

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
346**

NEPOTISM/FRATERNIZATION

Supersedes: AR 346 (Temporary, 04/18/10); 05/20/10; (Temporary, 02/13/17)
Effective Date: 03/07/17

AUTHORITY

NRS 281.210; NAC 284.375; NAC 284.377; NAC 284.374; NAC 284.0533; State of Nevada, Department of Administration Division of Human Resource Management Employee Handbook

PURPOSE

The purpose of this policy is to provide a productive and healthy work environment by prohibiting improper favoritism or undue influence that is based upon family or close personal relationships. It is also to ensure a uniform and equitable basis for employer/employee relations by ensuring that employees that have close personal relationships do not work in a program, section, or unit within close proximity of each other.

Its purpose is to prevent relationships from negatively influencing policy, operational procedures and the safety, security or morale of employees within the NDOC and to provide the fair and impartial supervision and evaluation of employees.

For purposes of this AR, relationships include, but are not limited to, an association with another individual by blood, adoption, foster arrangement, cohabitation, current or previous marriages (including in-laws, step-parent, step-children, etc.), or any other relationships which creates a conflict between the interests of the NDOC and individuals in a close personal relationship.

RESPONSIBILITY

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

The Human Resource Administrator shall be responsible for ensuring compliance and implementation with the regulation.

All staff shall be responsible to have knowledge of this regulation and to inform the Department of any such relationships described below.

346.01 APPOINTING RELATED PERSONS

1. An appointing authority shall not authorize the appointment of a person to a position, if upon appointment, the person will be the immediate supervisor, or will be in the direct line of authority, of:

- A. A spouse, child, parent or sibling of the person, including step-parents, step-children, etc.
- B. The spouse of a child, parent or sibling of the person.
- C. An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.
- D. A person with whom there is a dating relationship.

2. The Direct line of authority includes an employee's immediate supervisor, that supervisor's supervisor and each subsequent level of supervision through the employee's chain of command to the Director.

3. A supervisory relationship includes responsibility and accountability for assigning work, evaluating performance, hiring, disciplining, and training, as opposed to temporary or ad hoc employment situations caused by an emergency or a special project of limited duration.

4. A dating relationship is defined as an intimate association primarily characterized by the expectation of affectional or sexual involvement and is considered a close personal relationship.

5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate the provision of this regulation.

6. Due to the unique nature of the responsibility for the safety of all inmates and employees, Wardens and Associate Wardens are considered in the direct line of authority for all employees assigned to their respective facilities.

7. Pursuant to NRS 281.210(2)(c) it is not unlawful to hire the spouse of the warden or facility manager of the Department of Corrections. The NDOC policy is that the spouse of the warden of an institution or manager of facility will not be assigned to the same facility as the warden or manager of a facility, unless:

- A) Employed under the Medical Division, which reports directly to the Director; and/or
- B) Pursuant to 346.02.3(B)

346.02 PERSONS WHO BECOME RELATED AFTER APPOINTMENT

1. Should employees of the Department become related or involved in a dating relationship after appointment, the appointing authority shall ensure that, within 24-hours, or not later than the end of their next scheduled shift (AR 332) the employees do not continue to hold positions in

which one of the employees is the immediate supervisor, or in the direct line of authority of the other employee.

2. Employees who become related after they have been appointed to their positions as described in this regulation shall, within ten (10) working days after they become related or involved in a dating relationship:

A. Notify the appointing authority in writing of the relationship, by submitting form DOC 1109 (Disclosure of Employee Relationship – current employee) or DOC 1110 (Relationship Acknowledge Form – new hire).

B. Submit to the appointing authority a recommendation for action to be taken by the appointing authority to ensure that the employees do not continue to hold positions in which one of the employees is the immediate supervisor, or in the direct line of authority, of the other employee.

C. In determining the manner in which to comply with the provisions of this regulation, the appointing authority is not required to accept a recommendation as submitted.

3. An employee will not be assigned to any position where there would be a direct supervisory, management, or administrative relationship to any relative or employee with which one has a relationship as described in this regulation.

A. This regulation does not prevent an employee, as described, to be appointed to a position under the jurisdiction of another Warden, Associate Warden or Division Head, unless the appointment violates 346.01, Section 2.

B. The appointing authority may submit a request to waive 346.01, Section 6, for an employee/applicant in a county defined as a frontier county by the United States Census, with a limited employment base, which causes an undue hardship for recruitment. The eleven counties defined as frontier include: Churchill, Elko, Esmerelda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, and White Pine Counties. The appointing authority must develop a form and procedure for the request to go to the Director. Each request and supporting documentation must be submitted individually.

APPLICABILITY

1. This Administrative Regulation does not require an operational procedure.

2. This Administrative Regulation requires an audit.


James Dzurenda, Director

AR 346


Date

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Disclosure of Employee Relationship Form

To: _____ Date: _____
(Warden or Appointing Authority)

From: _____ Position: _____ Facility: _____

Per NRS 284.377, employees who become related after they have been appointed to their positions shall, within ten working days, of becoming related:

- a: Notify the appointing authority of the relationship and
- b: Submit to the appointing authority a recommendation for action to be taken to ensure that the employees do not continue to hold positions in which one of the employees is in the line of supervision of the other employee.

I, _____, would like to disclose that I have had a change in relationship status with the following NDOC employee(s):

<i>Name</i>	<i>Relationship</i>	<i>Job Title</i>	<i>Facility</i>

I would like to recommend the following action in order to avoid a conflict of interest and/or my being in the chain of command of my relative:

Employee Signature

Dist: Personnel File



Relationship Acknowledgment Form

CLASSIFIED EMPLOYMENT RESTRICTIONS: NEPOTISM

NRS 281.210 prohibits the appointment of closely related individuals to positions in which one employee is in the line of supervision over another employee. This regulation also applies to current employees who are appointed to different positions through promotion, transfer, voluntary demotion or any other type of appointment. In addition this applies to employees who become related to each other, such as through marriage.

This prohibition applies to the following relationships:

Spouse	Grandparent/Grandchild
Child or spouse of child	Cousin
Parent	Aunt/Uncle
Sibling	Niece/Nephew

Employees who become related after they have been appointed to their positions shall within ten working days of becoming related:

- a: Notify the appointing authority of the relationship and
- b: Submit to the appointing authority a recommendation for action to be taken to ensure that the employees do not continue to hold positions in which one of the employees is in the line of supervision of the other employee.

Please check one of the following as it applies to this position:

- I am not related to anyone working for the Nevada Department of Corrections.
- I am related to the following employee(s) at the Nevada Department of Corrections:

<i>Name</i>	<i>Relationship</i>	<i>Job Title</i>	<i>Facility</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I have read and understand the above restriction as they apply to nepotism in the State of Nevada Classified Service. I certify that the above information is true and complete. I understand that if I provide false information I may be subject to the penalty provisions of NRS 284.430.

Signature	Print Name	Date
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DOC 1110 (1-17)