

**DEPT. OF
AGRICULTURE
(NDA)**

Sexual Harassment and Discrimination Policy Report

March 1, 2019



Policy

1. The State of Nevada Executive Branch Sexual Harassment and Discrimination Policy is provided to all employees at their orientation, conducted by Agency HR Services. The orientation is conducted by Agency HR Services within 3 business days of their start date. Employees sign the Policy Acknowledgement form. The signed Policy Acknowledgement form is filed in the agency's personnel file which is stored in Agency HR Services' office.
2. Employees can access the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy via a link on our intranet site.
3. The NDA posts the State of Nevada and the USDA's mandatory Sexual Harassment and Discrimination postings in conspicuous locations throughout each office.
4. The NDA posts the name and phone number of our coordinator of Sexual Harassment and Discrimination complaints in conspicuous locations throughout each office.

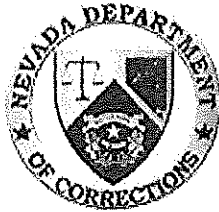
Training

1. Staff are provided with a list of all mandatory training classes for employees and supervisors at their orientation, conducted by Agency HR Services. 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.
2. Employees can access the list of all mandatory training classes via a link on our intranet site.
3. The NDA tracks staff training attendance and provides biannual reports to division administrators, who then coordinate with staff on which classes need to be taken.
4. The NDA includes language that requires staff to keep up to date on state required trainings, in their Work Performance Standards.

**DEPT. OF
CORRECTIONS
(NDOC)**

Northern Administration
5500 Snyder Ave.
Carson City, NV 89701
(775) 887-3285

Southern Administration
3955 W. Russell Rd.
Las Vegas, NV 89118
(702) 486-9906



**State of Nevada
Department of Corrections**

Steve Sisolak
Governor

James Dzurenda
Director

John Borrowman
*Deputy Director
Support Services*

MEMORANDUM

To: Jessica Adair, Chief of Staff
Attorney General's Office

From: Christina Leathers, Acting HR Administrator 

Date: February 28, 2019

Subject: **GOVERNOR'S TASK FORCE ON SEXUAL HARASSMENT AND DISCRIMINATION LAW AND POLICY**

Pursuant to Governor's Executive Order 2019-01, Department of Corrections (NDOC) is submitting the report regarding our current policies, procedures and training protocol relative to Sexual Harassment and Discrimination Policy.

NDOC currently provides the following:

- Governor's April 2018 Sexual Harassment and Discrimination Policy to all new hires, rehires and reinstatements during the first day of employment as part of the new hire in-processing and new hire orientation.
- NDOC Administrative Regulation 305, Sexual Harassment Prevention serves as the agency notice of zero tolerance policy.
- Pre-Service Training is required within the first year of employment and provides instructor-led classroom training that covers the content equivalent with DHRM training, as approved by DHRM and endorsed through our Delegation Agreement.
- In-Service Training is required for all active employees on an annual basis and provides both instructor-led and computer-based training.

For each of the above items, every employee is required to sign an acknowledgement which is maintained in the agency's personnel files.

Please do not hesitate to contact me directly at cleathers@doc.nv.gov or 702-486-9923 with any questions or concerns.

**DEPT. OF
MINERALS
(NDOM)**



STEVE SISOLAK
Governor

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
<http://minerals.nv.gov/>



RICHARD PERRY
Administrator

Las Vegas Office: 2030 E. Flamingo Rd. #220, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

Sexual Harassment Prevention Report

This report is in response to the Governor's Executive Order 2019-01. The Nevada Division of Minerals (NDOM) is part of the Commission on Mineral Resources, and is a non-cabinet Executive Branch Agency.

The Commission is composed of seven members appointed by the Governor and the Division. NDOM has eleven permanent full-time State employees and hires up to 8 Public Service Interns for field work each summer.

The Commission adheres to the *State of Nevada Sexual Harassment and Discrimination Policy*, dated 4/18/18.

Program

NDOM follows the guidelines and program of Division of Human Resource Management in NAC 284.496

Training Procedures

Each new employee receives and discusses the sexual harassment discrimination policy with NDOM's Human Resource Liaison and signs an acknowledgment, which is placed in their official State employee records file. Each new employee attends a sexual harassment training class given by the Division of Human Resource Management (NAC 284.496). In practice, this is generally done in the first month of employment. NDOM's Human Resource Liaison tracks the employees training history to ensure the refresher course is taken within the required 2 year period (NAC 284.496).

The Administrator acts as the one designated supervisor at NDOM, and has attended Equal Employment Opportunity (EEO) training. The Administrator has taken and passed the required EEO refresher course.

