

**COLORADO RIVER
COMMISSION
(CRSNV)**

**COLORADO RIVER COMMISSION OF NEVADA
POLICY STATEMENT
ON
SEXUAL HARASSMENT AND DISCRIMINATION POLICY**

PURPOSE

This policy aligns with the entire State of Nevada Executive Branch Sexual Harassment and Discrimination Policy dated April 18, 2018 (Policy).

"The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal."

AUTHORITY & REFERENCES

Executive Order 2019-01 signed and dated by the Governor on January 7, 2019.
NAC 284.496 Classes and training concerning prevention of sexual harassment.
Title VII of the Federal Civil Rights Act of 1964, and NAC 284.496.

SCOPE

This policy applies to all employees working under the authority of or within the Colorado River Commission of Nevada.

Effective: 3/1/19
Revision: N/A

POLICY

Governor appointed Commissioners and all employees when first appointed or hired, will read the current policy and complete the acknowledgement form within 30 days of their appointment or hiring. Each year, thereafter, each Commissioner and employee of the CRCNV, will review the policy and complete the acknowledgment form on an annual basis.

All new employees will complete the mandatory training requirements for Sexual Harassment Prevention within the first 6 months of State employment and every 2 years after successful completion through a course offered online (NVeLearn.)

RESPONSIBILITY

A. EMPLOYEE

All employees are to have the completed forms signed by their supervisor and given to the Office manager annually.

B. MANAGERS AND SUPERVISOR

Ensure that all employees that directly report to assigned groups has successfully completed and complied with this policy.

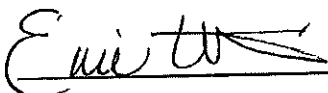
POLICY COMMUNICATION

This policy will be communicated to all employees and an employee should ask for clarification as needed.

POLICY EXCEPTION

None.

This policy is not a substitute for relevant law or regulation nor does it establish rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the policy and law of the State of Nevada, Title VII of the Federal Civil Rights Act of 1964, and NAC 284.496.



Deputy Executive Director

3-11-19

Date

State of Nevada Executive Branch

SEXUAL HARASSMENT AND DISCRIMINATION POLICY

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations¹ or compensation or wages² in any term, condition or privilege of employment are violations of State and/or federal law.

I. PURPOSE

The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal.

II. COVERAGE

This Policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this Policy within their agencies.

¹ AB 229 (2017); AB 227 (2017).

² NRS 618.330.

III. RESPONSIBILITY

- A. Sexual harassment and discrimination, whether committed by a supervisor, coworker, or member of the public is specifically prohibited as unlawful and against State policy. Appointing authorities are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the appointing authority becomes aware of the conduct.
- B. Appointing authorities must ensure that each employee is provided with a copy of this Policy informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the Policy through a signed statement.
- C. All new employees, officers, appointees, board members and volunteers in the executive branch shall attend sexual harassment prevention training within six months of their appointment. Thereafter, employees are required to complete sexual harassment prevention refresher training once every two years.
- D. Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter.
- E. Appointing authorities shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
- F. Appointing authorities shall designate employees within each agency to act as coordinators for the reporting of complaints of sexual harassment or discrimination and will notify employees and the Sexual Harassment/Discrimination Investigation Unit of the coordinator's name and contact information.
- G. Supervisors shall have a complete understanding of this Policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates may be subject to discipline. Supervisors are responsible for ensuring their employees have received training as outlined in this Policy.

- H. It is the responsibility of appointing authorities to make sure their agencies are in full compliance with this Policy and associated legal guidelines.

IV. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- A. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
- B. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual(s).
- C. Employees are responsible for cooperating in the investigation of any complaint of alleged sexual harassment or discrimination. Employees are additionally responsible for cooperating with the efforts of their agency, division, board or commission to prevent and eliminate sexual harassment and discrimination and for maintaining a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for disciplinary action.

V. LEGAL DEFINITIONS AND GUIDELINES

- A. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first-time offenders.

- B. As used in Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or

2. Submission to or the rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment. 29 C.F.R. § 1604.11.
- C. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Acts of 1964, the Americans with Disabilities Act of 2008, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008, NRS 631.330, NRS 281.370, and numerous sections of Chapter 284 of the NRS which address the State's Personnel System.
- D. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations, or compensation or wages.
- E. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms or conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

VI. PROCEDURE

A. Employee

1. Employees who believe they have been subjected to or witnessed sexual harassment or discrimination are encouraged to advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee shall report the incident to their supervisor or next level authority, or the employee may elect to report the incident as set forth below. Employees will be asked to complete a complaint form.

2. Employees may report incidents of sexual harassment or discrimination (a) to the coordinator within their agency designated to receive such complaints, or (b) by filing a complaint in NEATS on the Home Page, under Personal Tasks, "File a Sexual Harassment or Discrimination Complaint," or (c) by completing an NPD-30 Sexual Harassment or Discrimination Complaint Form located on the Division of Human Resource Management website, or (d) by calling the Division of Human Resource Management's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney or labor representative or to report the incident to the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.
3. Employees should give the completed complaint form and any supporting documentation to the coordinator designated within their agency to receive such complaints or to the assigned investigator(s).

B. Appointing Authorities

1. After receiving notification of an employee's complaint, the appointing authority shall promptly notify the agency's assigned personnel, Deputy Attorney General or staff counsel assigned to represent the agency pursuant to State Administrative Manual § 1702 (legal counsel) and the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit. The agency coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The coordinator will forward a copy of the completed intake report to the agency's legal counsel and the Sexual Harassment/Discrimination Investigation Unit, along with any supporting documentation. The agency coordinator may also submit the complaint via NEATS.
2. The investigator will begin the investigation as soon as witnesses are available.
3. Investigations will be conducted as discreetly and with as little disruption to the workplace as possible. All information gathered in an investigation will be kept confidential, and

the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.

4. The investigator will prepare a written report of findings, which will be submitted to the appointing authority, the agency's legal counsel, and the agency's chief personnel officer. The ultimate decision for remedial action is the responsibility of the appointing authority; however, the investigative staff may suggest mediation services, if appropriate.
5. After the investigation has been completed, the appointing authority will review the findings and recommendations and determine the appropriate resolution of the case. If warranted, the agency, after consultation with their legal counsel, may take disciplinary action up to and including termination. The agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
6. At the conclusion of the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit's investigation, the Division of Human Resource Management will notify the complainant in writing that the investigation was completed and forwarded to their agency for review. The agency, in consultation with their assigned legal counsel, shall notify both the complainant and the accused in writing at the conclusion of their administrative review. A copy of the Notification letter that is sent to the complainant and/or accused must be sent to the Sexual Harassment/Discrimination Investigation Unit for its files. Additionally, the agency shall take whatever corrective action it deems appropriate following consultation with its legal counsel. Corrective action that involves discipline of the accused is confidential pursuant to NAC 284.718 and must not be disclosed except as authorized pursuant to NAC 284.726.

C. Complaint Submitted Through the Hotline

1. When an employee transmits a complaint of sexual harassment or discrimination through the State hotline, the Sexual Harassment/Discrimination Investigation Unit will complete the initial intake report and/or submit the complaint in NEATS.

2. The agency coordinator will be notified of the complaint via NEATS.
3. The investigation will then proceed as described for complaints submitted to appointing authorities (see Item VI-B).

STATE CONTROLLER

CATHERINE BYRNE, CPA
Controller

STATE OF NEVADA

LORI HOOVER, CPA
Chief Deputy Controller



**OFFICE OF THE
STATE CONTROLLER**

MEMORANDUM

DATE: March 1, 2019
TO: The Honorable Aaron Ford, Attorney General
FROM: The Honorable Catherine Byrne, Controller *CB*

Pursuant to Executive Order 2019-01, establishing the Governor's Task Force on Sexual Harassment and Discrimination Law and Policy, the Nevada State Controller's Office (SCO) is submitting this report on SCO's policies, procedures, and training protocol.

SCO's policies comply with the Executive Branch Sexual Harassment and Discrimination Policy. SCO tracks employees' trainings and notifies employees when trainings are due to be completed. The training employees receive is a course in Sexual Harassment Prevention accessible through NVeLearn system. All SCO employees are current with the required Sexual Harassment Prevention and Equal Employment Opportunity for Managers and Supervisor.

State Capitol
101 N. Carson Street, Suite 5
Carson City, Nevada 89701-4786
(775) 684-5750
Fax (775) 684-5696

www.controller.nv.gov

Grant Sawyer State Office Building
555 E. Washington Avenue, Suite 4300
Las Vegas, Nevada 89101-1071
(702) 486-3895
Fax (702) 486-3896

**DEPT. OF
CONSERVATION AND
NATURAL RESOURCES
(DCNR)**

BRADLEY CROWELL
Director

Division of Environmental Protection
Division of Water Resources
Division of Forestry
Division of State Parks
Division of State Lands

STEVE SISOLAK
Governor



JAMES R. LAWRENCE
DOMINIQUE ETCHEGOYHEN
Deputy Directors

State Historic Preservation Office
Nevada Natural Heritage Program
Conservation Districts Program
Sagebrush Ecosystem Program
Off-Highway Vehicles Program

Office of the Director
901 S. Stewart Street, Suite 1003/Carson City, Nevada 89701
Phone: 775.684.2700/Fax: 775.684.2715
www.dcnr.nv.gov

Nevada Department of Conservation and Natural Resources

February 28, 2018

Attorney General Aaron Ford
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

RE: Executive Order 2019-01, Establishing the Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Attorney General Ford,

The Nevada Department of Conservation and Natural Resources (NDCNR) submits this report in response to Section 1 of Governor Sisolak's January 7, 2019, Executive Order 2019-01 (EO 2019-1), Establishing the Governor's Task Force on Sexual Harassment and Discrimination Law and Policy. In accordance with EO 2019-1, NDCNR has reviewed its policies, procedures, orientation and training protocol for compliance with the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy, as revised on April 18, 2018. As requested, following is a report regarding the NDCNR's policies, procedures, and training protocol.

