry into the NOTIS reporting system and referral to the Office of the Inspector General.
 - B. Inmates who allege abuse other than sexual abuse will be interviewed by a supervisor of the staff who allegedly committed the abuse to ascertain if he/she agrees to pursue administrative remedies, which will be documented in the NOTIS system.
 - C. Any portion of a grievance that does not indicate an allegation of sexual abuse will have to meet the criteria listed in this section of the AR.
3. Only inmate claims arising out of, or relating to, issues within the authority and control of the Department may be submitted for review and resolution.
- A. Non-grievable issues include:
 - 1. State and federal court decisions.
 - 2. State, federal and local laws and regulations.
 - 3. Parole Board actions and/or decisions.
 - 4. Medical diagnosis, medication or treatment/care provided by a private/contract community hospital.
4. Claims for which the inmate lacks standing will not be accepted, including, but not limited to:
- A. Filing a grievance on behalf of another inmate unless the inmate is so physically or emotionally handicapped as to be incapable of filing a grievance, and with the other inmate's approval, or in the case(s) of any third party reporting of Sexual Abuse.
 - B. The inmate filing the grievance was not a direct participant in the matter being grieved, except a third party allegation of sexual abuse.
 - C. An inmate may not file more than one (1) grievance per seven (7) day week, Monday through Sunday. More than one (1) grievance filed during the seven day week period will be rejected, unless it alleges sexual abuse or it is an emergency grievance that involves health or safety claims. If the practice of filing excessive grievances continues, the inmate will be documented for abuse of the grievance system.
 - D. The inclusion of more than one grievance issue, per form will be cause for rejection of the grievance.
 - E. Grievances that grieve the same issue in a previously filed grievance will be screened out as a duplicate issue, which is already being considered or has been considered and responded to.

F. Grievances that grieve the same issue in a previously filed grievance will also be screened out and DISMISSED, even if the requested action or remedy is different on the subsequent grievance.

5. In the event an inmate's claim is deemed DISMISSED or not within the intended scope of this Regulation, the inmate may not appeal that decision to the next procedural level of review unless the inmate can produce evidence the issue in the grievance is within the scope of this AR or that the NDOC has authority to grant the remedy or action being requested.

6. An inmate who is dissatisfied with the response to a grievance at any level may appeal the grievance to the next level, within the substantive and procedural requirements outlined herein, unless the action requested has already been Granted at a lower level.

A. Administrators or employees of the institution shall automatically allow appeals without interference unless the grievance is granted or partially granted as stated in Section C of this AR or the grievance has multiple issues/claims or does not request a remedy that is within the authority of the NDOC.

B. An inmate's election not to sign and date this form at any level shall constitute abandonment of the claim.

C. If the Grievance is "Granted" at any level, the grievance process is considered complete and the inmate's administrative remedies exhausted, and the inmate cannot appeal the decision to a higher level. If the inmate files a grievance to a higher level after it has been granted at a lower level, the grievance will be screened out and the notation in the rejection form will state that the grievance has already been granted.

7. Except as required for the initial filing of an Informal Grievance, time limits shall begin to run from the date an inmate receives a response for appeal and the date the Department's respondent receives the appeal.

A. Time frames are waived for allegations of sexual abuse, regardless of when the incident is alleged to have occurred.

8. An overdue grievance response at any level is not an automatic finding for the inmate.

A. The response must be completed, even if it is overdue.

B. The inmate may proceed to the next grievance level, except at the Second Level, if a response is overdue.

C. The overdue response does not count against the inmate's timeframe for an appeal if he waits for the response before initiating the appeal.

9. Inmates who participate in or utilize the Inmate Grievance Procedure shall not be subjected to

retaliation, i.e. an assertion that an employee took some adverse action against an inmate for filing a grievance, except as noted in 740.9, where the action did not reasonably advance a legitimate correctional goal.

- A. Retaliation is a grievable issue.
- B. An unfounded claim of retaliation will be handled as an abuse of the grievance procedure.

10. Comprehensive responses are required for inmate grievances. Statements such as "Your grievance is denied" are not acceptable. An explanation is necessary.

740.04 INFORMAL RESOLUTION

1. Inmates are expected to resolve grievable issues through discussion with staff whose duties fall within the issue prior to initiating the informal grievance process, except as noted in AR 740.03, number 2, or where resolution is not possible, such as disciplinary appeals. Inmates are encouraged to use a kite to bring issues to the attention of staff instead of immediately filing a grievance.

- A. Allegations of sexual abuse will not be referred to a staff member who is the subject of the accusation of sexual abuse.

- B. Inmates are not required to use an informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

2. An informal resolution may be accomplished in writing or in direct consultation with the appropriate staff.

740.05 INFORMAL GRIEVANCE

1. At the Informal Level, an inmate shall file a grievance (Form DOC-3091) after failing to resolve the matter by other means such as discussion with staff or submitting a kite.

2. Grievances should be reviewed, investigated and responded to by the staff member that has responsibility over the issue that is being grieved. For example; a medical issue will be submitted to the medical department. Food issues will be submitted to the culinary department. Other examples include but not limited to:

- A. Informal grievances addressing property issues should be responded to by the Property Sergeant or equivalent.

- B. All allegations of sexual abuse will be referred to the Inspector General's Office for investigation via the First Level Grievance (DOC 3093). When an issue goes directly to the first level, the inmate shall file an Informal Grievance form for tracking purposes only.

- (1) The Grievance Coordinator will forward a copy of the grievance to the Inspector General's Office immediately upon receipt.

- (2) If the Grievance is forwarded to the Inspector General's Office, the grievance will be listed as "Partially Granted." A partial granting of a grievance is not to be interpreted as to denote that the request for investigation is granted, but rather the claims are being referred to the Inspector General's Office for investigation. The "Partial Grant" is not meant to imply that that the action or remedy requested is being granted such as a request that an employee be disciplined. Even if the claims against a staff member are sustained, the inmate is not privy to personnel action taken against a staff member.
- C. The Inspector General's Office will have 90 calendar days to respond to this allegation.
- D. High Risk Prisoner (HRP) status.
- (1) Informal Level grievances will be responded to by the Warden or designee.
- (2) First Level grievances will be responded to by the Deputy Director or designee.
- (3) Second level grievances will be responded to by the Director or designee.
- E. Informal grievances addressing medical or dental issues should be responded to by a charge nurse or designee of the Director of Nursing at the institution.
- F. Informal grievances addressing mental health issues should be responded to by the Psychologist III, or Mental Health Director designee at each facility.
- G. If the person who would normally respond to a grievance is the subject of the grievance, the Correctional Caseworker (CCS III/AW) should respond to the Informal Grievance.
3. The response to the grievance should be substantial, referencing all policies, procedures, rationale, and/or circumstances in finding for or against the inmate.
4. The inmate shall file an informal grievance within the time frames noted below, unless specifically stated in NRS 209.243:
- A. Within six (6) months, in compliance with NRS 209.243, if the issue involves personal property damage or loss, personal injury, medical claims or any other tort claims, including civil rights claims.
- B. Within ten (10) calendar days if the issue involves any other issues within the authority and control of the Department including, but not limited to, classification, disciplinary, mail and correspondence, religious items, and food.
- C. When a grievance cannot be filed because of circumstances beyond the inmate's control, the time will begin to start from the date in which such circumstances cease to exist.
- D. Time frames are waived for allegations of sexual abuse regardless of when the incident is alleged to have occurred.

5. An inmate should use Form DOC-3097, Grievant Statement Continuation Form, if unable to present the details of their claim in the space available on the above forms.

A. All documentation and factual allegations available to the inmate must be submitted at this level with the grievance.

6. All grievances submitted should also include the remedy sought by the inmate to resolve this claim.

A. Failure to submit a remedy will be considered an improper grievance shall be DISMISSED. The grievance will then be returned to the inmate using Form DOC-3098, Improper Grievance Memorandum, except any grievance or portion of a grievance that alleges sexual abuse.

7. If the inmate's remedy to their grievance includes monetary restitution or damages, then the inmate will get the following forms from unit staff, unit caseworker, or law libraries:

A. Form DOC-3026, Inmate Property Claim, which shall be completed and submitted in addition to the grievance for all property loss or damage claims.

B. Form DOC-3095, Administrative Claim Form, which shall be completed and submitted in addition to the grievance for all personal injury, tort, or civil rights claims.

8. Failure by the inmate to submit a proper Informal Grievance form to the Grievance Coordinator or designated employee in their absence, within the time frame noted in 740.05, number 4, shall constitute abandonment of the inmate's grievance at this, and all subsequent levels, except any portion of the grievance that alleges sexual abuse.

A. When overdue grievances are received, they will be logged into the NOTIS.

B. The grievance response Form DOC-3098 will note that the inmate exceeded the timeframe and no action will be taken, except any portion of the grievance that alleges sexual abuse.

9. If the issue raised is not grievable, or the grievance is a duplicate of a prior grievance, the Grievance Coordinator will return the grievance to the inmate with Form 3098 noting the reason.