Background

The NDCNR is composed of the following seven divisions:

- Nevada Division of Environmental Protection (NDEP)
- Nevada Division of Forestry (NDF)
- Nevada Division of State Lands (NDSL)
- Nevada Division of State Parks (NDSP)
- Nevada Division of Water Resources (NDWR)
- Nevada Office of Historic Preservation (NSHPO)
- Nevada Natural Heritage Program (NNHP)

The NDCNR Director's Office also manages three statutory programs:

- Nevada Conservation Districts Program (NCDP),
- Nevada Off-Highway Vehicles Program (NOHVP)
- Nevada Sagebrush Ecosystem Program (NSEP)

The NDCNR statutorily houses the following twelve boards, commissions, committees, and councils:

- Board for Financing Water Projects
- Board to Review Claims
- State Lands Board of Review
- Well Driller's Advisory Board
- Commission for Cultural Centers and Historic Preservation
- Commission on Off-Highway Vehicles
- Comstock Historic District Commission
- State Conservation Commission,
- State Environmental Commission
- Sagebrush Ecosystem Council
- Nevada Land Use Planning Advisory Council
- Executive Council of the Land Use Planning Advisory Council

Policies and Procedures

NDCNR has implemented and is operating under the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy, revised April 18, 2018. The Nevada Division of Human Resource Management (DHRM) distributed the revised policy to all Executive Branch agencies on April 20, 2018. The NDCNR Director's Office distributed the new policy the same day with instructions to all Department leadership for dissemination and compliance by all supervisors and employees. NDCNR also began immediately obtaining employee acknowledgements of the revised policy, and placing updated sexual harassment and discrimination posters in work locations that could be easily viewed by NDCNR employees throughout their places of work.

NDCNR's Prohibitions and Penalties, a guide for NDCNR employees, has been approved by the State Personnel Commission, and expressly addresses sexual harassment and discrimination in the following sections:

- A. FRAUD IN SECURING APPOINTMENT OR FAILURE TO SIGN REQUIRED HIRING DOCUMENTS
 - 3. Upon hire, refusal to sign the Acknowledgement of Receipt of the Governor's Policy against Sexual Harassment and Discrimination, or any other required document.
- I. OTHER ACTS OF MISCONDUCT OR INCOMPATIBILITY
 - 5. Engaging in sexual harassment as defined in NAC 284, the Governor's policy, or departmental policy against another employee, a client, or any other person in the workplace.

Orientation Protocol

NDCNR's hiring and orientation process ensures that all new NDCNR employees, officers, appointees, board members, and volunteers are provided with a copy of the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy, as revised April 18, 2018, informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All new NDCNR employees, officers, appointees, board members, and volunteers are required to sign a Sexual Harassment and Discrimination Policy Acknowledgement. The Acknowledgement is also signed by the employee's supervisor, and sent to DHRM's Central Records for placement in the official employee file.

In its review, NDCNR discovered some divisional inconsistencies. For instance, although all divisions use a Personnel Paperwork Checklist to ensure new hires and agency transfers receive all necessary paperwork, some of NDCNR's divisions use slightly different hiring checklists. To ensure consistency, NDCNR is reviewing all divisional checklists and developing a single master New Hire and Transfer Checklist to be used department-wide.

NDCNR also discovered that some divisions provided additional information, such as copies of DHRM's Preventing Sexual Harassment in the Workplace Employee Guide for State of Nevada Executive Branch Agencies, and DHRM's Employee Reference Guide, which provides information on the Employee Assistance Program, Employee Dispute Resolution Mediation Program, Employee Dispute Resolution Grievance and Appeal Procedure, Nevada Equal Rights Commission, U.S. Equal Employment Opportunity Commission, and Equal Employment Opportunity Office. Both guides include important and helpful information; therefore, NDCNR will be providing both guides to all new employees, officers, appointees, board members, and volunteers.

Training Protocol

NDCNR's managers and supervisors ensure that all NDCNR employees complete their mandatory 6-month and two-year Sexual Harassment Prevention training courses. In an effort to track sexual harassment training for every employee, each division maintains its own excel spreadsheet(s) to document the date on which the sexual harassment training was most recently completed, and the date on which the next sexual harassment training is due. This is a very time intensive manual process. Through the Silver State Modernization Approach for Resources and Technology in the 21st Century (SMART 21), NDCNR recommends developing an automated process that: (1) sends reminders to employees of their upcoming/past due training requirements; and (2) sends training reports to supervisors. Automated reminders would create a much needed statewide efficiency and would help ensure training compliance.

Hiring Matrices

NRS 613.330(1)(a) states that it is unlawful to, “. . . discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.” NDCNR is careful not to discriminate against any person, so much so that it has

worked hard to prevent perpetuating any form of discrimination that might have existed before an employee was hired by the State. For instance, when hiring employees and making accelerated hire requests, NDCNR does not rely exclusively upon a previous employer's compensation practice, as such practice could unintentionally result in the State perpetuating a discriminatory compensation practice by a previous employer. Rather, NDCNR updated its accelerated hiring practices by developing accelerated hire matrices based solely on education and relevant experience. The implementation of these hiring matrices has removed NDCNR's ability to make arbitrary and capricious salary decisions. By using matrices, NDCNR has set forth firm standards for each position that apply to every new hire based on education and work experience. As such, NDCNR has removed the ability, whether intentionally or unintentionally, to discriminate against any new hire with respect to compensation.

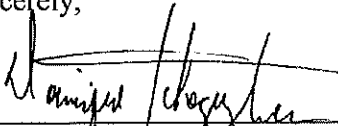
Personnel Officer

Lastly, but importantly, NDCNR has accomplished the above despite the lack of a department-wide Personnel Officer. NDCNR is the largest state agency without a dedicated, senior level position focusing on department-wide human resource and personnel issues. With over 1,000 employees (full time, part time, seasonal, and interns), officers, appointees, and volunteers, the lack of a department-wide Personnel Officer represents an ongoing challenge and increasing vulnerability with respect to NDCNR's ability to fully, effectively, and consistently implement critical policies such as Sexual Harassment and Discrimination, and other important State policies. As ever-changing human resource tasks, laws, rules, and regulations become more robust and complex, the lack of a Senior Personnel Office has proven increasingly challenging. In the meantime, these department-wide responsibilities have largely fallen on NDCNR's Deputy Director, who is not a human resources professional. NDCNR's lack of a Personnel Officer contrasts with other departments of similar size, and has resulted in inconsistencies across NDCNR's divisions and programs. NDCNR has previously requested a Personnel Officer 3, but the position ultimately has not been included in previous Administration budget requests to the Legislature.

NDCNR appreciates the attention of the Governor's office and Attorney General's office to ensure compliance and accountability of the State's updated Sexual Harassment and Discrimination Policy.

Please do not hesitate to contact me should you have any questions regarding information outlined in this letter or require any additional information specific to NDCNR's policies, procedures, and training protocol.

Sincerely,



Dominique M. Etchegoyhen, Deputy Director

**DEPT. OF
EMPLOYMENT,
TRAINING, AND
REHABILITATION
(DETR)**

Vicki J. Beavers

From: Brian W. Boughter <bwboughter@detr.nv.gov>
Sent: Thursday, February 28, 2019 2:04 PM
To: Jessica L. Adair
Cc: Dennis Perea; Tiffany Tyler-Garner
Subject: RE: Response requested: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Hello from DETR Jessica,

DETR is pleased to report that the Sexual Harassment and Discrimination Law and Policy distributed to all employees is the April 18, 2018 revision in compliance with Executive Order 2019-01.

Section 1 of the Executive Order - DETR's Anti-Discrimination and Sexual Harassment Prevention Policy and Procedures mirrors the state policy. All new and transfer-in DETR employee's attend the new hire orientation, where each employee is given a copy of the state and DETR policies and signatures of receipt are obtained for each. Also, included in the orientation is the document, "Discrimination is against the Law" and on that document, which also is signed, identifies the agency EEO Officer's contact information, (address, phone number and e-mail address) for anyone that needs to speak regarding any DETR concerns related to sexual harassment and/or discrimination.

State of Nevada SH Policy -- Section III -- Responsibility

- A. DETR takes immediate and corrective action on all complaints.
- B. New hire orientation issues both state and DETR policies and obtain signatures of receipt.
- C. All DETR employees attend SH prevention training within the first 6 months of employment.
- D. Supervisors attend the required additional training.
- E. In DETR policy to report SH and discrimination.
- F. All employees sign the receipt of "Discrimination is against the Law" with my information. DSHM knows to contact the agency EEO Officer when a complaint is received at the state level.
- G. DETR's Training Unit ensures compliance of training requirements.
- H. The Appointing Authority monitors compliance.

Best Wishes,
Brian Boughter
Personnel Officer III
DETR

From: Jessica L. Adair [mailto:JAdair@ag.nv.gov]
Sent: Tuesday, February 26, 2019 4:17 PM
To: Barbara Cegavske <bkccegske@sos.nv.gov>; Bradley Crowell <bcrowell@dcnr.nv.gov>; Brenda Nebesky <bnebesky@travelnevada.com>; Brian W. Boughter <bwboughter@detr.nv.gov>; Catherine Byrne <cbyrne@controller.state.nv.us>; Damon Haycock <dhaycock@peb.state.nv.us>; Deonne Contine <dcontine@admin.nv.gov>; Dzurenda, James <jedzurenda@doc.nv.gov>; Eric P. Witkoski <ewitkoski@crc.nv.gov>; George Togliatti <gtogliatti@dps.state.nv.us>; Jaime K. Black Esq. <jblack@gcb.nv.gov>; Jerri Williams-Conrad <jwilliams-conrad@agri.nv.gov>; Education Information <ndeinfo@doe.nv.gov>; Julie Butler <jbutler@dps.state.nv.us>; Kate Marshall <kmarshall@ltgov.nv.gov>; Katherine Miller <millerk@veterans.nv.gov>; Kristina Swallow <kswallow@dot.nv.gov>; Melanie Young <youngm@tax.state.nv.us>; Michael Brown <michael.brown@business.nv.gov>; Richard M. Perry <rmpperry@minerals.nv.gov>; Richard Whitley

<rwhitley@dhhs.nv.gov>; Sandra Douglass Morgan <smorgan@gcb.nv.gov>; Stephanie Mullen <stmullen@puc.nv.gov>; Susan Brown <SusanBrown@finance.nv.gov>; Thom Reilly <chancellor@nevada.edu>; Tiffany Tyler-Garner <TTGarner@nvdetr.org>; Tony Wasley <twasley@ndow.org>; William Burks, General <william.burks.1@ang.af.mil>; Zach Conine <zconine@nevadatreasurer.gov>

Subject: Response requested: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Hello,

Governor Sisolak's January 7, 2019 Executive Order 2019-1 established the Governor's Task Force on Sexual Harassment and Discrimination Law and Policy (Task Force). Governor Sisolak appointed the Attorney General as Chair of the Task Force, as well as 10 other members of the Task Force. The first Task Force meeting is scheduled for Friday, March 1, at 3 p.m.

In accordance with EO 2019-1, AG Ford is tasked with gathering information from Executive Branch agencies as follows:

SECTION 1 of EO 2019-1 states:

Before March 1, 2019, all agencies within the executive branch shall review their own policies and procedures, and orientation and training protocol for complying with State of Nevada Executive Branch Sexual Harassment and Discrimination Policy, as revised on April 18, 2018, and submit to the Attorney General or designee a report regarding such policies, procedures and training protocol.