10. When an issue goes directly to the Warden (first level) for a decision such as disciplinary appeals, visiting denials, any allegation of sexual abuse or mail censorship, the inmate shall file an Informal Grievance form for tracking purposes.

11. Grievances alleging staff misconduct will be reviewed by the Warden and if deemed appropriate will be forwarded to the Office of the Inspector General through the NOTIS.

A. The Informal Response will reflect this action being initiated.

B. Timeframes are suspended until a disposition is received from the Inspector General's

Office.

12. The time limit for a response to the informal grievance is forty-five (45) calendar days from the date the grievance is received by the grievance coordinator to the date returned to the inmate.

A. The inmate must file an appeal within five (5) calendar days of receipt of the response to proceed to the next grievance level.

B. Transmission of the grievance to another institution may result in exceeding this timeframe.

740.06 FIRST LEVEL GRIEVANCE

1. A First Level Grievance (Form DOC-3093) should be reviewed, investigated and responded to by the Warden at the institution where the incident being grieved occurred, even if the Warden is the subject of the grievance, except in any allegation of sexual abuse.

A. The Warden may utilize any staff in the development of a grievance response. The grievance will be responded to by a supervisor that has authority over the issue claimed in the grievance.

B. First Level medical/dental issues should be responded to by the highest level of Nursing Administration at the institution (DONs I or II).

C. First Level mental health issues should be responded to by the Mental Health Director.

D. First Level property issues should be responded to by the Associate Warden of Operations after being investigated by a sergeant or lieutenant and reviewed by the Warden.

E. All grievances containing allegations of sexual abuse will be referred to the Inspector General's Office for investigation and they will be designated as "PARTIALLY GRANTED" indicating that it has been submitted for investigation by the Inspector General's Office.

(1) The Inspector General's Office shall make a final decision on the merits of any portion of the sexual abuse grievance within 90 calendar days of the initial filing of the grievance and if applicable the matter assigned for official investigation.

(3) The Inspector General's Office may claim an extension of time to respond to a sexual abuse grievance of up to 70 calendar days if the normal time period for response is insufficient to make an appropriate decision.

(3) The Inspector General's Office shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

(4) Upon the completion of the investigation into sexual abuse the inmate shall be informed of the outcome of the investigation by the Inspector General's Office.

2. At this level the inmate shall provide a signed, sworn declaration of facts that form the basis for a claim that the informal response is incorrect. This should include a list of persons, if any, who have relevant knowledge or information supporting the claim. Any additional relevant documentation should be attached at this level.

3. A First Level Grievance that does not comply with procedural guidelines shall be returned to the inmate, unprocessed, with instructions using Form DOC-3098, if applicable, for proper filing via the caseworker.

A. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in filing a grievance(s) relating to allegations of sexual abuse.

B. If a third party files on behalf of the inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf.

C. If a third party files on behalf of the inmate, the facility may also require as a condition of processing the grievance, the alleged victim to personally pursue any subsequent steps in the grievance process.

4. The time limit for a response to the inmate for the First Level grievance is forty-five (45) calendar days from the date the grievance is received by the grievance coordinator to the date returned to inmate.

A. The inmate must file an appeal within five (5) calendar days of receipt of the response to proceed to the next grievance level.

B. Transmission of the grievance to another institution may result in exceeding this timeframe.

740.07 SECOND LEVEL GRIEVANCE

1. A Second Level Grievance (Form DOC - 3094) should be reviewed and responded to by the:

A. Deputy Director of Operations for facility custody or security operations that do not include programs.

B. Deputy Director of Programs for all program issues such as education, visiting, or religious programming.

C. The Deputy Director of Support Services for fiscal, property and telephone issues.

D. The Offender Management Administrator (OMA) for classification and timekeeping issues.

E. The Medical Director for medical/ dental issues, including medical co-pays or charges.

F. The Mental Health Director for mental health issues.

G. The inmate may appeal the decision related to a sexual abuse grievance response from the Inspector General's Office within five (5) calendar days of the grievance, with a subsequent response from the Deputy Director for security program, religious and operations.

2. The Grievance Coordinator shall forward copies of all related documents and the appeal to the Deputy Director for review and distribution to other Appointing Authorities and Division Heads.

3. The time limit for a response to the inmate for the Second Level grievance is sixty (60) calendar days, not including transmittal time, from the date the grievance is received by the grievance coordinator to the date it is returned to inmate.

4. Administrators shall respond to the Second Level Grievance, specifying the decision and the reasons for the decision, and return it to the Grievance Coordinator.

740.08 REMEDIES TO GRIEVANCES

1. Grievance remedies should be determined with the goal of appropriately resolving legitimate claims at the lowest level of review possible, considering each institution's particular operational, security and safety concerns.

2. Remedies available for grievances may include, but are not limited to, the following:

A. Appropriate measures to resolve unsafe or unsanitary conditions of confinement.

B. Appropriate measures to address the violation of an inmate's constitutional, civil or statutory rights.

C. Appropriate measures to protect inmates from criminal or prohibited acts committed by Departmental employees and staff or other inmates.

D. Appropriate measures to revise, clarify and implement written Departmental and institutional rules or procedures necessary to prevent further violations.

E. Appropriate measures to provide a disabled or physically impaired inmate with reasonable accommodation or reasonable modification.

F. Appropriate monetary reimbursement for property loss, damage, personal injury, tort, or civil rights claims arising out of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

3. When deemed appropriate by the staff person rendering a decision on a grievance, a proposed monetary remedy may be submitted to the Deputy Director of Support Services who may award monetary damages at any level of the Inmate Grievance. Once approved:

A. A Form DOC-3096, Administrative Claim Release Agreement, will be completed and submitted by the inmate on all monetary claims, except for personal property damage or loss.

B. A Form DOC-3027, Property Claim Release Agreement, will be completed and submitted by the inmate on all monetary claims for personal property damage or loss.

C. When property claims are settled informally at an institution, DOC 2027 Property Release Agreement will be completed.

4. Compensation for loss of personal property, property damage, personal injury or any other claim arising out of a tort shall not exceed five hundred (\$500.00).

740.09 ABUSE OF THE INMATE GRIEVANCE PROCEDURE

1. Inmates are encouraged to use the Grievance Procedure to resolve addressable claims where the inmate can define a specific loss or harm, however, they are prohibited from abusing the system by knowingly, willfully or maliciously filing frivolous or vexatious grievances, which are considered to be an abuse of the Inmate Grievance Procedure. Any of the below listed violations will result in the grievance being dismissed.

2. It is considered abuse of the inmate grievance procedure when an inmate files a grievance that contains, but is not limited to:

A. A threat of serious bodily injury to a specific individual.

B. Specific claims or incidents previously filed by the same inmate.

C. More than two (2) unfounded, frivolous or vexatious grievances per month. The third unfounded, frivolous or vexatious grievance in a 30 day period will result in a disciplinary action against the inmate for abuse of the grievance system. The date of the first unfounded grievance will be the beginning of the 30 day period. .

D. Filing two (2) or more emergency grievances in a seven (7) day week period, Monday through Sunday which are deemed not to be emergencies shall result in disciplinary action against the inmate for abuse of the grievance system. A notice of charge will be generated by the Warden or designee for abuse of the emergency grievance process.

E. Obscene, profane, and derogatory language.

F. Contains more than one (1) appropriate issue, per grievance.

G. The claim or requested remedy changes or is modified from one level to another.

3. If an inmate files a grievance as listed in (2), the assigned caseworker shall:

A. Return a copy of the improper grievance to the inmate and Form DOC-3098, Improper Grievance Memorandum, noting the specific violation.

- B. Give the original to the inmate.
 - C. Return a copy to the Grievance Coordinator for inclusion in the inmate's grievance file.
 - D. If the inmate grievance alleges a threat to the safety and/or security of the institution, the grievance will be entered regardless of the content.
4. The inmate shall **not** be given additional time to re-submit the grievance in the proper form.
- A. The inmate's failure to re-submit the grievance in the proper form and **within the prescribed time frame** shall constitute abandonment.
 - B. If the timeframe has been exhausted prior to the inmate receiving Form DOC- 3098, the inmate has five (5) calendar days from the date it receives the form to re-submit.
5. An inmate who satisfies the criteria contained in 740.09 Section 2 above should:
- A. Be brought to the attention of the Grievance Coordinator as soon as possible.
 - B. The Grievance Coordinator should review all documentation supporting the alleged abuse to determine if abuse has occurred and forward a written recommendation to the Warden.
 - C. If the recommendation is approved the Warden can assign the appropriate level supervisor or administrator to write a Notice of Charges on the inmate..
 - D. The supervisor or administrator will forward the Notice of Charges to the Warden for processing through the inmate disciplinary process.
 - E. A conduct violation of this nature is not a form of retaliation.
 - F. An inmate may not be disciplined for filing a grievance related to alleged sexual abuse unless the Department has demonstrated that the inmate filed the grievance in bad faith.
 - G. NDOC will not respond to an improper grievance that results in a DOC-3098 under AR 740.

740.10 EMERGENCY GRIEVANCE PROCEDURE

1. An Emergency Grievance (Form DOC-1564) received by any staff member shall be immediately delivered to the shift supervisor no later than is reasonable and necessary to prevent serious injury or a breach of security.
2. Any emergency grievance alleging that an inmate is subject to substantial risk of imminent sexual abuse shall be immediately forwarded to the highest ranking staff member on duty so that corrective action may be taken immediately which may include moving the inmate to administrative segregation for protective custody.

- A. The inmate shall receive a response to the emergency grievance within 24 hours, with a final facility decision about whether the inmate is in substantial risk of imminent sexual abuse within two (2) regular calendar days.
 - B. The initial response, final decision and the action taken in response to the emergency grievance will be documented. Action taken can include, but is not limited to:
 - (1) Refer the information to the Inspector General's Office;
 - (2) Afford the inmate appropriate medical, mental health care; and
 - (3) Address any safety considerations.
2. The shift supervisor may confer with the on duty medical staff, Warden or Associate Warden and, if necessary, the DDs, to determine whether the grievance constitutes an emergency.
 3. The highest-ranking staff member on duty, with the aid of an authorized Department official, shall immediately take any corrective measures necessary to prevent a substantial risk of injury or breach of security.
 4. The Department official receiving the Emergency Grievance should respond to the filing inmate no later than is necessary to prevent serious injury or a breach of security.
 5. In the event the inmate requests further review of a claim not deemed an emergency, the inmate may file a grievance appeal commencing at the Informal Level.
 6. A copy of the emergency grievance will be forwarded to the Grievance Coordinator for entry into NOTIS for processing and tracking purposes.

740.11 INMATE TRANSFERS

1. Inmates transferred to another institution pending the resolution of a filed grievance shall have the grievance completed at the sending institution at all levels.
 - A. The receiving institution is responsible for logging in and tracking the grievance through NOTIS.
 - B. All responses and correspondence shall be conducted via first class mail to the Grievance Coordinator at the receiving institution.
2. Timeframes do not apply if the inmate has been transferred. Grievances shall be processed as soon as practicable and timeframes shall be adhered to as closely as possible
3. If an inmate's sentence expires or leaves the Department on parole, the grievance will be finalized on the current level. No further appeal may occur.

A. It is the responsibility of the inmate to provide a forwarding address during the release process in order to receive a grievance response.

APPLICABILITY

1. This regulation requires an operational procedure for each institution and facility.
2. This regulation requires an audit using the attached checklist form as a guide.

REFERENCES

ACA Standards, 4th Edition and 2008 Supplement, 4-4105, 4-4276, 4-4284, 4-4344, 4-4394, 4-4429, 4-4429-1

ATTACHMENTS

DOC Form 3065, Inmate Grievance Audit Questions

James Dzurenda, Director

Date

INMATE GRIEVANCE AUDIT QUESTIONS

1. Are there existing locked boxes throughout the institution that are accessible to all inmates?
2. Who has access to the keys to these boxes?
3. Is this procedure available to inmates in the institution?
4. Are the grievances being responded to by the appropriate party at each level?
5. Are grievances responded to within the time frame allowed?
6. Are grievance files maintained separately and in alphabetical order?
7. Are all threats of abuse, harassment or misconduct referred to the IG's office?
 - A. Does the inmate receive a response to this effect?
8. Are grievance responses addressing the issue of complaint in a thorough manner in order to resolve each grievance at the lowest level?
9. Is form DOC-3098 being utilized properly when an inmate is not complying with the AR?
10. Are all informal grievances being entered into the NOTIS?
11. How are pending grievances being followed up on when an inmate transfers to another institution?
12. Is an audit performed at the institution with any frequency to determine outstanding grievances?
13. Do grievances regarding property claims contain all the necessary paperwork? Are legitimate claims resolved in a timely manner?
14. Were emergency grievances handled in an expeditious, professional manner?
15. Are grievance files maintained at the institution according to policy?

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

740

INMATE GRIEVANCE PROCEDURE

Supersedes: AR 740 (02/12/10); and AR 740 (Temporary, 06/16/14); 09/16/14; (Temporary, 01/03/17); 03/07/17

Effective Date: ~~03/07/17~~ 08/15/17

AUTHORITY: NRS 209.131, 209.243; 41.031; 41.0322; 41.0375; 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

PURPOSE:

1. The purpose of this Administrative Regulation (“AR”) is to set forth the requirements and procedures of the administrative process that Nevada Department of Corrections (“NDOC”) inmates must utilize to resolve addressable grievances and claims including, but not limited to, claims for personal property, property damage, disciplinary appeals, personal injuries, and any other tort or civil rights claim relating to conditions of confinement. Inmates may use the Inmate Grievance Procedure to resolve addressable inmate claims only if the inmate can factually demonstrate a loss or harm. This procedure describes the formal grievance processes and will guide NDOC employees in the administration, investigation, response and resolution of inmate grievances.

2. The provisions of this AR shall be effective on or after the effective date of this AR. The provisions of this AR are not retroactive and do not apply to incidents and/or claims that occurred prior to the effective date of this AR.

A. Only inmate claims arising out of, or relating to, issues within the authority and control of the NDOC may be submitted for review and resolution by way of the grievance process.

B. A good faith effort will be made to resolve legitimate inmate claims without requiring the inmate to file a formal grievance.

3. This AR does not create any right, liberty or property interest, or establish the basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

RESPONSIBILITY

1. The Director, through the Deputy Directors (DDs), shall be responsible in establishing and supervising an inmate grievance process that provides an appropriate response to an inmate’s claim, as well as an administrative means for the expression of, and prompt and fair resolution of, inmate

problems and concerns.

2. The Warden through the Associate Wardens (AWs) shall be responsible in managing the grievance process at each institution and any facilities under the control of the parent institution. The AW may designate an Inmate Grievance Coordinator to conduct functions required by this regulation.

3. The ~~Offender Management Administrator (OMA)~~ Management Information System Director shall be responsible for the operation supervision of the Nevada Offender Issue Tracking System (OITS/NOTIS), including programming, in the Nevada Offender Tracking Information System (NOTIS), the program and the computer system which manages the inmate grievances.

4. The Offender Management Division (OMD) shall be responsible for tracking and reporting on program information in NOTIS.

740.01 ADMINISTRATION OF INMATE GRIEVANCES

1. Each institution/facility shall establish locked boxes where all inmates have access to submit their grievances directly to the box. Keys will be issued by the Warden, to an AW and/or a designated staff.

A. Lock boxes will be maintained in segregation/max units in a manner in which the inmate will be allowed to have direct access. A designated staff may go cell to cell to pick up grievances in segregation /max units due to security and safety concerns, if necessary.

B. Emergency grievances will be handed to any staff member for immediate processing per this regulation.

2. Grievances will be treated as legal correspondence and will be gathered daily, Monday through Friday, excluding holidays, by the AW or designated Grievance Coordinator(s) and or designated staff member.

3. Grievance forms will be kept in housing units and may be accessed through the unit staff, the unit caseworker or in the Institutional Law Library. Emergency forms may be accessed through any employee.

4. Grievances may be GRANTED, DENIED or PARTIALLY GRANTED at any level as deemed appropriate after the claim in the grievance has been investigated.

A. Grievance findings or responses will not be titled "Substantiated."

5. The Grievance Coordinator should record receipts, transmittals, actions, and responses on all grievances to OITS/NOTIS within three (3) working days of receipt.

A. The coordinator should sign, date and enter the approximate time as noted on DOC 3091,

3093 and 3094.

B. The front page of the grievance should be date stamped the day entered into ~~OITS~~/NOTIS.

B.C. DOC 3097, continuation forms, shall not exceed more than two (2) pages per grievance.

6. Monthly and annual grievance reports generated by ~~OITS~~/NOTIS will be reviewed by the Deputy Directors (DDs), Wardens and Associate Wardens (AWs) on a quarterly and annual basis.

740.02 GRIEVANCE RECORDS

1. Grievance documents shall be stored at the facility/institution where the grievance issue occurred.

A. Grievance files shall be in separate files for each inmate and maintained in alphabetical order by the inmate's last name.

B. Grievance copies shall not be placed in an inmate's Institutional or Central File, nor shall they be available to employees not involved in the grievance process, unless the employee has a need for the information in the grievance or the responses to the grievance.

2. Grievance files shall be maintained at each institution for a minimum of five (5) years following final disposition of the grievance.

3. Employees who are participating in the disposition of a grievance shall have access to records essential to the disposition of the grievance.

4. Inmates will not have access to grievance records unless ordered by a court, as grievance records are considered confidential and they may be redacted if appropriate.

5. Upon completion of each level of the grievance process, the form and all relevant attachments shall be maintained in the inmate's separate grievance file. Copies shall be given to the inmate.