To carry out his duties as Chair of the Task Force, **Attorney General Ford requests that all agencies in the Executive Branch comply with Governor Sisolak's EO 2019-1 by providing a report via email to the Attorney General's Office, c/o Chief of Staff Jessica Adair by this Friday, March 1.** Governor Sisolak's Executive Order 2019-1 and the Executive Branch Sexual Harassment and Discrimination Policy are attached for your information. If you have any questions, please don't hesitate to reach out.

Thank you,

Jessica Adair
Chief of Staff
Office of the Attorney General
jadair@ag.nv.gov
(775) 684-1133



EQUAL OPPORTUNITY IS THE LAW

It is against the law for the Department of Employment, Training and Rehabilitation, as a recipient of Federal financial assistance, to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the individual citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

What to do if you believe you have experienced discrimination:

If you think that you have been subjected to discrimination under a WIOA Title-I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's *Equal Opportunity Officer (Donna Romo)*; or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

For more information or to file a complaint contact:

Donna Romo
Equal Employment Opportunity Officer
Department of Employment, Training & Rehabilitation
2800 East St. Louis Avenue
Las Vegas, Nevada 89104
deromo@nvdetr.org
Phone (702) 486-6511 - Fax (702) 486-6426
TTY (800) 326-6868 or Nevada Relay 711

I have read the above and understand my rights.

Employee Signature

Date

PRINT or TYPE Employee Name

**EQUAL OPPORTUNITY EMPLOYER/PROGRAM
AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST
TO INDIVIDUALS WITH DISABILITIES**

State of Nevada Executive Branch

SEXUAL HARASSMENT AND DISCRIMINATION POLICY

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations¹ or compensation or wages² in any term, condition or privilege of employment are violations of State and/or federal law.

I. PURPOSE

The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal.

II. COVERAGE

This Policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this Policy within their agencies.

¹ AB 229 (2017); AB 227 (2017).

² NRS 613.330.

III. RESPONSIBILITY

- A. Sexual harassment and discrimination, whether committed by a supervisor, coworker, or member of the public is specifically prohibited as unlawful and against State policy. Appointing authorities are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the appointing authority becomes aware of the conduct.
- B. Appointing authorities must ensure that each employee is provided with a copy of this Policy informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the Policy through a signed statement.
- C. All new employees, officers, appointees, board members and volunteers in the executive branch shall attend sexual harassment prevention training within six months of their appointment. Thereafter, employees are required to complete sexual harassment prevention refresher training once every two years.
- D. Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter.
- E. Appointing authorities shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
- F. Appointing authorities shall designate employees within each agency to act as coordinators for the reporting of complaints of sexual harassment or discrimination and will notify employees and the Sexual Harassment/Discrimination Investigation Unit of the coordinator's name and contact information.
- G. Supervisors shall have a complete understanding of this Policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates may be subject to discipline. Supervisors are responsible for ensuring their employees have received training as outlined in this Policy.

- H. It is the responsibility of appointing authorities to make sure their agencies are in full compliance with this Policy and associated legal guidelines.

IV. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- A. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
- B. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual(s).
- C. Employees are responsible for cooperating in the investigation of any complaint of alleged sexual harassment or discrimination. Employees are additionally responsible for cooperating with the efforts of their agency, division, board or commission to prevent and eliminate sexual harassment and discrimination and for maintaining a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for disciplinary action.

V. LEGAL DEFINITIONS AND GUIDELINES

- A. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first-time offenders.

- B. As used in Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or

2. Submission to or the rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment. 29 C.F.R. § 1604.11.
- C. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Acts of 1964, the Americans with Disabilities Act of 2008, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008, NRS 631.330, NRS 281.370, and numerous sections of Chapter 284 of the NRS which address the State's Personnel System.
- D. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations, or compensation or wages.
- E. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms or conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

VI. PROCEDURE

A. Employee

1. Employees who believe they have been subjected to or witnessed sexual harassment or discrimination are encouraged to advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee shall report the incident to their supervisor or next level authority, or the employee may elect to report the incident as set forth below. Employees will be asked to complete a complaint form.

2. Employees may report incidents of sexual harassment or discrimination (a) to the coordinator within their agency designated to receive such complaints, or (b) by filing a complaint in NEATS on the Home Page, under Personal Tasks, "File a Sexual Harassment or Discrimination Complaint," or (c) by completing an NPD-30 Sexual Harassment or Discrimination Complaint Form located on the Division of Human Resource Management website, or (d) by calling the Division of Human Resource Management's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney or labor representative or to report the incident to the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.
3. Employees should give the completed complaint form and any supporting documentation to the coordinator designated within their agency to receive such complaints or to the assigned investigator(s).

B. Appointing Authorities

1. After receiving notification of an employee's complaint, the appointing authority shall promptly notify the agency's assigned personnel, Deputy Attorney General or staff counsel assigned to represent the agency pursuant to State Administrative Manual § 1702 (legal counsel) and the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit. The agency coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The coordinator will forward a copy of the completed intake report to the agency's legal counsel and the Sexual Harassment/Discrimination Investigation Unit, along with any supporting documentation. The agency coordinator may also submit the complaint via NEATS.
2. The investigator will begin the investigation as soon as witnesses are available.
3. Investigations will be conducted as discreetly and with as little disruption to the workplace as possible. All information gathered in an investigation will be kept confidential, and

the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.

4. The investigator will prepare a written report of findings, which will be submitted to the appointing authority, the agency's legal counsel, and the agency's chief personnel officer. The ultimate decision for remedial action is the responsibility of the appointing authority; however, the investigative staff may suggest mediation services, if appropriate.
5. After the investigation has been completed, the appointing authority will review the findings and recommendations and determine the appropriate resolution of the case. If warranted, the agency, after consultation with their legal counsel, may take disciplinary action up to and including termination. The agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
6. At the conclusion of the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit's investigation, the Division of Human Resource Management will notify the complainant in writing that the investigation was completed and forwarded to their agency for review. The agency, in consultation with their assigned legal counsel, shall notify both the complainant and the accused in writing at the conclusion of their administrative review. A copy of the Notification letter that is sent to the complainant and/or accused must be sent to the Sexual Harassment/Discrimination Investigation Unit for its files. Additionally, the agency shall take whatever corrective action it deems appropriate following consultation with its legal counsel. Corrective action that involves discipline of the accused is confidential pursuant to NAC 284.718 and must not be disclosed except as authorized pursuant to NAC 284.726.

C. Complaint Submitted Through the Hotline

1. When an employee transmits a complaint of sexual harassment or discrimination through the State hotline, the Sexual Harassment/Discrimination Investigation Unit will complete the initial intake report and/or submit the complaint in NEATS.

2. The agency coordinator will be notified of the complaint via NEATS.
3. The investigation will then proceed as described for complaints submitted to appointing authorities (*see* Item VI-B).

**DEPT. OF HEALTH &
HUMAN SERVICES
(DHHS)**



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIRECTOR'S OFFICE
4126 Technology Way, Suite 100
Carson City, Nevada 89706
Telephone (775) 684-4000 • Fax (775) 684-4010
<http://dhhs.nv.gov>

MEMORANDUM

DATE: March 1, 2019
TO: Jessica Adair, Chief of Staff, Office of the Attorney General
THROUGH: Richard Whitley, Director *RW*
FROM: Deborah A. Hassett, Deputy Director, Administrative Services *DAH*
RE: Compliance With Executive Order 2019-1

In accordance with section 1 of Executive Order 2019-1, please see the following reporting for the Department of Health and Human Services.

Policies

A review of the department policies indicated the most recent version of the Executive Branch Sexual Harassment and Discrimination Policy, revised April 18, 2018 was being provided to employees and available for review by employees on the office shared drives.

The following required advisory posters were found on display in the sampled employee break rooms: "Discrimination has No Place in the Workplace", "Equal Employment Opportunity is the Law", "Nevada Law Prohibits Discrimination", "Sexual Harassment Has No Place in the Workplace". (Attachment A)

Procedures and Training Protocol

A review of our divisions' procedures revealed upon hire all new employees, contractors and board members are provided with a copy of the Executive Branch Sexual Harassment and Discrimination Policy and acknowledge receipt and understanding of the policy through a signed statement. (Attachment B)

Employees, contractors and board members are provided a reference sheet outlining their training requirements and instructions for completing such, including Sexual Harassment & Discrimination Prevention and Introduction to Equal Employment Opportunity. (Attachment C)

Training transcripts are periodically reviewed by Human Resources staff and agency supervisors to ensure compliance with sexual harassment prevention training.

March 1, 2019
Page 2

Attached:

A – Advisory Posters

B - Executive Branch Sexual Harassment and Discrimination Policy and Acknowledgment

C – Training Reference Sheets

Attachment A

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETRIBUTION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately.

The Office of Federal Contract Compliance Programs (OFCCP), U.S.

Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.



a division of the Nevada Department of Employment,
Training and Rehabilitation

1820 East Sahara Avenue
Suite 314

Las Vegas, NV 89104

(702) 486-7161

1325 Corporate Blvd.

Room 115,

Reno, NV 89502

(775) 823-6690

Nevada Equal Rights Commission

NEVADA LAW PROHIBITS DISCRIMINATION

- Employers may not discriminate based on race, color, national origin, age (40+), sex (including pregnancy), religion, disability, sexual orientation, genetic information, or gender identity or expression.
- Housing discrimination is prohibited based on race, color, national origin, sex, religion, disability, ancestry, familial status, sexual orientation, or gender identity or expression.
- Businesses offering services to the public may not discriminate based on race, color, national origin, sex, religion, disability, sexual orientation or gender identity or expression.

Persons who believe they have been discriminated against in employment, public accommodation or housing, may file a complaint with the Nevada Equal Rights Commission.

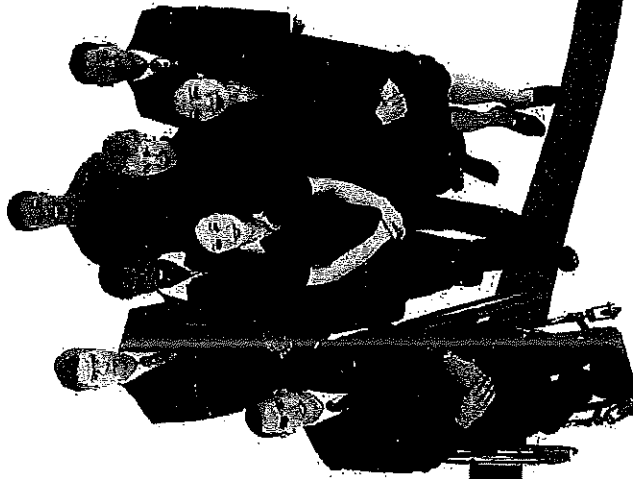
An equal opportunity employer/program

Auxiliary aids and services are available upon request for individuals with disabilities.

Relay 711 or 800.326.6868

Rev 12/14

www.nvdecr.org





**SEXUAL HARASSMENT HAS NO PLACE IN THE
WORKPLACE**

**The State of Nevada has ZERO tolerance for Sexual
Harassment in any form.**

**If you believe you have been subjected to or witnessed discrimination
based on Sexual Harassment, contact your agency coordinator:**

_____ at _____
Name Phone #
OR

**File an on-line complaint at: <https://neats.state.nv.us>
Sign-in, link can be found on your NEATS "Home Page".**

OR

**Call the Hotline
1-800-767-7381**

The State of Nevada is committed to promptly investigating all complaints of Sexual Harassment.

Attachment B

State of Nevada Executive Branch

SEXUAL HARASSMENT AND DISCRIMINATION POLICY

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations¹ or compensation or wages² in any term, condition or privilege of employment are violations of State and/or federal law.

I. PURPOSE

The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal.

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This Policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this Policy within their agencies.

¹ AB 229 (2017); AB 227 (2017).

² NRS 618.330.

III. RESPONSIBILITY

- A. Sexual harassment and discrimination, whether committed by a supervisor, coworker, or member of the public is specifically prohibited as unlawful and against State policy. Appointing authorities are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the appointing authority becomes aware of the conduct.
- B. Appointing authorities must ensure that each employee is provided with a copy of this Policy informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the Policy through a signed statement.
- C. All new employees, officers, appointees, board members and volunteers in the executive branch shall attend sexual harassment prevention training within six months of their appointment. Thereafter, employees are required to complete sexual harassment prevention refresher training once every two years.
- D. Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter.
- E. Appointing authorities shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
- F. Appointing authorities shall designate employees within each agency to act as coordinators for the reporting of complaints of sexual harassment or discrimination and will notify employees and the Sexual Harassment/Discrimination Investigation Unit of the coordinator's name and contact information.
- G. Supervisors shall have a complete understanding of this Policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates may be subject to discipline. Supervisors are responsible for ensuring their employees have received training as outlined in this Policy.

- H. It is the responsibility of appointing authorities to make sure their agencies are in full compliance with this Policy and associated legal guidelines.

IV. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- A. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
- B. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual(s).
- C. Employees are responsible for cooperating in the investigation of any complaint of alleged sexual harassment or discrimination. Employees are additionally responsible for cooperating with the efforts of their agency, division, board or commission to prevent and eliminate sexual harassment and discrimination and for maintaining a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for disciplinary action.

V. LEGAL DEFINITIONS AND GUIDELINES

- A. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first-time offenders.

- B. As used in Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or

2. Submission to or the rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment. 29 C.F.R. § 1604.11.
- C. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Acts of 1964, the Americans with Disabilities Act of 2008, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008, NRS 631.330, NRS 281.370, and numerous sections of Chapter 284 of the NRS which address the State's Personnel System.
- D. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations, or compensation or wages.
- E. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms or conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

VI. PROCEDURE

A. Employee

1. Employees who believe they have been subjected to or witnessed sexual harassment or discrimination are encouraged to advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee shall report the incident to their supervisor or next level authority, or the employee may elect to report the incident as set forth below. Employees will be asked to complete a complaint form.

2. Employees may report incidents of sexual harassment or discrimination (a) to the coordinator within their agency designated to receive such complaints, or (b) by filing a complaint in NEATS on the Home Page, under Personal Tasks, "File a Sexual Harassment or Discrimination Complaint," or (c) by completing an NPD-30 Sexual Harassment or Discrimination Complaint Form located on the Division of Human Resource Management website, or (d) by calling the Division of Human Resource Management's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney or labor representative or to report the incident to the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.
3. Employees should give the completed complaint form and any supporting documentation to the coordinator designated within their agency to receive such complaints or to the assigned investigator(s).

B. Appointing Authorities

1. After receiving notification of an employee's complaint, the appointing authority shall promptly notify the agency's assigned personnel, Deputy Attorney General or staff counsel assigned to represent the agency pursuant to State Administrative Manual § 1702 (legal counsel) and the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit. The agency coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The coordinator will forward a copy of the completed intake report to the agency's legal counsel and the Sexual Harassment/Discrimination Investigation Unit, along with any supporting documentation. The agency coordinator may also submit the complaint via NEATS.
2. The investigator will begin the investigation as soon as witnesses are available.
3. Investigations will be conducted as discreetly and with as little disruption to the workplace as possible. All information gathered in an investigation will be kept confidential, and

the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.

4. The investigator will prepare a written report of findings, which will be submitted to the appointing authority, the agency's legal counsel, and the agency's chief personnel officer. The ultimate decision for remedial action is the responsibility of the appointing authority; however, the investigative staff may suggest mediation services, if appropriate.
5. After the investigation has been completed, the appointing authority will review the findings and recommendations and determine the appropriate resolution of the case. If warranted, the agency, after consultation with their legal counsel, may take disciplinary action up to and including termination. The agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
6. At the conclusion of the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit's investigation, the Division of Human Resource Management will notify the complainant in writing that the investigation was completed and forwarded to their agency for review. The agency, in consultation with their assigned legal counsel, shall notify both the complainant and the accused in writing at the conclusion of their administrative review. A copy of the Notification letter that is sent to the complainant and/or accused must be sent to the Sexual Harassment/Discrimination Investigation Unit for its files. Additionally, the agency shall take whatever corrective action it deems appropriate following consultation with its legal counsel. Corrective action that involves discipline of the accused is confidential pursuant to NAC 284.718 and must not be disclosed except as authorized pursuant to NAC 284.726.

C. Complaint Submitted Through the Hotline

1. When an employee transmits a complaint of sexual harassment or discrimination through the State hotline, the Sexual Harassment/Discrimination Investigation Unit will complete the initial intake report and/or submit the complaint in NEATS.

2. The agency coordinator will be notified of the complaint via NEATS.
3. The investigation will then proceed as described for complaints submitted to appointing authorities (see Item VI-B).



STATE OF NEVADA
EXECUTIVE BRANCH
SEXUAL HARASSMENT & DISCRIMINATION
POLICY

SEXUAL HARASSMENT AND DISCRIMINATION
POLICY ACKNOWLEDGEMENT

EMPLOYEE NAME: _____

EMPLOYEE ID #: _____

DEPT/DIV/AGENCY/ORG #: _____

I have read and understand the *Sexual Harassment and Discrimination Policy* dated 4/18/18.

EMPLOYEE SIGNATURE: _____

DATE: _____

SUPERVISOR SIGNATURE: _____

DATE: _____

Attachment C

Training Requirements Checklist

Access

Once your name appears in the State Phone Directory you will have access to the trainings listed below.

State Phone Directory is located: <https://ned.nv.gov>

Nevada Information Security Awareness

All new employees are required to complete Department of Administration Enterprise IT Services (EITS) Information Security Awareness training available online through the Department of Personnel website. EITS maintains a database to confirm completion of this training.

The training is available at: <https://nvelearn.nv.gov/moodle/>

New Employee HIPAA and Confidentiality Awareness Training (DCFS)

All new DCFS employees are required to complete the Health Insurance Portability and Accountability Act (HIPAA) and Confidentiality Awareness training available online through the Department of Personnel website.

The training is available at: <https://nvelearn.nv.gov/moodle/>.

Enrollment Key: DCFSNEW

Defensive Driving

All new employees are required to complete the in person Defensive Driving course. Employees can enroll in this training through NEATS under the Training Tab.

Enroll in training: <https://neats.state.nv.us/NEATS/admin/home.aep>

Sexual Harassment

All new employees are required to complete the in person Sexual Harassment course. Employees can enroll in this training through NEATS under the Training tab.

Enroll in training: <https://neats.state.nv.us/NEATS/admin/Home.aep>

NEATS Personnel Actions for Employees

All new employees are required to complete the NEATS Personnel Actions course. NEATS Personnel Actions for Employees training is available online through the Department of Personnel website.

The training is available at: <https://nvelearn.nv.gov/moodle/>

Training Requirements Checklist (Temporary Contract, Volunteers & Interns)

Nevada Information Security Awareness

All Temporary Contract Employees and Interns are required to complete Department of Administration Enterprise IT Services (EITS) Information Security Awareness training available online through the Department of Personnel website. EITS maintains a database to confirm completion of this training.

The training is available at: <https://nvelearn.nv.gov/moodle/>

New Employee HIPAA and Confidentiality Awareness Training (DCFS)

All Temporary Contract Employees and Interns are required to complete the Health Insurance Portability and Accountability Act (HIPAA) and Confidentiality Awareness training available online through the Department of Personnel website.

The training is available at: <https://nvelearn.nv.gov/moodle/>.

Enrollment Key: DCFSNEW

Temporary contract employees are required to complete the Sexual Harassment Prevention Training within 6 months of their start date.

Sexual Harassment

All Temporary Contract Employees are required to complete the in person Sexual Harassment course. Employees can enroll in this training through NEATS under the Training tab.

Enroll in training: <https://neats.state.nv.us/NEATS/admin/Home.aep>

New Hire / Transfer-In Orientation Information – Division of Public & Behavioral Health

Find us on the DPBH Intranet Site click: Administrative Services then Human Resources or go

to: <http://pbhnet/Organizations/Admin/HR/SitePages/Home.aspx>

Division of Public & Behavioral Health - Human Resources: Central Office

4150 Technology Way, Suite 300, Carson City, NV 89706

Ph: (775) 684-5822

Fax: (775) 687-7587

Human Resources Staff

VACANT	Personnel Officer	(775)684-5972	@health.nv.gov
Logan Kuhlman	Personnel Analyst	(775)684-2207	logkuhlman@health.nv.gov
VACANT	Personnel Analyst	(775)687-7511	@health.nv.gov
Melissa Cronan	Personnel Technician	(775)684-5980	mcronan@health.nv.gov
Christina Argust	Personnel Technician	(775) 684-4216	cargust@health.nv.gov
Nanita Moore	Administrative Assistant	(775) 684-5822	nanitamoores@health.nv.gov
<input type="checkbox"/> Chelsea Langley	Accounting Assistant (Payroll Clerk)	(775) 684-4094	chlangley@health.nv.gov

Useful Links

Employee Handbook	http://hr.nv.gov/	
Policy Tech (For DPBH policies)	http://healthnv.policyletech.com/	
Nevada Employee Action & Timekeeping System (NEATS)	http://neats.state.nv.us/NEATS/admin/Home.aep	(775) 687-9099
EITS/HR Helpdesk (for NEATS help)	http://ifs.state.nv.us/	(775) 687-9099
DPBH IT Help Desk (for IT and phone help)	healthsupport@health.nv.gov	(775) 684-5906 or (702) 486-3699
Public Employees' Benefits Program (PEBP)	http://pebp.state.nv.us/	(800) 326-5496
Public Employees' Retirement System (PERS)	http://www.nvpers.org/	(775) 687-4200 or (702) 486-3900
Employee Assistance Program (EAP)	http://hr.nv.gov/	(888) 972-4732

Important Information/FAQ's

- Employees are paid bi-weekly, every second Friday.
- Direct deposit will take two pay periods to establish. Checks must not be cashed/deposited prior to designated payday.
- Health Insurance deductions can be split between your paychecks for the monthly premium. **if you do not enroll in the State PEBP program, you must notify Human Resources immediately.**
- Timesheets are completed using NEATS. New hires and transfers-in will not typically have access to NEATS until after the first two weeks worked. **New Hires need to contact the EITS/HR Helpdesk by phone (see above) to set up your User ID & Password the third Tuesday of employment;** transfers into the Division will need to check for access under your new budget account using your previous login information on your third Tuesday as well.