740.03 GRIEVANCE ISSUES

1. Inmates may use the Inmate Grievance Procedure to resolve addressable inmate claims, only if the inmate can factually demonstrate a loss or harm. Grievances may be filed to include, but not limited to, personal property, property damage, disciplinary appeals, personal injuries, and any other tort claim or civil rights claim relating to conditions of institutional life. The inmate must state the action or remedy that will satisfy the claim in the grievance.

a) If the inmate does not factually demonstrate a loss or harm and does not state the action or remedy that will satisfy the claim ~~the~~ in the grievance, the grievance will be "REJECTED/DISMISSED" and returned to the inmate with an explanation as to what was missing in order for the grievance to be processed.

b) A Grievance will not be used as a "KITE" to advise staff of issues, actions or conditions that they do not like but suffered no harm or loss.

2. All allegations of inmate abuse by Department staff, employees, agents or independent contractors, shall be immediately reported to the Warden, AWs, and the Inspector General's Office, in accordance with investigator guidelines via the NOTIS reporting system.

A. Any third party reporting of sexual abuse against an inmate will be referred to the Warden or designee for entry into the NOTIS reporting system and referral to the Office of the Inspector General.

B. Inmates who allege abuse other than sexual abuse will be interviewed by a supervisor of the staff who allegedly committed the abuse to ascertain if he/she agrees to pursue administrative remedies, which will be documented in the NOTIS system.

C. Any portion of a grievance that does not indicate an allegation of sexual abuse will have to meet the criteria listed in this section of the AR.

3. Only inmate claims arising out of, or relating to, issues within the authority and control of the Department may be submitted for review and resolution.

A. Non-grievable issues include:

1. State and federal court decisions.

2. State, federal and local laws and regulations.

3. Parole Board actions and/or decisions.

4. Medical diagnosis, medication or treatment/care provided by a private/contract community hospital.

4. Claims for which the inmate lacks standing will not be accepted, including, but not limited to:

A. Filing a grievance on behalf of another inmate unless the inmate is so physically or emotionally handicapped as to be incapable of filing a grievance, and with the other inmate's approval, or in the case(s) of any third party reporting of Sexual Abuse.

B. The inmate filing the grievance was not a direct participant in the matter being grieved, except a third party allegation of sexual abuse.

C. An inmate may not file more than one (1) grievance per seven (7) day week, Monday through Sunday. More than one (1) grievance filed during the seven day week period will be rejected, unless it alleges sexual abuse or it is an emergency grievance that involves health or safety claims. If the practice of filing excessive grievances continues, the inmate will be documented for abuse of the grievance system.

D. The inclusion of more than one grievance issue, per form will be cause for rejection of the grievance.

E. Grievances that grieve the same issue in a previously filed grievance will be screened out as a duplicate issue, which is already being considered or has been considered and responded to.

F. Grievances that grieve the same issue in a previously filed grievance will also be screened out and DISMISSED, even if the requested action or remedy is different on the subsequent grievance.

5. In the event an inmate's claim is deemed DISMISSED~~inappropriate for review~~ or not within the intended scope of this Regulation, the inmate may not appeal that decision to the next procedural level of review unless the inmate can produce evidence the issue in the grievance is within the scope of this AR or that the NDOC has authority to grant the remedy or action being requested.

6. An inmate who is dissatisfied with the response to a grievance at any level may appeal the grievance to the next level, within the substantive and procedural requirements outlined herein, unless the action requested has already been Granted ~~or Partially Granted~~ at a lower level.

A. Administrators or employees of the institution shall automatically allow appeals without interference unless the grievance is granted or partially granted as stated in Section C of this AR or the grievance has multiple issues/claims or does not request a remedy that is within the authority of the NDOC.

B. An inmate's election not to sign and date this form at any level shall constitute abandonment of the claim.

C. If the Grievance is "Granted" at any level, the grievance process is considered complete and the inmate's administrative remedies exhausted, and the inmate cannot appeal the decision to a higher level. If the inmate files a grievance to a higher level after it has been granted at a lower level, the grievance will be screened out and the notation in the rejection form will state that the grievance has already been granted.

7. Except as required for the initial filing of an Informal Grievance, time limits shall begin to run from the date an inmate receives a response for appeal and the date the Department's respondent receives the appeal.

A. Time frames are waived for allegations of sexual abuse, regardless of when the incident is alleged to have occurred.

8. An overdue grievance response at any level is not an automatic finding for the inmate.

A. The response must be completed, even if it is overdue.

B. The inmate may proceed to the next grievance level, except at the Second Level, if a

response is overdue.

C. The overdue response does not count against the inmate's timeframe for an appeal if he waits for the response before initiating the appeal.

9. Inmates who participate in or utilize the Inmate Grievance Procedure shall not be subjected to retaliation, i.e. an assertion that an employee took some adverse action against an inmate for filing a grievance, except as noted in 740.09, where the action did not reasonably advance a legitimate correctional goal.

A. Retaliation is a grievable issue.

B. An unfounded claim of retaliation will be handled as an abuse of the grievance procedure.

~~C. The action did not reasonably advance a legitimate correctional goal.~~

10. Comprehensive responses are required for inmate grievances. Statements such as "Your grievance is denied" are not acceptable. An explanation is necessary.

740.04 INFORMAL GRIEVANCE-RESOLUTION

1. Inmates are expected to resolve grievable issues through discussion with staff whose duties fall within the issue prior to initiating the informal grievance process, except as noted in AR 740.03, number 2, or where resolution is not possible, such as disciplinary appeals. Inmates are encouraged to use a kite to bring issues to the attention of staff instead of immediately filing a grievance.

A. Allegations of sexual abuse will not be referred to a staff member who is the subject of the accusation of sexual abuse.

B. Inmates are not required to use an informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

2. An informal resolution may be accomplished in writing or in direct consultation with the appropriate staff.

740.05 INFORMAL GRIEVANCE

1. At the Informal Level, an inmate shall file a grievance (Form DOC-3091) after failing to resolve the matter by other means such as discussion with staff or submitting a kite.

2. Grievances should be reviewed, investigated and responded to by the staff member that has responsibility over the issue that is being grieved. For example; a medical issue will be submitted to the medical department. Food issues will be submitted to the culinary department. Other examples include but not limited to:

A. Informal grievances addressing property issues should be responded to by the Property Sergeant or equivalent.

B. All allegations of sexual abuse will be referred to the Inspector General's Office for investigation via the First Level Grievance (DOC 3093). When an issue goes directly to the first level, the inmate shall file an Informal Grievance form for tracking purposes only.

(1) The Grievance Coordinator will forward a copy of the grievance to the Inspector General's Office immediately upon receipt.

(2) If the Grievance is forwarded to the Inspector General's Office, the grievance will be listed as "Partially Granted." A partial granting of a grievance is not to be interpreted as to denote that the request for investigation is granted, but rather the claims are being referred to the Inspector General's Office for investigation. The "Partial Grant" is not meant to imply that that the action or remedy requested is being granted such as a request that an employee be disciplined. Even if the claims against a staff member are sustained, the inmate is not privy to personnel action taken against a staff member.

C. The Inspector General's Office will have 90- calendar days to respond to this allegation.

D. High Risk Prisoner (HRP) status.

(1) Informal Level grievances will be responded to by the Warden or designee.

~~(1)~~(2) First Level grievances will be responded to by the Deputy Director or designee.

~~(2) Informal grievances that will be responded to by the Warden or designee.~~

(3) Second level grievances will be responded to by the Director or designee.

~~E. E.—~~Informal grievances addressing medical/mental health/ or dental issues should be responded to by a charge nurse or designee of the Director of Nursing at the institution.
~~health care supervisor such as the Director of Nursing at the institution.~~

F. Informal grievances addressing mental health issues should be responded to by the Psychologist III, or Mental Health Director designee at each facility.

GF. If the person who would normally respond to a grievance is the subject of the grievance, the Correctional Caseworker (CCS III/AW) should respond to the Informal Grievance.

3. The response to the grievance should be substantial, referencing all policies, procedures, rationale, and/or circumstances in finding for or against the inmate.