Mandatory Training

- Sexual Harassment & Discrimination Prevention** training must be taken by all State Employees every 2 years. New employees to the State must take the course within 6 months of hire, and can sign up through NEATS. Refresher courses may also be taken online from: <https://nvelearn.nv.gov/>
- Supervisors & Managers** are required to take supervisory classes per Nevada Administrative Code (NAC) 284.498 and as required by State Administrative Manual (SAM) - Risk Management. You can find more information on the DPBH Intranet (AdministrativeServices/HumanResources/SupervisorandManagerToolkit) or from the following link: <http://pbhnet/Organizations/Admin/HR/SitePages/Supervisor%20and%20Manager%20Toolkit.aspx>
- Information Security Awareness Training** - This course may be taken online from: <https://nvelearn.nv.gov/> and a refresher course must be taken annually.
- Defensive Driving** training is required by Risk Management for employees whose job functions require driving a state vehicle for state business. Refresher courses are required every 4 years.
- DPBH Health Information Portability & Accountability Act (HIPAA) & Confidentiality Training** - Required training may be found under Division of Public and Behavioral Health here: <https://nvelearn.nv.gov/> and must be taken within 30 days of your start with the Division, then every two years. You must send a copy of your certificates to Human Resources immediately upon completion and copy to your supervisor.

New Hire / Transfer-In Orientation Information - Division of Health Care Financing & Policy (DHCFP)

DHCFP Human Resources Staff (1100 E. William St. Suite 101, Carson City, NV 89706; Fax: (775) 684-3618):

Emily Kuhlman	Personnel Analyst	(775) 684-3688	emkuhlman@dhcftp.nv.gov
Nancy Ashe	Personnel Technician	(775) 684-3640	nancy.ashe@dhcftp.nv.gov
Anita Conley	Administrative Assistant	(775) 684-3675	aconley@dhcftp.nv.gov

DHCFP Payroll Staff -- Fiscal Services (1100 E. William St. Suite 116, Carson City, NV 89706)

Lezlie Mayville	Accounting Assistant	(775) 684-3616	lezlie.mayville@dhcftp.nv.gov
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Useful Links:

Employee Handbook	http://hr.nv.gov/	
Nevada Employee Action & Timekeeping System (NEATS)	https://neats.state.nv.us/NEATS/admin/Home.aep	(775) 687-9099
EITS-HR Help Desk (for NEATS help)	http://ifs.state.nv.us/	(775) 687-9099
DHCFP IT Help Desk (for IT and phone help)	DHCFPSupport@dhcftp.nv.gov	(775) 684-3743
Public Employees' Benefits Program (PEBP)	http://pebp.state.nv.us/	(775) 684-7000 or (800) 326-5496
Public Employees' Retirement System (PERS)	http://www.nvpers.org/	(775) 687-4200 or (702) 486-3900
Employee Assistance Program (EAP)	http://hr.nv.gov/	(888) 972-4732

Important Information:

- Employees are paid bi-weekly (every other Friday).
- Direct Deposit will take two pay periods to establish. Checks must not be cashed/deposited prior to the designated payday.
- Health Insurance deductions come out of the first paycheck of each month for that month's premium. **If you do not enroll in the State PEBP program, you must notify Human Resources immediately.**
- Timesheets are completed using NEATS and TimeTracker. New hires and transfers-in will not typically have access to NEATS until after the first pay period worked. **New Hires should contact the EITS-HR Help Desk by phone (see above) to set up their User ID & Password by Tuesday following the end of their first pay period; Transfers into the Division will need to check for access under their new budget account using their previous login information on the same Tuesday.** DHCFP Payroll staff can assist you with timesheet completion.

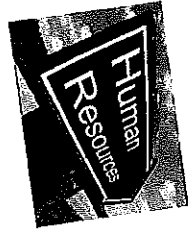
Mandatory Training (Please submit all completed training certificates to Human Resources):

Class & Authority	Required by:	Initial Available At:	Required within:	Refresher Available At:	Refresher Required:
Sexual Harassment and Discrimination Prevention (NAC 284.496)	All	NEATS OR NVElearn - State of Nevada Online Professional Development Center	6 months of Initial appointment	NVElearn - State of Nevada Online Professional Development Center	Every 2 years
DHCFP HIPAA Confidentiality	All	NVElearn - State of Nevada Online Professional Development Center	1 month of DHCFP appointment	NVElearn - State of Nevada Online Professional Development Center	Annually in October
DHCFP Civil Rights & Advance Directives	All	NVElearn - State of Nevada Online Professional Development Center	1 month of DHCFP appointment	NVElearn - State of Nevada Online Professional Development Center	Annually in October
Nevada Information Security Awareness (State PSP 100, Section 3.5 Security Awareness)	All	NVElearn - State of Nevada Online Professional Development Center	1 month of DHCFP appointment	NVElearn - State of Nevada Online Professional Development Center	Annually in October
Information Security: Phishing Awareness	As required by position	NVElearn - State of Nevada Online Professional Development Center	1 month of DHCFP appointment	NVElearn - State of Nevada Online Professional Development Center	Annually
Information Security: Social Networking	As required by position	NVElearn - State of Nevada Online Professional Development Center	1 month of DHCFP appointment	NVElearn - State of Nevada Online Professional Development Center	Annually
Defensive Driving (SAM 0521.0 -- Risk Management)	All whose job functions require driving a State vehicle for State business.	NEATS	First year of employment	NVElearn - State of Nevada Online Professional Development Center	Every 4 years

ADSD HR/Payroll Contact Sheet & Required Training List

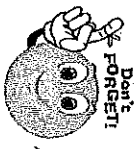
Northern Nevada
3416 Goni Rd., Bldg D-132, Carson City, NV 89706

Southern Nevada
1391 S. Jones Blvd., Las Vegas, NV 89416



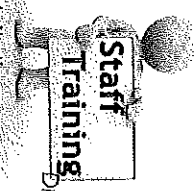
MaryJo Scott	North/South	Human Resources Officer	(702) 486-6516	maryjoscott@adscd.nv.gov
Vacant	North	Human Resources Analyst	(775) 687-0505	GinnyGentry@adscd.nv.gov
Gigi Gentry	North	Human Resources Analyst	(775) 687-7512	SuzanneWebb@adscd.nv.gov
Suzanne Webb	North	Human Resources Technician	(775) 687-0506	Elmhali@adscd.nv.gov
Elise Mihali	North	Human Resources Technician	(775) 687-4037	CMFoley@adscd.nv.gov
Carni Foley	North	Human Resources Admin Assistant	(775) 687-0502	emwager@adscd.nv.gov
Emily Wager	North	Payroll Technician	(775) 687-2488	emlopez@adscd.nv.gov
Esteban Lopez	North	Payroll Technician	(775) 687-2489	loaston@adscd.nv.gov
Lori Gaston	South	Human Resources Analyst	(702) 486-6139	karenrichardson@adscd.nv.gov
Karen Richardson	South/North	Human Resources Leave Specialist	(702) 486-5323	epeterson@adscd.nv.gov
Eddie Peterson	South	Human Resources Technician	(702) 486-6870	lascott@adscd.nv.gov
Tasha Scott	South	Human Resources Technician	(702) 486-9774	disbell@adscd.nv.gov
Devon Isbell	South	Human Resources Admin Assistant	(702) 486-5393	RobertHakes@adscd.nv.gov
Robert Hakes	South	Payroll Technician	(702) 486-0095	KatanaMartinez@adscd.nv.gov
Katana Martinez	South	Payroll Technician	(702) 486-7772	

Classes can be found on the nveleam website: nveleam.nv.gov/moodle/



Annual Security Awareness Training (only available from: <https://training.knowbe4.com/>)

- ADSD HIPAA Training
- ADSD Confidentiality Training
- ADSD Safety Management Plan Training
- ADSD TB/Bloodborne Pathogens Training
- ADSD Recognition and Reporting of Abuse, Neglect, Isolation and Exploitation
- ADSD Orientation to Voter Registration
- ADSD Participant Rights and Due Process Training
- ADSD Health and the Workplace Training
- ADSD Disaster Preparedness and Emergency Response Training
- ADSD Securing Division Offices and Facilities



Sexual Harassment & Discrimination Training – Revised every 2 years

- Due 12 months from date of hire:
 - Defensive Driving Course – Required for staff who have Driving as an essential function of their job – Revised every 4 years (initial class enrollment through NEATS: <https://neats.state.nv.us/>)
 - Additional Training Information:
 - Time Tracking Training – available on the Fiscal Services portion of ADSD SharePoint; send cert. to Fiscal Services
 - Workplace Violence & Prevention – Sign up in NEATS – Not required but recommended staff take

Supervisor & Manager Training (#s 1-6 due ASAP in order to gain timesheet approval access)

- Available through nveleam; NEATS; SCATS & CASAT:
1. Work Performance Standards;
 2. Evaluating Employee Performance;
 3. EEO;
 4. Alcohol & Drug Testing;
 5. Progressive Disciplinary Procedures;
 6. Handling Grievances;
 7. Basic Office Ergonomics;
 8. Workplace Evaluation and Management Tools;
 9. Accident Investigation;
 10. Workers Compensation Overview for Managers & Supervisors;
 11. Workplace Violence Recognition & Prevention;
 12. Defensive Driving Course;
 13. Signs and Symptoms of Substance Use, Gambling and Mental Health Issues – Recovery Friendly Workplace Training



New Hire / Transfer-In Orientation Information
Department of Health & Human Services – Director's Office
 4126 Technology Way, Suite 100, Carson City, NV 89706 Ph: (775)684-4000 Fax: (775)684-4010

Human Resources Staff

Deborah Hassett	Deputy Director Admin. Services	(775)684-7592	Dhassett@dhhs.nv.gov
Ashley Kopp	Management Analyst IV	(775)684-3471	akopp@dhhs.nv.gov
Tawny Chapman	Executive Assistant	(775)684-6860	Tawny.chapman@dhhs.nv.gov
Nate Brown	Accounting Assistant II	(775)684-4011	natbrown@dhhs.nv.gov