4. The inmate shall file an informal grievance within the time frames noted below, unless specifically stated in NRS 209.243:

- A. Within ~~six (6)~~^{one (1)} months, in compliance with NRS 209.243, if the issue involves personal property damage or loss, personal injury, medical claims or any other tort claims, including civil rights claims.
 - B. Within ten (10) calendar days if the issue involves any other issues within the authority and control of the Department including, but not limited to, classification, disciplinary, mail and correspondence, religious items, and food.
 - C. When a grievance cannot be filed because of circumstances beyond the inmate's control, the time will begin to start from the date in which such circumstances cease to exist.
 - D. Time frames are waived for allegations of sexual abuse regardless of when the incident is alleged to have occurred.
5. An inmate should use Form DOC-3097, Grievant Statement Continuation Form, if unable to present the details of their claim in the space available on the above forms.
- A. All documentation and factual allegations available to the inmate must be submitted at this level with the grievance.
6. All grievances submitted should also include the remedy sought by the inmate to resolve this claim.
- A. Failure to submit a remedy will be considered an improper grievance ~~and shall be~~ DISMISSED. The grievance will then be returned to the inmate using Form DOC-3098, Improper Grievance Memorandum, except any grievance or portion of a grievance that alleges sexual abuse.
7. If the inmate's remedy to their grievance includes monetary restitution or damages, then the inmate will get the following forms from unit staff, unit caseworker, or law libraries:
- A. Form DOC-3026, Inmate Property Claim, which shall be completed and submitted in addition to the grievance for all property loss or damage claims.
 - B. Form DOC-3095, Administrative Claim Form, which shall be completed and submitted in addition to the grievance for all personal injury, tort, or civil rights claims.
8. Failure by the inmate to submit a proper Informal Grievance form to the Grievance Coordinator or designated employee in their absence, within the time frame noted in 740.05, number 4, shall constitute abandonment of the inmate's grievance at this, and all subsequent levels, except any portion of the grievance that alleges sexual abuse.
- A. When overdue grievances are received, they will be logged into the ~~OITS~~/NOTIS.
 - B. The grievance response Form DOC-3098 will note that the inmate exceeded the timeframe and no action will be taken, except any portion of the grievance that alleges sexual abuse.

9. If the issue raised is not grievable, or the grievance is a duplicate of a prior grievance, the Grievance Coordinator will return the grievance to the inmate with Form 3098 noting the reason.

10. When an issue goes directly to the Warden (first level) for a decision such as disciplinary appeals, visiting denials, any allegation of sexual abuse or mail censorship, the inmate shall file an Informal Grievance form for tracking purposes.

11. Grievances alleging staff misconduct will be reviewed by the Warden and if deemed appropriate will be forwarded to the Office of the Inspector General through the ~~OITS~~ NOTIS.

A. The Informal Response will reflect this action being initiated.

B. Timeframes are suspended until a disposition is received from the Inspector General's Office.

12. The time limit for a response to the informal grievance is forty-five (45) calendar days from the date the grievance is received by the grievance coordinator to the date returned to the inmate.

A. The inmate must file an appeal within five (5) calendar days of receipt of the response to proceed to the next grievance level.

B. Transmission of the grievance to another institution may result in exceeding this timeframe.

740.06 FIRST LEVEL GRIEVANCE

1. A First Level Grievance (Form DOC-3093) should be reviewed, investigated and responded to by the Warden at the institution where the incident being grieved occurred, even if the Warden is the subject of the grievance, except in any allegation of sexual abuse.

A. The Warden may utilize any staff in the development of a grievance response. The grievance will be responded to by a supervisor that has authority over the issue claimed in the grievance.

B. First Level medical/~~mental health~~/dental issues should be responded to by the highest level of Nursing Administration at the institution (DONs I or II).

~~B.C.~~ First Level mental health issues should be responded to by the Mental Health Director.

~~C.D.~~ First Level property issues should be responded to by the Associate Warden of Operations after being investigated by a sergeant or lieutenant and reviewed by the Warden.

~~D.E.~~ All grievances containing allegations of sexual abuse will be referred to the Inspector General's Office for investigation and they will be designated as "PARTIALLY GRANTED" indicating that it has been submitted for investigation by the Inspector General's Office.

- (1) The Inspector General's Office shall make a final decision on the merits of any portion of the sexual abuse grievance within 90 calendar days of the initial filing of the grievance and if applicable the matter assigned for official investigation.
 - ~~(2)~~(3) The Inspector General's Office may claim an extension of time to respond to a sexual abuse grievance of up to 70 calendar days if the normal time period for response is insufficient to make an appropriate decision.
 - (3) The Inspector General's Office shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
 - (4) Upon the completion of the investigation into sexual abuse the inmate shall be informed of the outcome of the investigation by the Inspector General's Office.
2. At this level the inmate shall provide a signed, sworn declaration of facts that form the basis for a claim that the informal response is incorrect. This should include a list of persons, if any, who have relevant knowledge or information supporting the claim. Any additional relevant documentation should be attached at this level.
 3. A First Level Grievance that does not comply with procedural guidelines shall be returned to the inmate, unprocessed, with instructions using Form DOC-3098, if applicable, for proper filing via the caseworker.
 - A. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates shall be permitted to assist inmates in filing a grievance(s) relating to allegations of sexual abuse.
 - B. If a third party files on behalf of the inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf.
 - C. If a third party files on behalf of the inmate, the facility may also require as a condition of processing the grievance, the alleged victim to personally pursue any subsequent steps in the grievance process.
 4. The time limit for a response to the inmate for the First Level grievance is forty-five (45) calendar days from the date the grievance is received by the grievance coordinator to the date returned to inmate.
 - A. The inmate must file an appeal within five (5) calendar days of receipt of the response to proceed to the next grievance level.
 - B. Transmission of the grievance to another institution may result in exceeding this timeframe.

740.07 SECOND LEVEL GRIEVANCE

1. A Second Level Grievance (Form DOC - 3094) should be reviewed and responded to by the:
 - A. Deputy Director of Operations for facility custody or security operations that do not include programs.
 - B. Deputy Director of Programs for all program issues such as education, visiting, or religious programming.
 - C. The Deputy Director of Support Services for fiscal, property and telephone issues.
 - D. The Offender Management Administrator (OMA) for classification and timekeeping issues.
 - E. The Medical Director for medical/ dental issues, including medical co-pays or charges.
 - F. The Mental Health ~~Administrator~~ Director for mental health issues.
 - ~~G. The Chief Medical Officer for medical issues, including medical co-pays or charges.~~
 - EG. The inmate may appeal the decision related to a sexual abuse grievance response from the Inspector General's Office within five (5) calendar days of the grievance, with a subsequent response from the Deputy Director for security program, religious and operations.
2. The Grievance Coordinator shall forward copies of all related documents and the appeal to the Deputy Director for review and distribution to other Appointing Authorities and Division Heads.
3. The time limit for a response to the inmate for the Second Level grievance is sixty (60) calendar days, not including transmittal time, from the date the grievance is received by the grievance coordinator to the date it is returned to inmate.
4. Administrators shall respond to the Second Level Grievance, specifying the decision and the reasons for the decision, and return it to the Grievance Coordinator.

740.08 REMEDIES TO GRIEVANCES

1. Grievance remedies should be determined with the goal of appropriately resolving legitimate claims at the lowest level of review possible, considering each institution's particular operational, security and safety concerns.
2. Remedies available for grievances may include, but are not limited to, the following:
 - A. Appropriate measures to resolve unsafe or unsanitary conditions of confinement.
 - B. Appropriate measures to address the violation of an inmate's constitutional, civil or statutory rights.
 - C. Appropriate measures to protect inmates from criminal or prohibited acts committed by Departmental employees and staff or other inmates.

D. Appropriate measures to revise, clarify and implement written Departmental and institutional rules or procedures necessary to prevent further violations.

E. Appropriate measures to provide a disabled or physically impaired inmate with reasonable accommodation or reasonable modification.

F. Appropriate monetary reimbursement for property loss, damage, personal injury, tort, or civil rights claims arising out of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

3. When deemed appropriate by the staff person rendering a decision on a grievance, a proposed monetary remedy may be submitted to the Deputy Director of Support Services who may award monetary damages at any level of the Inmate Grievance. Once approved:

A. A Form DOC-3096, Administrative Claim Release Agreement, will be completed and submitted by the inmate on all monetary claims, except for personal property damage or loss.

B. A Form DOC-3027, Property Claim Release Agreement, will be completed and submitted by the inmate on all monetary claims for personal property damage or loss.

C. When property claims are settled informally at an institution, DOC 2027 Property Release Agreement will be completed.

4. Compensation for loss of personal property, property damage, personal injury or any other claim arising out of a tort shall not exceed five hundred (\$500.00).

740.09 ABUSE OF THE INMATE GRIEVANCE PROCEDURE

1. Inmates are encouraged to use the Grievance Procedure to resolve addressable claims where the inmate can define a specific loss or harm, however, they are prohibited from abusing the system by knowingly, willfully or maliciously filing frivolous or vexatious grievances, which are considered to be an abuse of the Inmate Grievance Procedure. Any of the below listed violations will result in the grievance being ~~rejected~~dismissed.

2. It is considered abuse of the inmate grievance procedure when an inmate files a grievance that contains, but is not limited to:

A. A threat of serious bodily injury to a specific individual.

B. Specific claims or incidents previously filed by the same inmate.

C. More than two (2) unfounded, frivolous or vexatious grievances per month. The third unfounded, frivolous or vexatious grievance in a 30 day period will result in a disciplinary action against the inmate for abuse of the grievance system. The date of the first unfounded grievance will be the beginning of the 30 day period. .

- D. Filing two (2) or more emergency grievances in a seven (7) day week period, Monday through Sunday which are deemed not to be emergencies, ~~shall~~will result in disciplinary action against the inmate for abuse of the grievance system. A notice of charge will be generated by the Warden or designee for abuse of the emergency grievance process.
 - E. Obscene, profane, and derogatory language.
 - F. Contains more than one (1) appropriate issue, per grievance.
 - G. The claim or requested remedy changes or is modified from one level to another.
3. If an inmate files a grievance as listed in (2), the assigned caseworker shall:
- A. Return a copy of the improper grievance to the inmate and Form DOC-3098, Improper Grievance Memorandum, noting the specific violation.
 - B. Give the original to the inmate.
 - C. Return a copy to the Grievance Coordinator for inclusion in the inmate's grievance file.
 - D. If the inmate grievance alleges a threat to the safety and/or security of the institution, the grievance will be entered regardless of the content.
4. The inmate shall **not** be given additional time to re-submit the grievance in the proper form.
- A. The inmate's failure to re-submit the grievance in the proper form and **within the prescribed time frame** shall constitute abandonment.
 - B. If the timeframe has been exhausted prior to the inmate receiving Form DOC- 3098, the inmate has five (5) calendar days from the date it receives the form ~~was received to to~~ re-submit.
5. An inmate who satisfies the criteria contained in 740.09 Section 2 above should:
- A. Be brought to the attention of the Grievance Coordinator as soon as possible.
 - B. The Grievance Coordinator should review all documentation supporting the alleged abuse to determine if abuse has occurred and forward a written recommendation to the Warden.
 - ~~C. The Warden should review and, if warranted, forward to the DDs with a recommendation that a Notice of Charges be issued.~~
 - ~~D.C. If the recommendation is approved the Warden can assign the appropriate level supervisor or administrator to Only the DDs can write a Notice of Charges on the inmate, if they determine an abuse of the grievance process.~~

E.D. _____ The supervisor or administratorDDs will forward the Notice of Charges to the Warden for processing through the inmate disciplinary process.

F.E. _____ A conduct violation of this nature is not a form of retaliation.

F. An inmate may not be disciplined for filing a grievance related to alleged sexual abuse unless the Department has demonstrated that the inmate filed the grievance in bad faith.

G. NDOC will not respond to an improper grievance that results in a DOC-3098 under AR 740.

740.10 EMERGENCY GRIEVANCE PROCEDURE

1. An Emergency Grievance (Form DOC-1564) received by any staff member shall be immediately delivered to the shift supervisor no later than is reasonable and necessary to prevent serious injury or a breach of security.

2. Any emergency grievance alleging that an inmate is subject to substantial risk of imminent sexual abuse shall be immediately forwarded to the highest ranking staff member on duty so that corrective action may be taken immediately which may include moving the inmate to administrative segregation for protective custody.

A. The inmate shall receive a response to the emergency grievance within 24 hours, with a final facility decision about whether the inmate is in substantial risk of imminent sexual abuse within two (2) regular work calendar days.

B. The initial response, final decision and the action taken in response to the emergency grievance will be documented. Action taken can include, but is not ~~be~~ limited to:

- (1) Refer the information to the Inspector General's Office;
- (2) Afford the inmate appropriate medical, mental health care; and
- (3) Address any safety considerations.

2. The shift supervisor may confer with the on duty medical staff, Warden or Associate Warden and, if necessary, the DDs, to determine whether the grievance constitutes an emergency.

3. The highest-ranking staff member on duty, with the aid of an authorized Department official, shall immediately take any corrective measures necessary to prevent a substantial risk of injury or breach of security.

4. The Department official receiving the Emergency Grievance should respond to the filing inmate no later than is necessary to prevent serious injury or a breach of security.

5. In the event the inmate requests further review of a claim not deemed an emergency, the inmate may file a grievance appeal commencing at the Informal Level.

6. A copy of the emergency grievance will be forwarded to the Grievance Coordinator for entry into ~~OITS~~/NOTIS for processing and tracking purposes.

740.11 INMATE TRANSFERS

1. Inmates transferred to another institution pending the resolution of a filed grievance shall have the grievance completed at the sending institution at all levels.

A. The receiving institution is responsible for logging in and tracking the grievance through ~~the~~ ~~OITS~~/NOTIS.

B. All responses and correspondence shall be conducted via first class mail to the Grievance Coordinator at the receiving institution.

2. Timeframes do not apply if the inmate has been transferred. Grievances shall be processed as soon as practicable and timeframes shall be adhered to as closely as possible

3. If an inmate's sentence expires ~~his sentence~~ or leaves the Department on parole, the grievance will be finalized on the current level. No further appeal may occur.

A. It is the responsibility of the inmate to provide a forwarding address during the release process in order to receive a grievance response.

APPLICABILITY

1. This regulation requires an operational procedure for each institution and facility.

2. This regulation requires an audit using the attached checklist form as a guide.

REFERENCES

ACA Standards, 4th Edition and 2008 Supplement, 4-4105, 4-4276, 4-4284, 4-4344, 4-4394, 4-4429, 4-4429-1

ATTACHMENTS

DOC Form 3065, Inmate Grievance Audit Questions

James Dzurenda, Director

Date

INMATE GRIEVANCE AUDIT QUESTIONS

1. Are there existing locked boxes throughout the institution that are accessible to all inmates?
2. Who has access to the keys to these boxes?
3. Is this procedure available to inmates in the institution?
4. Are the grievances being responded to by the appropriate party at each level?
5. Are grievances responded to within the time frame allowed?
6. Are grievance files maintained separately and in alphabetical order?
7. Are all threats of abuse, harassment or misconduct referred to the IG's office?

A. Does the inmate receive a response to this effect?

8. Are grievance responses addressing the issue of complaint in a thorough manner in order to resolve each grievance at the lowest level?

9. Is form DOC-3098 being utilized properly when an inmate is not complying with the AR?

| 10. Are all informal grievances being entered into the NOTISOFIS?

11. How are pending grievances being followed up on when an inmate transfers to another institution?

| 12. Is an audit performed at the institution with- any frequency to determine outstanding grievances?

13. Do grievances regarding property claims contain all the necessary paperwork? Are legitimate claims resolved in a timely manner?

14. Were emergency grievances handled in an expeditious, professional manner?

15. Are grievance files maintained at the institution according to policy?

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
817**

COMMUNITY RE-ENTRY PROGRAM

Supersedes: AR 817 (06/17/12); (Temporary, 05/01/13); 10/15/13; (Temporary, 07/10/17)
Effective Date: 08/15/17

AUTHORITY

NRS 209.131; 209.4871-209.4889

PURPOSE

To provide assessment-driven, evidence based and best practice programming and employment skills to inmates prior to release from incarceration. These services are designed to prepare and promote an inmate's successful integration into the community, reduce recidivism and reduce victimization.

RESPONSIBILITY

The Director has the overall all responsibility for the administration of regulations.

The Deputy Director of Programs or designee is responsible for the administration of the Department's Re-Entry Programs, to include managing, approving and monitoring all program elements.

The Wardens and/or designated Associate Wardens (AW) of Programs are responsible for operational implementation of Re-Entry Program(s) at each respective facility.

The Community Re-Entry Coordinator/Program Officer III is responsible for the daily operation of the Community Re-Entry Program, including direct staff supervision, coordination with community partners, delivery of re-entry programming, and quarterly reporting.

The Community Re-Entry Program staff is responsible to apply all provisions of this regulation and AR 801 to all programming.

817.01 IN-CUSTODY COMMUNITY RE-ENTRY PROGRAM

- A. The community re-entry program is specific programming, with case management provided by the Re-Entry under Programs. NDOC's philosophy is that all programming and activities begins at Intake when the inmate is processed into the NDOC. The

Community Re-Entry Program is specific to enrollment into a program by the Program Officers assigned to the respective facilities.

- B.** The re-entry process is a sequence of events beginning with an assessment of the inmate's needs, the inmate's commitment to the program, and continues until he or she has successfully completed the community re-entry program, is withdrawn from the program, or is discharged (into the community, transitional housing, and/or parole/probation).
1. During the intake process, the Warden and/or designated Associate Warden is responsible to ensure appropriate intake processes are completed including, but not limited to:
 - a. General intake procedures for identification of inmate, search, property and identification.
 - b. The Nevada Risk Assessment System (NRAS) shall be completed by the Mental Health Unit upon entry, to identify program needs, including but not limited to mental health, substance use or community re-entry.
 - c. Medical and mental health evaluation.
 - d. Prison Intake Tool/Questionnaire is completed and updated in NOTIS.
 2. The Community Re-Entry staff will ensure checklists are provided to the Intake Staff for Orientation, which includes a checklist of mandatory criteria to be eligible for transitional housing, and/or a Community Re-Entry program.
 3. An inmate will progress through custody levels based on behavior and program needs. Every effort will be made to identify inmates from the lowest possible security level by the Unit Correctional Casework Specialist during eligibility screening for Community Re-Entry Programs.
 4. Re-Entry Program Officers will review the information provided by the correctional case worker to determine formal eligibility and potential enrollment for community re-entry programming, as defined by the Operation Procedure for Re-Entry.
 5. NDOC will strive to provide inmates with a re-entry program designed to successfully transition the inmate back into society through planning and training with the primary goal of reducing recidivism.
 6. Inmates are only eligible for Re-Entry and employment programs when inmate(s) are within a minimum of 3 (three) months and a maximum of 24 months of probable or earliest release date.
 7. The Warden, Associate Warden, Caseworker, in conjunction with the Offender Management Division (OMD), will ensure that no inmate who has been assigned to a space for any re-entry program, to include community re-entry or substance abuse, will be transferred to camp or another program.