Useful Links

Employee handbook	http://hr.nv.gov/	
Nevada Employee Action & Timekeeping System (NEATS)	http://neats.state.nv.us/NEATS/admin/Home.aep	(775)687-9099
EITS/HR Helpdesk (for NEATS help)	http://ifs.state.nv.us	(775)687-9099
DPBH IT Helpdesk (for IT and phone help)	healthsupport@health.nv.gov	(702)486-3699 or (775)684-5906
Self-Service IT Website	http://dhhsisd101.dhhs-ad.state.nv.us/TrackItWebHD/selfservice/login	
Users can create, modify, cancel IT related work orders Users login with the same userID and password used to login to their computers		
Public Employees' Benefits Program (PEBP)	http://pebp.state.nv.us	(800)326-6496
Public Employees' Retirement System (PERS)	http://www.nvpers.org	(775)687-4200 or (702)486-3900
Employee Assistance Program (EAP)	http://hr.nv.gov	(888)972-4732
Access e-mail when out-of-office	https://mail.state.nv.us	

Important Information/FAQ's

- Employees are paid bi-weekly, every second Friday
- Direct deposit will take two pay periods to establish. Checks must not be cashed/deposited prior to the designated payday
- Health insurance deductions come out of the first paycheck of each month for that month's premium. If you do not enroll in the State PEBP program, you must notify Human Resources immediately.
- Timesheets are completed using NEATS. New hires and transfers-in will not typically have access to NEATS until after the first pay period worked. New hires should contact the EITS/HR Helpdesk by phone (see above) to set up their User ID & Password the Tuesday following the end of their first pay period; transfers into the Division will need to check for access under their new budget account using their previous login information on the same Tuesday.

Mandatory Training

- Sexual Harassment & Discrimination Prevention training must be taken by all State Employees every 2 years. New employees to the State must take the classroom course within 6 months of hire, and can sign up through NEATS. Refresher courses may be taken on line from: <https://nvelearn.nv.gov/>
- Information Security Awareness Training -- This course may be taken online from: <https://nvelearn.nv.gov/> and a refresher course must be taken annually.
- Defensive Driving training is required by Risk Management for employees whose job functions require driving a state vehicle for state business. Refresher courses are required every 4 years.
- DHHS -- DPBH HIPAA & Confidentiality Awareness -- Required training may be found at: <https://nvelearn.nv.gov> and must be taken within 60 days of your start with the Division, then every two years. You must send your certificate to Human Resources immediately upon completion and copy your supervisor.
- Supervisors & Managers are required to take supervisory classes per Nevada Administrative Code (NAC) 284.498 and as required by State Administrative Manual (SAM) -- Risk Management. You can access the courses at: <https://nvelearn.nv.gov> and click on Course Categories/State of Nevada Employees/Mandatory Training for Supervisors.

D

**STATE OF NEVADA EXECUTIVE BRANCH AGENCIES
MANDATORY TRAINING REQUIREMENTS**

The following courses are mandatory for either all or some employees.

Training Course	Required for			Frequency	Authority	Prerequisite	Online	Live	Provided by	Hours
	Employees	Supervisors/Managers	Other							
Nevada Information Security Awareness	X			Once a year	<u>State PSP 100, Section 3.5</u>		X		EITS	n/a
Sexual Harassment Prevention - New Employees	X			Within first 6 months of State employment	<u>NAC 284.496</u>			X	EEO	3
Sexual Harassment Prevention (Refresher)	X			Every 2 years after prerequisite	<u>NAC 284.496</u>	Sexual Harassment Prevention - New Employees	X		EEO	n/a
Introduction to Equal Employment Opportunity		X		Within 12 months of supervisory appointment	<u>NAC 284.498</u>		X		EEO	n/a
Equal Employment Opportunity		X		Every 3 years following prerequisite	<u>NAC 284.498</u>	Introduction to Equal Employment Opportunity		X	EEO	3
Alcohol & Drug Testing Procedures		X		Required within 12 months of supervisory appointment then every 3 years ¹	<u>NAC 284.498</u>		X		C&A	n/a

¹ An appointing authority may accept supervisory training classes taken by the employee during the 12 months immediately preceding the employee's appointment.

**DEPT. OF HUMAN
RESOURCE
MANAGEMENT
(DHRM
ADMINISTRATION)**

Vicki J. Beavers

From: Tawny Polito <tpolito@admin.nv.gov>
Sent: Monday, March 11, 2019 11:55 AM
To: Vicki J. Beavers; Jessica L. Adair
Cc: Deonne Contine
Subject: RE: Response requested: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Good afternoon,

The link is the requested policy. DOA does not have a policy specific to our agency – we use the State policy. http://hr.nv.gov/uploadedFiles/hrnv.gov/Content/Services/Governors_Policy_Against_Sexual_Harassment_and_Discrimination.pdf.

The attachment of which the 2nd to last page is an acknowledgement that all employees sign at their orientation (new hire and transfer-in).

Please let me know if you require anything further on this request.

Thank you,

Tawny Polito | Executive Assistant to the Director
Department of Administration
515 E. Musser Street, #300
Carson City, NV 89701
Direct: 775-684-0299
tpolito@admin.nv.gov

State of Nevada Executive Branch

SEXUAL HARASSMENT AND DISCRIMINATION POLICY

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations¹ or compensation or wages² in any term, condition or privilege of employment are violations of State and/or federal law.

I. PURPOSE

The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal.

II. COVERAGE

This Policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this Policy within their agencies.

¹ AB 229 (2017); AB 227 (2017).

² NRS 613.330.

III. RESPONSIBILITY

- A. Sexual harassment and discrimination, whether committed by a supervisor, coworker, or member of the public is specifically prohibited as unlawful and against State policy. Appointing authorities are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the appointing authority becomes aware of the conduct.
- B. Appointing authorities must ensure that each employee is provided with a copy of this Policy informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the Policy through a signed statement.
- C. All new employees, officers, appointees, board members and volunteers in the executive branch shall attend sexual harassment prevention training within six months of their appointment. Thereafter, employees are required to complete sexual harassment prevention refresher training once every two years.
- D. Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter.
- E. Appointing authorities shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
- F. Appointing authorities shall designate employees within each agency to act as coordinators for the reporting of complaints of sexual harassment or discrimination and will notify employees and the Sexual Harassment/Discrimination Investigation Unit of the coordinator's name and contact information.
- G. Supervisors shall have a complete understanding of this Policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates may be subject to discipline. Supervisors are responsible for ensuring their employees have received training as outlined in this Policy.

- H. It is the responsibility of appointing authorities to make sure their agencies are in full compliance with this Policy and associated legal guidelines.

IV. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- A. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
- B. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual(s).
- C. Employees are responsible for cooperating in the investigation of any complaint of alleged sexual harassment or discrimination. Employees are additionally responsible for cooperating with the efforts of their agency, division, board or commission to prevent and eliminate sexual harassment and discrimination and for maintaining a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for disciplinary action.

V. LEGAL DEFINITIONS AND GUIDELINES

- A. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first-time offenders.

- B. As used in Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or

2. Submission to or the rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.
29 C.F.R. § 1604.11.
- C. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Acts of 1964, the Americans with Disabilities Act of 2008, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008, NRS 631.330, NRS 281.370, and numerous sections of Chapter 284 of the NRS which address the State's Personnel System.
- D. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations, or compensation or wages.
- E. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms or conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

VI. PROCEDURE

A. Employee

1. Employees who believe they have been subjected to or witnessed sexual harassment or discrimination are encouraged to advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee shall report the incident to their supervisor or next level authority, or the employee may elect to report the incident as set forth below. Employees will be asked to complete a complaint form.

2. Employees may report incidents of sexual harassment or discrimination (a) to the coordinator within their agency designated to receive such complaints, or (b) by filing a complaint in NEATS on the Home Page, under Personal Tasks, "File a Sexual Harassment or Discrimination Complaint," or (c) by completing an NPD-30 Sexual Harassment or Discrimination Complaint Form located on the Division of Human Resource Management website, or (d) by calling the Division of Human Resource Management's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney or labor representative or to report the incident to the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.
3. Employees should give the completed complaint form and any supporting documentation to the coordinator designated within their agency to receive such complaints or to the assigned investigator(s).

B. Appointing Authorities

1. After receiving notification of an employee's complaint, the appointing authority shall promptly notify the agency's assigned personnel, Deputy Attorney General or staff counsel assigned to represent the agency pursuant to State Administrative Manual § 1702 (legal counsel) and the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit. The agency coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The coordinator will forward a copy of the completed intake report to the agency's legal counsel and the Sexual Harassment/Discrimination Investigation Unit, along with any supporting documentation. The agency coordinator may also submit the complaint via NEATS.
2. The investigator will begin the investigation as soon as witnesses are available.
3. Investigations will be conducted as discreetly and with as little disruption to the workplace as possible. All information gathered in an investigation will be kept confidential, and

the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.

4. The investigator will prepare a written report of findings, which will be submitted to the appointing authority, the agency's legal counsel, and the agency's chief personnel officer. The ultimate decision for remedial action is the responsibility of the appointing authority; however, the investigative staff may suggest mediation services, if appropriate.
5. After the investigation has been completed, the appointing authority will review the findings and recommendations and determine the appropriate resolution of the case. If warranted, the agency, after consultation with their legal counsel, may take disciplinary action up to and including termination. The agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
6. At the conclusion of the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit's investigation, the Division of Human Resource Management will notify the complainant in writing that the investigation was completed and forwarded to their agency for review. The agency, in consultation with their assigned legal counsel, shall notify both the complainant and the accused in writing at the conclusion of their administrative review. A copy of the Notification letter that is sent to the complainant and/or accused must be sent to the Sexual Harassment/Discrimination Investigation Unit for its files. Additionally, the agency shall take whatever corrective action it deems appropriate following consultation with its legal counsel. Corrective action that involves discipline of the accused is confidential pursuant to NAC 284.718 and must not be disclosed except as authorized pursuant to NAC 284.726.

C. Complaint Submitted Through the Hotline

1. When an employee transmits a complaint of sexual harassment or discrimination through the State hotline, the Sexual Harassment/Discrimination Investigation Unit will complete the initial intake report and/or submit the complaint in NEATS.

2. The agency coordinator will be notified of the complaint via NEATS.
3. The investigation will then proceed as described for complaints submitted to appointing authorities (see Item VI-B).