8. Re-Entry staff will collect and prepare data, including, but not limited to, the information listed in AR 817.01.5, for monthly reports to the State Wide Re-Entry Coordinator. That data will be compiled, analyzed and forwarded to the Management Analyst IV, the Associate Warden of Programs at each facility, and the Deputy Director of Programs.
- C. Correctional Casework Specialists (CCS), Prison Intake Staff, and Program Officers (PO) will accomplish the following:
1. The CCS will document in NOTIS whether or not an inmate has access to their Birth Certificate, Social Security Card, or Nevada state identification at intake. All efforts by CCS's or identified staff to obtain these documents at intake shall be documented in NOTIS.
 2. Upon development of case plan, CCS shall determine potential eligibility for Social Security Disability Income (SSDI) benefits. Community Re-Entry Program Officers will submit SSDI applications for those inmates in a community re-entry program, while the CCS shall submit the SSDI applications for inmates not enrolled in a community re-entry program. Applications should be submitted prior to six months of expected release date.
 3. Any incoming documents or records for inmates from an outside party shall be referred to the Records Department. The Records Department shall be responsible to update NOTIS of any birth certificates, social security cards or identification received and placed in the inmates file.
 4. Mental Health staff are responsible to ensure that the NRAS is complete and updated in NOTIS for all inmates. Only Mental Health or Substance Abuse clinicians are permitted to adjust any NRAS score, after an additional assessment by the clinician.
 5. Upon assignment, the CCS or Warden's designee at facilities without a re-entry Program Officer, shall review for:
 - a) Assignment to an education program where available to help obtain their GED or High School Diploma
 - b) Assigned to appropriate mental health, substance use, or program available at the institution or facility.
 - c) Submit forms to obtain birth certificate and social security cards, if required.
 - d) Develop re-entry plans for release and discharge of the inmate into the community.

D. Community Reentry Staff duties, include, but are not limited to, preparation, documentation and collection of the following information for inmates in the re-entry program:

1. Verify and determine eligibility for the Community Re-Entry Program based on the NRAS;
2. Develop personalized program plans to include compliance with the mandatory checklist of criteria.
3. Provide evidence-based programming classes for key domains to include, but not limited to, employment, social support, substance use, as well as criminal attitudes and behavior patterns that focus on life skills, resource, and personal development as defined by the operational procedure for re-entry programming;
4. Refer inmates to programs to assist inmates upon release or whose sentence expires to include housing, education, mental/behavioral health, and/or community programming.
6. Identify community support/resources for inmate Re-entry and reintegration;
7. Develop and distribute a comprehensive statewide community resource informational guide;
8. Assist inmates enrolled in the community re-entry program with obtaining an identification card by reviewing and working with the inmate to apply for a social security card (*if no alias was used*), once the inmate has provided a certified birth certificate as required for identification.
8. Enter program participation progress notes and pertinent information in NOTIS, including, but not limited to 1) attendance in every class; 2) completion of class activities; and 3) reasons for withdrawal of all inmates.
9. Accept referrals, as appropriate, from mental health or substance use upon the documentation that inmate(s) are compliant with treatment, and stable.

E. PROGRAM AVAILABILITY

1. Inmates shall be advised, during the orientation process, of the availability of programs, and the criteria to apply for consideration.
2. Inmates not enrolled in educational programs, due to lack of classroom space or space availability, will be placed on a waiting list based on PED and Assessment.

3. Veteran housing unit program will be based on availability, probable expiration or parole date, NRAS score, with honorable discharged veterans, as confirmed by the DD-214, ranked higher on the placement list.
4. The availability of additional programs and program changes shall be announced to participants by unit staff and posted throughout the unit.
5. Annual target goals for program improvement shall be established based on the results of program performance. Program performance shall include educational, vocation, student certificate and/or enrollment and completion of programs.
6. The OP will include which programs are deemed eligible for the Veteran population, as identified by the Program Review Committee and approved the Deputy Director of Programs.
7. Community Re-Entry Program staff shall maintain a caseload of 120 per Program Officer.

817.02 MONTHLY PROGRAM REPORTS

1. Re-entry staff shall provide monthly activity reports to the State Wide Re-entry Coordinator and his/her Administrative Assistant, who will forward the information to the Deputy Director including, but not limited to, an analysis of the number of participants, number of completions year (for each class) to date, and number of hours each class or program was provided using the form identified by the Community Re-Entry Coordinator, and approved by the Deputy Director of Program.
2. Re-entry staff will be responsible to meet program goals and expectations to include: case load reports; classes held; and metrics as defined by the State Wide Re-entry Coordinator.

817.03 DESIGNATED RE-ENTRY UNITS

1. The NDOC has established re-entry units at Southern Desert Correctional Center, Florence McClure Women's Correctional Center, High Desert State Prison, Warm Springs Correctional Center, Northern Nevada Correctional Center, Northern Nevada Restitution Center and Casa Grande Transitional Housing. Services are also available to inmates at Three Lakes Valley Conservation Camp and trainee's at Three Lakes Valley Boot Camp.
2. Re-Entry has established relationships with Lovelock Correctional Center, Ely State Prison and all their respective Conservation Camps and will provide support where needed to provide re-entry services to their inmate populations. The Warden will designate a re-entry coordinator in their facility to monitor and administer re-entry programming, if available.
3. The expansion of Re-Entry programs to any institution shall be approved by the Deputy Director of Programs.

4. Defined re-entry units, such as substance abuse, veterans housing, or other specialty re-entry programs will be required to provide monthly reports to include: number of participants; eligibility determinations; demographics; PED; evidence-based programs completed; in addition to other metrics as defined by the Deputy Director of Programs.

APPLICABILITY

1. This AR requires an Operational Procedure at each Institution/Facility.
2. This AR does not require an audit.
3. This AR requires compliance with the programming approved for re-entry with the Operational Programming guide, approved by the Deputy Director of Programs.

REFERENCES: 4-4464 through 4-4480

James Dzurenda, Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
817

COMMUNITY RE-ENTRY PROGRAM

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PURPOSE

To provide assessment-driven, evidence based and best practice programming and employment skills to inmates prior to release from incarceration. These services are designed to prepare and promote an inmate's successful integration into the community, reduce recidivism and reduce victimization.

RESPONSIBILITY

The Director has the overall all responsibility for the administration of regulations.

The designated-Deputy Director of Programs or designee is responsible for the administration of the Department's Re-Entry Programs, to include managing, approving and monitoring all program elements.
facets of the Departmental's Re-Entry Program.

The Wardens and/or designated Associate Wardens (AW) of Programs are responsible for operational implementation of managing the Re-Entry Program(s) at each respective facility.

The Community Re-Entry Administrator/Coordinator/Program Officer III will report directly to the designated Deputy Director. The position will is be responsible for the daily operation of the Community Re-Entry Program, including direct staff supervision, coordination with community partners, delivery of re-entry programming, and quarterly reporting, within all institutions of the Nevada Department of Corrections.

The Community Re-Entry Program staff is responsible to apply all provisions of this regulation and AR 801 to all programming.

817.01 IN-CUSTODY COMMUNITY RE-ENTRY PROGRAM

- A. The community re-entry program is specific programming, with case management provided by the Re-Entry under Programs. While NDOC's ~~works on the~~ philosophy is that all programming and activities begins at Intake when the inmate/offender is processed into the NDOC when the offender enters the doors. ~~te~~ The Community Re-Entry Program is specific to enrollment into a program by the Program Officers assigned to the respective facilities.
- B. The re-entry process is a sequence of events beginning with an assessment of the inmate's needs, the inmate's commitment to the program, and continues until he or she has successfully completed the community re-entry program, is withdrawn from the program, or is discharged (into the community, transitional housing, and/or parole/probation).
1. During the intake process, the Warden and/or designated Associate Warden is responsible to ensure appropriate intake processes are completed including, but not limited to:
 - a. General intake procedures for identification of inmate, search, property and identification.
 - b. The Nevada Risk Assessment System (NRAS) shall be completed by the Mental Health Unit upon entry, to identify program needs, including but not limited to mental health, substance use or community re-entry.
 - c. Medical and mental health evaluation.
 - d. Prison Intake Tool/Questionnaire is completed and updated in NOTIS.
 2. The Community Re-Entry staff will ensure checklists are provided to the Intake Staff for Orientation, which includes a checklist of mandatory criteria to be eligible for transitional housing, and/or a Community Re-Entry program.
 3. An inmate will progress through custody levels based on behavior and program needs. Every effort will be made to identify inmates from the lowest possible security level by the Unit Correctional Casework Specialist during eligibility screening for Community Re-Entry Programs.
 4. Re-Entry Program Officers will review the information provided by the correctional case worker to determine formal eligibility and potential enrollment for community re-entry programming, as defined by the Operation Procedure for Re-Entry.

5. ~~4.~~ NDOC will strive to provide inmate offenders with a re-entry program designed to successfully transition the inmate back into society through planning and training ~~for the inmates' transition to the community~~ with the primary goal of reducing recidivism.
6. Inmates are only eligible for Re-Entry and employment programs when inmate(s) are within a minimum of 183 (three) months and a maximum of 24 months of probable or earliest release date.
7. The Warden, Associate Warden, Caseworker, in conjunction with the Offender Management Division (OMD), will ensure that no inmate who has been assigned to a space for any re-entry program, to include community re-entry or substance abuse, will be transferred to camp or another program.
8. ~~3.~~ Re-Entry staff will collect and prepare data, including, but not limited to, the information listed in AR 817.01.5, for monthly reports to the State Wide Re-Entry Coordinator. That data will be compiled, analyzed and forwarded to the Management Analyst IV, the Associate Warden of Programs at each facility, and the late Warden of each institution, as well as to the Director and Deputy Directors of Programs.

C. Correctional Casework Specialists (CCS), Prison Intake Staff, and Program Officers (PO) will accomplish the following:

1. ~~A.~~ The CCS will document in NOTIS whether or not an inmate has access to their attempt to obtain an inmate's Birth Certificate, and Replacement Social Security Card, or Nevada state identification at intake. All efforts by CCS's or Re-Entry PO's or identified staff to obtain these documents at intake shall be documented in NOTIS.
2. Upon development of case plan, CCS shall determine potential eligibility for Social Security Disability Income (SSDI) benefits. Community Re-Entry Program Officers will submit SSDI applications for those inmates in a community re-entry program, while the CCS shall submit the SSDI applications for inmates not enrolled in a community re-entry program. Applications should be submitted prior to six months of expected release date.
3. Any incoming inmate documents or records for inmates from an outside party shall be referred to the Records Department. The Records Department shall be responsible to update NOTIS of any birth certificates, social security cards or identification received and placed in the inmates file.
4. Mental Health staff are responsible to ensure that the NRAS is complete and updated in NOTIS for all inmates. Only Mental Health or Substance Abuse clinicians are permitted to adjust any NRAS score, after an additional assessment by the clinician.

~~— B. Identify offenders within 18 to 24 months of projected expiration date (PED).~~

5. ~~C. B.~~ Upon assignment, the CCS or Warden's designee, at facilities without a re-entry Program Officer, shall review for will assist with programs such as:

~~(1) life skills~~

~~(2) risk and needs assessments~~

~~(3) job readiness~~

~~(4) housing assistance~~

~~(5) vocational training~~

a) Assignment to and education program where available to help obtain their GED or High School Diploma

b) Assigned to appropriate mental health, substance use, or program available at the institution or facility.

~~(6)~~

c) Submit forms to obtain their birth certificate and social security cards, if required.

d) Develop re-entry plans for release and discharge of the inmate into the community.

~~(7)~~

~~(8) File paperwork to apply for Social Security Disability benefits~~

D. 5. Community Reentry Staff duties, include, but are not limited to, include the preparation, documentation or and collection of the following information for inmates in the re-entry program:

1. A. Verify and determine eligibility for the Community Re-Entry Program based on the NRAS approved Risk/Needs assessments of all offenders participating in the pre-release units;

2. Develop personalized program plans to include compliance with the mandatory checklist of criteria. B. Individual release and discharge planning for the offender to successfully transition into society.

— Provide C. evidence-based programming classes for key domains to include, but not limited to, employment, social support, substance use, as well as criminal attitudes and behavior patterns that focus on Life Skills, Resource, and Personal

development as defined by the operational procedure for re-entry programming;

3.

4.

~~D. Development and oversight Referra~~ inmates to of programs to assist inmate offenders upon release or whose sentence expires upon release to include housing, education, mental/behavioral health, and/or community programming.

6. ~~E. Enlist~~ Identify community support/resources ~~infor~~ inmate offender Re-entry and reintegration;

~~F. Assist in grant identification, writing, development, submission and tracking.~~

7. ~~G~~ Develop and distribute a comprehensive statewide community resource informational packetguide; and provide to facility pre release coordinator;

8. ~~H~~ Assist inmates enrolled in the community re-entry program ~~with~~ with obtaining an identification card by reviewing and working with the inmate to apply for aobtaining social security card (if no alias was used), once the inmate has provided a certified; birth certificate or other documents as as required for identification needed.

8. Enter program participation progress notes and pertinent information in NOTIS, including, but not limited to 1) attendance in every class; 2) completion of class activities; and 3) reasons for withdrawal of all inmates. ~~as required and ensure placement of authorized documents in inmate's I file;~~

9. Accept referrals, as appropriate, from mental health or substance use upon the documentation that inmate(s) are compliant with treatment, and stable.

~~9. Tracking program participation;~~

~~J. Any other items or materials identified as assisting the inmate with Re-entry services or placement.~~

E. PROGRAM AVAILABILTY

1. Inmates shall be advised, during the orientation process, of the availability of programs, and the criteria to apply for consideration.

2. Inmates not enrolled in educational programs, due to lack of classroom space or space availability, will be placed on a waiting list based on PED and Assessment.

3. Veteran housing unit program will be based on availability, probable expiration or parole date, NRAS score, with honorable discharged veterans, as confirmed by the DD-214, ranked higher on the placement list.
4. The availability of additional programs and program changes shall be announced to participants by unit staff and posted throughout the unit.
5. Annual target goals for program improvement shall be established based on the results of program performance. Program performance shall include educational, vocation, student certificate and/or enrollment and completion of programs.
6. The OP will include which programs are deemed eligible for the Veteran population, as identified by the Program Review Committee and approved the Deputy Director of Programs.
7. Community Re-Entry Program staff shall maintain a caseload of 120 per Program Officer.

817.02 MONTHLY PROGRAM REPORTS

1. ~~1.~~ Re-entry staff ~~will~~ shall provide monthly activity reports to the State Wide Re-entry Administrator Coordinator and his/her Administrative Assistant, who will forward the information to the Deputy Directors including, but not limited to, an analysis of the number of participants, number of completions year (for each class) to date, and number of hours each class or program was provided using the form identified by the Community Re-Entry Coordinator, and approved by the Deputy Director of Program. DOC Form 3505, Monthly Program Reports.
2. Re-entry staff will be responsible to meet program goals and expectations to include: case load reports; classes held; and metrics as defined by the State Wide Re-entry Coordinator.

817.03 DESIGNATED RE-ENTRY UNITS

1. The NDOC has established re-entry units at Southern Desert Correctional Center, Florence McClure Women's Correctional Center, High Desert State Prison, Warm Springs Correctional Center, Northern Nevada Correctional Center, Northern Nevada Restitution Center and Casa Grande Transitional Housing. Services are also available to inmates at Three Lakes Valley Conservation Camp and trainee's at Three Lakes Valley Boot Camp. ~~Re Entry also has Program Officers located at High Desert State Prison, Warm Springs Correctional Center and provides services to inmates at these facilities.~~
2. Re-Entry has established relationships with Lovelock Correctional Center, Ely State Prison and all their respective Conservation Camps and will provide ~~guidance, materials and~~

equipmentsupport where needed to provide re-entry services to their inmate populations. The Warden will designate a re-entry coordinator in their facility to monitor and administer re-entry programming, if available.

~~3. The staff, will visit the facilities without established re-entry units on a rotating basis. The service coordinated with the Administrative staff will maximize the use of time to provide services to the inmate population who meet the established criteria for re-entry services. While not a full time service these visits will set a foundation for future visits and re-entry assistance prior to the inmates release from custody.~~ 3. The expansion of Re-Entry programs to any institution shall be approved by the Deputy Director of Programs.

4. Defined re-entry units, such as substance abuse, veterans housing, or other specialty re-entry programs will be required to provide monthly reports to include: number of participants; eligibility determinations; demographics; PED; evidence-based programs completed; in addition to other metrics as defined by the Deputy Director of Programs.

APPLICABILITY

1. This AR requires an Operational Procedure at each Institution/Facility.
2. This AR does not requires an audit.
3. This AR requires compliance with the programming approved for re-entry with the Operational Programming guide, approved by the Deputy Director of Programs.

REFERENCES: 4-4464 through 4-4480

James G. Cox, James Dzurenda, Director

Date