DEPT. OF TAXATION
(DOT)



STEVE SISOLAK
Governor
JAMES DEVOLLO
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

STATE OF NEVADA
DEPARTMENT OF TAXATION

Web Site: <https://tax.nv.gov>

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

State of Nevada
Department of Taxation
AGENCY RESPONSE TO EXECUTIVE ORDER 2019-01

In accordance with Governor Sisolak's Executive Order 2019-01 (Section 1), the Department of Taxation submits to the Attorney General a report regarding its policies and procedures, and orientation and training protocol for complying with State of Nevada Executive Branch Sexual Harassment and Discrimination Policy.¹

POLICIES AND PROCEDURES

The State of Nevada Executive Branch Sexual Harassment and Discrimination Policy dated 4/18/18 supersedes previous department policy. The document was forwarded to all department personnel in April 2018. Employees were required at that time to read the policy and sign an acknowledgement form. The forms have been retained on file.

ORIENTATION

The new hire orientation program administered by HR Services includes a review of the current Sexual Harassment and Discrimination Policy. Again, all Department employees are required to read the document and sign an acknowledgement form.

TRAINING PROTOCOL

In accordance with State policy, all new employees are required to attend sexual harassment prevention training within six months of their appointment. Employees are required to complete sexual harassment prevention refresher training once every two years thereafter.

Each quarter the Administrative Assistant III (Budget/Fiscal Services, Administrative Services Division) identifies any employee who is not current on their sexual harassment classes through a review of training records in the Human Resources Data Warehouse (HRDW). An email is sent to the respective supervisor in order to resolve the issue.

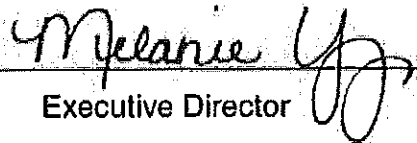
Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter. The Administrative Assistant III likewise monitors this training to ensure staff are in compliance with the requirement.

¹ As revised April 18, 2018

In accordance with State policy and training protocols, Department managers advise and encourage all employees to report any incidents of sexual harassment and discrimination.

COORDINATION OF COMPLAINTS

The Department has designated the Administrative Services Officer IV to act as coordinator for reporting complaints of sexual harassment or discrimination. Department employees and Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit are notified of the coordinator's name and contact information.


Executive Director

02/25/19
Date

**DEPT. OF PUBLIC
SAFETY
(DPS)**

Steve Sisolak
Governor



George Togliatti
Director

Human Resources

555 Wright Way
Carson City, Nevada 89701-0525
Telephone (775) 684-4694 • Fax (775) 684-4884

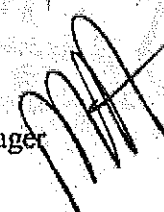
Memorandum

DATE: February 27, 2019

TO: Jessica Adair, Chief of Staff
Office of the Attorney General

FROM: Mavis Affo, Human Resource Manager
Department of Public Safety

SUBJECT: Report Regarding Sexual Harassment and Discrimination Policy/Procedures



Pursuant to Governor Sisolak's Executive Order 2019-1, the Department of Public Safety (DPS) submits this document to outline its policy and training procedures on sexual harassment and discrimination.

The DPS practices and training protocol are consistent with the State's policy against sexual harassment and discrimination. In addition, DPS has a policy against harassment and discrimination (please see attached), which is also enforced. During the employee orientations, new employees are given a copy of the State's policy for review and discussion. The employees are also required to sign and acknowledge receipt and understanding of the policy. The signed acknowledgement forms are maintained in the personnel files.

Pursuant to NAC 284.496, new employees are required to attend training in sexual harassment prevention within six months of their employment. All existing employees are required to attend a refresher training every two years. It is our practice to conduct ongoing review and monitoring and initiate additional training as deemed appropriate. Further, DPS plans to devote additional resources to educating and training its workforce for career growth and proactive measures. Sexual harassment and discrimination prevention training is one of our top priorities.

The sexual harassment posters are also displayed in open areas to ensure employees' awareness and compliance with the State's policy. New employees are also given copies of the posters as part of the orientation process, along with the contact information for the DPS Equal Employment Opportunity Officer.

Please contact me if you need additional information regarding this matter. I can be reached at 775-684-4703 or via email at maffo@dps.state.nv.us.

Thank you.

Discriminatory Harassment

316.1 PURPOSE AND SCOPE

This policy is intended to prevent Department members from being subjected to discrimination or sexual harassment.

316.2 POLICY

The Nevada Department of Public Safety is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DISCRIMINATION PROHIBITED

316.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or Department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to Department policy and to the Department's commitment to a discrimination free work environment.

316.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Nevada Department of Public Safety

Nevada Department of Public Safety Policy Manual

Discriminatory Harassment

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

316.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission or the Nevada Equal Rights Commission.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with State or Department rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

316.4 RESPONSIBILITIES

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Director of Public Safety, Human Resources Manager or the Governor.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Nevada Department of Public Safety

Nevada Department of Public Safety Policy Manual

Discriminatory Harassment

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

316.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Director of Public Safety or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

316.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any

Nevada Department of Public Safety

Nevada Department of Public Safety Policy Manual

Discriminatory Harassment

continuing abusive hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

316.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

Investigations regarding discriminatory harassment will be referred to the Department of Human Resource Management, EEO and Discrimination Investigation Unit.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Director of Public Safety, the Human Resources Manager or the Governor.

316.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

316.5.4 FOLLOW UP FOR REPORTING EMPLOYEE

Should it be determined that the reporting employee filed the complaint in good faith and/or through a mistake of fact, that employee may be counseled/trained.

316.5.5 FALSE REPORTING

Should it be determined that the reporting employee maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.

Nevada Department of Public Safety

Nevada Department of Public Safety Policy Manual

Discriminatory Harassment

316.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

316.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Director of Public Safety and the Department of Human Resource Management. The outcome of all reports by the EEO and Discrimination Investigation Unit shall be:

- (a) Provided to the Director of Public Safety, the Governor or the Human Resources Manager if more appropriate for findings and action, if appropriate.
- (b) Maintained for the period established in the Department's records retention schedule.

316.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members shall receive annual training on the requirements of this policy.

316.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Director of Public Safety, the Human Resources Manager or the Governor for further information, direction or clarification.

316.9 DISCRIMINATION OR SEXUAL HARASSMENT TRAINING

New employees will be provided a copy of this policy as part of the orientation process. Employees will receive initial training within the first year of employment. Thereafter, employees will receive regular supplemental training annually. Each employee who attends a training program is issued a completion form verifying the employee's attendance. The Department will file the completion form in the employee's personnel file.

Supervisors shall review this policy at least annually with their subordinates during the evaluation process.

DEPT. OF
EDUCATION
(DOE)

Vicki J. Beavers

From: Gabriel Hill <ghill@doe.nv.gov>
Sent: Monday, March 11, 2019 10:25 AM
To: Vicki J. Beavers
Cc: Jonathan P. Moore
Subject: RE: Response requested: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Good Morning,

I do apologize for the delay in getting back to you.

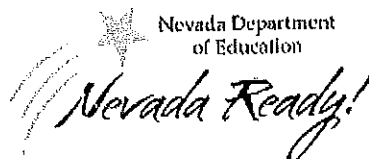
The Department of Education follows the Nevada Executive Branch Sexual Harassment Discrimination Policy. The April 18, 2018 State of Nevada Executive Branch Sexual Harassment and Discrimination Policy is provided to all employees at their orientation. The orientation is conducted by Agency HR Services within 3 business days of their start date with the agency. The attached policy has a Policy Acknowledgement form which the employee signs at orientation. This Acknowledgement is filed in the agency's personnel file which is stored in Agency HR Services' office (North and South respectively). All staff are provided with a list of all mandatory training classes for employees and supervisors at their orientation. The training requirements are identified in NRS 284.338 and NAC 284.496. All employees and supervisors are expected to adhere to these requirements. Training is available online and in-person.

If you do need more information, please be sure to let me know.

Best,

Gabriel Hill
Assistant to the Deputy Superintendent of Student Achievement
Nevada Department of Education
700 E. Fifth Street, Suite 100
Carson City, Nv 89701
E. ghill@doe.nv.gov
T. 775-687-9224
F. 775-687-9202

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From: Kelly Nicolls
Sent: Friday, March 8, 2019 3:31 PM
To: Gabriel Hill

State of Nevada Executive Branch

SEXUAL HARASSMENT AND DISCRIMINATION POLICY

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations¹ or compensation or wages² in any term, condition or privilege of employment are violations of State and/or federal law.

I. PURPOSE

The purpose of this Policy statement regarding sexual harassment and discrimination is to clearly express the position of the State of Nevada that all employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive.

Sexual harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal, written (including digital media, i.e., email, text or digital photos or graphics) or physical. No employee should experience discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Sexual harassment and discrimination are personally offensive, debilitate morale, and, therefore, interfere with work effectiveness. An employee who engages in discriminatory behavior, or behavior that constitutes sexual harassment, may be subject to disciplinary action up to and including dismissal.

II. COVERAGE

This Policy is intended to be applicable to all State employees, officers, appointees such as board members, and volunteers in the executive branch of government. All elected officers are encouraged to adopt this Policy within their agencies.

¹ AB 229 (2017); AB 227 (2017).

² NRS 613.330.

III. RESPONSIBILITY

- A. Sexual harassment and discrimination, whether committed by a supervisor, coworker, or member of the public is specifically prohibited as unlawful and against State policy. Appointing authorities are responsible for taking immediate and corrective action in response to complaints, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the appointing authority becomes aware of the conduct.
- B. Appointing authorities must ensure that each employee is provided with a copy of this Policy informing them that sexual harassment and discrimination are prohibited conduct and will not be tolerated or condoned. All employees will acknowledge receipt and understanding of the Policy through a signed statement.
- C. All new employees, officers, appointees, board members and volunteers in the executive branch shall attend sexual harassment prevention training within six months of their appointment. Thereafter, employees are required to complete sexual harassment prevention refresher training once every two years.
- D. Managers and supervisors are also required to attend additional training related to equal employment opportunity within 12 months of supervisory appointment and every three years thereafter.
- E. Appointing authorities shall advise all employees of their responsibility to report incidents of sexual harassment and discrimination.
- F. Appointing authorities shall designate employees within each agency to act as coordinators for the reporting of complaints of sexual harassment or discrimination and will notify employees and the Sexual Harassment/Discrimination Investigation Unit of the coordinator's name and contact information.
- G. Supervisors shall have a complete understanding of this Policy. Supervisors who willfully disregard incidents of sexual harassment or discrimination by subordinates may be subject to discipline. Supervisors are responsible for ensuring their employees have received training as outlined in this Policy.

- H. It is the responsibility of appointing authorities to make sure their agencies are in full compliance with this Policy and associated legal guidelines.

IV. STATE EMPLOYEES' RIGHTS AND RESPONSIBILITIES

- A. Employees are entitled to work in a workplace free of sexual harassment and discrimination.
- B. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual(s).
- C. Employees are responsible for cooperating in the investigation of any complaint of alleged sexual harassment or discrimination. Employees are additionally responsible for cooperating with the efforts of their agency, division, board or commission to prevent and eliminate sexual harassment and discrimination and for maintaining a working environment free from such unlawful conduct. Pursuant to NAC 284.650, failure to participate in any investigation of alleged discrimination, including without limitation, an investigation of sexual harassment is cause for disciplinary action.

V. LEGAL DEFINITIONS AND GUIDELINES

- A. NAC 284.771 specifies that sexual harassment violates the policy of this State and is a form of unlawful discrimination based on sex under State and federal law. An employee shall not engage in sexual harassment against another employee, an applicant for employment, or any other person in the workplace.

Sexual harassment is a very serious disciplinary infraction. An appointing authority may impose harsh disciplinary sanctions on persons who commit sexual harassment, even on first-time offenders.

- B. As used in Section 703 of Title VII of the Civil Rights Act of 1964, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or

2. Submission to or the rejection of such conduct by a person is used as the basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment. 29 C.F.R. § 1604.11.
- C. Equal opportunity with regard to the terms, conditions and privileges of employment is mandated under Title VII of the Civil Rights Acts of 1964, the Americans with Disabilities Act of 2008, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008, NRS 631.330, NRS 281.370, and numerous sections of Chapter 284 of the NRS which address the State's Personnel System.
- D. The State of Nevada is an equal opportunity employer and does not discriminate against job applicants or employees based on race, color, religion, sex, national origin, disability, age, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations, or compensation or wages.
- E. Federal law prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating such charges. Any employee making sexual harassment or discrimination complaints or assisting in the investigation of such a complaint will not be adversely affected in terms or conditions of employment, nor discriminated against, disciplined or discharged because of the complaint.

VI. PROCEDURE

A. Employee

1. Employees who believe they have been subjected to or witnessed sexual harassment or discrimination are encouraged to advise the person believed to have engaged in sexual harassment or discrimination that the conduct is unwelcome, undesirable or offensive. If the employee elects not to confront the alleged harasser or if the conduct persists after an objection, the employee shall report the incident to their supervisor or next level authority, or the employee may elect to report the incident as set forth below. Employees will be asked to complete a complaint form.

2. Employees may report incidents of sexual harassment or discrimination (a) to the coordinator within their agency designated to receive such complaints, or (b) by filing a complaint in NEATS on the Home Page, under Personal Tasks, "File a Sexual Harassment or Discrimination Complaint," or (c) by completing an NPD-30 Sexual Harassment or Discrimination Complaint Form located on the Division of Human Resource Management website, or (d) by calling the Division of Human Resource Management's Harassment/Discrimination Hotline at (800) 767-7381. Employees are always entitled to consult an attorney or labor representative or to report the incident to the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.
3. Employees should give the completed complaint form and any supporting documentation to the coordinator designated within their agency to receive such complaints or to the assigned investigator(s).

B. Appointing Authorities

1. After receiving notification of an employee's complaint, the appointing authority shall promptly notify the agency's assigned personnel, Deputy Attorney General or staff counsel assigned to represent the agency pursuant to State Administrative Manual § 1702 (legal counsel) and the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit. The agency coordinator will complete the complaint intake report and obtain a completed copy of the complaint form from the employee filing the complaint. The coordinator will forward a copy of the completed intake report to the agency's legal counsel and the Sexual Harassment/Discrimination Investigation Unit, along with any supporting documentation. The agency coordinator may also submit the complaint via NEATS.
2. The investigator will begin the investigation as soon as witnesses are available.
3. Investigations will be conducted as discreetly and with as little disruption to the workplace as possible. All information gathered in an investigation will be kept confidential, and

the confidential nature of the investigative process will be conveyed to the complainant, the accused and each witness.

4. The investigator will prepare a written report of findings, which will be submitted to the appointing authority, the agency's legal counsel, and the agency's chief personnel officer. The ultimate decision for remedial action is the responsibility of the appointing authority; however, the investigative staff may suggest mediation services, if appropriate.
5. After the investigation has been completed, the appointing authority will review the findings and recommendations and determine the appropriate resolution of the case. If warranted, the agency, after consultation with their legal counsel, may take disciplinary action up to and including termination. The agency shall retain a written record of the findings of the investigation and the resolution of the complaint as confidential records.
6. At the conclusion of the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit's investigation, the Division of Human Resource Management will notify the complainant in writing that the investigation was completed and forwarded to their agency for review. The agency, in consultation with their assigned legal counsel, shall notify both the complainant and the accused in writing at the conclusion of their administrative review. A copy of the Notification letter that is sent to the complainant and/or accused must be sent to the Sexual Harassment/Discrimination Investigation Unit for its files. Additionally, the agency shall take whatever corrective action it deems appropriate following consultation with its legal counsel. Corrective action that involves discipline of the accused is confidential pursuant to NAC 284.718 and must not be disclosed except as authorized pursuant to NAC 284.726.

C. Complaint Submitted Through the Hotline

1. When an employee transmits a complaint of sexual harassment or discrimination through the State hotline, the Sexual Harassment/Discrimination Investigation Unit will complete the initial intake report and/or submit the complaint in NEATS.

2. The agency coordinator will be notified of the complaint via NEATS.
3. The investigation will then proceed as described for complaints submitted to appointing authorities (see Item VI-B).

LT. GOVERNOR'S OFFICE

Kate Marshall
Lieutenant Governor



Courtney McKimney
Senior Policy Director

STATE OF NEVADA
OFFICE OF THE LIEUTENANT GOVERNOR

Non-Discrimination and Anti-Harassment Policy

(Revised March 2019)

CARSON CITY OFFICE
Lieutenant Governor
101 N. Carson Street, Suite 2
Carson City, Nevada 89701-4786
(775) 684-7111 Telephone

LAS VEGAS OFFICE
Lieutenant Governor
555 E. Washington Avenue, Suite 5500
Las Vegas, Nevada 89101-1074
(702) 486-2500 Telephone

Zero Tolerance Non-Discrimination Policy

Sexual harassment and discrimination based on race, color, national origin, religion, sex, age, disability, or sexual orientation in any term, condition or privilege of employment are violations of State and federal law.

Employees are entitled to work in a workplace free of sexual harassment and discrimination. Employees are responsible for ensuring they do not sexually harass or discriminate against any other employee, client, applicant for employment, or other individual with whom they have contact in the performance of their duties.

For more information, go to:

http://hr.nv.gov/Sections/EEO_Discrimination_Investigation_Unit/

Affirmative Action Plan

The LGO fully supports the Nevada Department of Personnel's Affirmative Action Plan, which can be viewed at: <http://hr.nv.gov/Resources/Publications/Publications/>

Americans with Disabilities Act

The LGO fully supports the Americans with Disabilities Act, including providing reasonable accommodations for those employees who may need assistance to carry out the functions of their job. To view the Americans with Disabilities Act in its entirety, go to:

<http://hr.nv.gov/Resources/Publications/Publications/>

Governor's Policy Against Sexual Harassment and Discrimination

All LGO employees shall comply with the Governor's Policy Against Sexual Harassment and Discrimination:

http://hr.nv.gov/Sections/EEO_Discrimination_Investigation_Unit/

Employees may file a complaint of sexual harassment/discrimination with the Division of Human Resource Management through NEATS (Nevada Employee Action and Timekeeping System).

Deputies are responsible for notifying the Chief of Staff within one day when a charge of discrimination has been filed. The Chief of Staff will in turn notify the agency's Deputy Attorney General.

These reports are confidential. Copies are not provided to the complainant, the accused, or to supervisory or management staff (see NAC 284.718 – NAC 284.726).

Grievance Procedures

The grievance procedure is available in NEATS (Nevada Employee Action and Time Keeping System) under the Employee Tab by clicking the >> symbol in the upper left-hand corner of the page and selecting the appropriate task. Instructions on how to use this service are posted on the NEATS Home Page under Reference and Information Links – Incident Reporting Instructions. There is also a Page Help function located in the upper right-hand corner of the page.

Only permanent employees in State classified service have access to the grievance procedure, as outlined in NAC 284.658 – NAC 284.697. A grievance must be filed within 10 working days after the date of the origin of the grievance or the date the employee learns of the problem. The parties to the grievance should make every effort to resolve the grievance through informal discussion within these 20 working days. Each employee who files a grievance is responsible for ensuring the grievance is filed in a timely manner, is filed with the appropriate party, and contains all required documentation. Grievances may be filed online through NEATS.

There are two steps (levels) in the grievance procedure: (1) Chief of Staff; (2) Assigned Agency Services Personnel Officer. The intention is for grievances to be resolved at the lowest possible level.

Per State Administrative Code, work time is not authorized for the preparation of a grievance.

Equal Employment Opportunity Office

The EEO Office has several roles and missions to assist State of Nevada employees:

- Provides advice and guidance to state agencies and state employees about EEO matters.
- Recommend and assist with the implementation of policies to create and maintain a work environment free of harassment and discrimination.
- Develop and deliver EEO/Affirmative Action (AA) training for employees, supervisors and management.
- Manages discrimination and harassment complaints through the Sexual Harassment/Discrimination Unit.
- Develops and administers the State Mediation Program.
- Conducts community outreach to market the State of Nevada as "The Employer of Choice" in support of the State's Affirmative Action initiatives.
- Provides oversight for the State's Affirmative Action Plan and reports.

For more information, go to: http://hr.nv.gov/Sections/EEO_Discrimination_Investigation_Unit/.

Mandatory Training

All state employees must successfully complete several courses offered by the Nevada Division Human Resource Management (DHRM). To view a list of those course requirements, go to <http://hr.nv.gov/Resources/Publications/Publications/>

And then click on the **MANDATORY TRAINING REQUIREMENTS FOR STATE OF NEVADA EMPLOYEES** link listed on the page. These courses are offer either in a classroom setting or on online by DHRM staff.

In addition, all supervisors must successfully complete six mandatory classes within six months of their start date. You must have a valid Nevada Employee Action and Timekeeping System (NEATS) account to register for classes. For more information about the Mandatory Supervisor Courses, go to http://hr.nv.gov/Sections/EmployeeManagement/OED/Mandatory_Supervisory_Courses/.

To register for online classes which you may work from your desk or Controller's Office Computer lab, go to <https://nvelearn.nv.gov/moodle/>

There are additional non-mandatory supervisor classes offered as well;
([http://hr.nv.gov/Sections/EmployeeManagement/OED/Basic Supervisory Courses/](http://hr.nv.gov/Sections/EmployeeManagement/OED/Basic_Supervisory_Courses/)).

Certain LGO employees may also be required to successfully pass additional training specific to their position. Your supervisor is responsible for informing you on these classes and ensuring you have completed that training within the prescribed timeframe.

The office's assigned Agency Services Personnel Officer documents all required training and provides employees and their supervisor with reminders when courses are due or when refresher courses need to be completed to stay current. Questions about required training should be addressed to the office's assigned Agency Services Personnel Officer.