New Commission appointees receive a copy of the sexual harassment discrimination policy and sign an acknowledgement, which is placed in their official State employee records file. They are encouraged to attend the sexual harassment prevention class in their first six months of service, along with the open-Meeting Law and Ethics training class.

Procedures

In general, policies such as this are discussed during monthly staff meetings. All employees are aware that if a sexual harassment and discrimination concern arises they are to contact the Human Resources Liaison. If they are uncomfortable with discussing with the Liaison they can go directly to the Administrator or call the hotline. The investigation procedure in the policy dated 4/14/18 is then initiated.

Recommendation

We recommend that a special sexual harassment discrimination class be offered for Board and Commission members only. We believe this would be more appropriate than Governor-appointed Commission members trying to schedule training with the Division of Human Resources.

R. Perry, Administrator 2/28/19

**DEPT. OF
WILDLIFE
(NDOW)**



STEVE SISOLAK
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

6980 Sierra Center Parkway, Suite 120
Reno, Nevada 89511
Phone (775) 688-1500 • Fax (775) 688-1697

TONY WASLEY
Director

LIZ O'BRIEN
Deputy Director

JACK ROBB
Deputy Director

February 27, 2019

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

RE: Sexual Harassment and Prevention Policy

All Nevada Department of Wildlife employees are required to sign the State's Sexual Harassment and Prevention Policy. All existing employees must re-sign the State's Sexual Harassment and Prevention Policy any time it is updated. All new hires, during their new hire orientation, are required to sign the State's Sexual Harassment and Prevention Policy. The current signed version of the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy that is maintained in each employee's file is dated April 18, 2018.

All employees are also required to take a Sexual Harassment Prevention class. Employees must take this course within the first six months of becoming an employee and then every two years subsequent to taking the initial course. PowerDMS, a compliance tracking software program, tracks the compliance of all employees and issues reminder emails to any employee for whom it is time to retake the class as required every two years. Additionally, supervisors are required to take training that addresses how to handle sexual harassment related complaints as well as equal opportunity concerns.

The Department also has informational Sexual Harassment and Discrimination Posters from the Division of Human Resource Management in each building and an electronic version of the NPD-30 Sexual Harassment and Discrimination Compliant form is maintained on the Department's PowerDMS tracking software and is available to all employees.

Sincerely,

A handwritten signature in black ink that reads "Tony Wasley".

Tony Wasley
Director

cc: Jessica Adair, Chief of Staff

**GAMING CONTROL
BOARD
(NGCB)**



STEVE SISOLAK
Governor

NEVADA GAMING CONTROL BOARD

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702
555 E. Washington Avenue, Suite 2600, Las Vegas, Nevada 89101
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028
557 W. Silver Street, Suite 207, Elko, Nevada 89801
9790 Gateway Drive, Suite 100, Reno, Nevada 89521
750 Pilot Road, Suite I, Las Vegas, Nevada 89119

SANDRA D. MORGAN, *Chairwoman*
TERRY JOHNSON, *Member*
VACANT, *Member*

March 1, 2019

Sent via email: jadair@ag.nv.gov

Attorney General Aaron Ford
c/o Jessica Adair, Chief of Staff
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Re: Executive Order 2019-01

Attorney General Ford:

Pursuant to Section 1 of Executive Order 2019-01, this letter serves as the Nevada Gaming Control Board's (Board) report on the internal policies, procedures, orientation and training protocol of the Board relating to the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy (Policy).


Each employee of the Board has acknowledged receipt of the Policy. Each new hire is given the Policy and is instructed to complete either the online or in-person Sexual Harassment Prevention Training program within the first six months of employment. The Board has recently held two on-site, instructor-led (state-sponsored) Sexual Harassment Prevention Training programs at the Board offices – on November 18, 2018 in Las Vegas and on January 15, 2019 in Carson City. More than 50 employees attended these in-person programs. Additionally, all Board employees have access to the state-sponsored online Sexual Harassment Prevention Training.

Furthermore, on February 2, 2018, a Board-wide email was distributed, reminding all employees of the Board's Policy against Sexual Harassment and Discrimination, including reporting procedures and methods.

Lastly, the Board's internal directive 03.08.02, "Sexual Harassment Awareness; Response to Complaints," is easily accessible to each employee through the internal website of the Board. The Administration Division of the Board has recently undertaken a revision of this directive over the past few months, and will be publishing the revised directive very shortly. The revisions include updating the directive to provide for one reporting, investigation, and resolution scheme for both sexual harassment and discrimination complaints. Once the revised directive is published, if requested, the Board will provide it to the Governor's Task Force on Sexual Harassment and Discrimination Policy.

If the Task Force requires any further information from the Board at this time, please do not hesitate to contact me.

Sincerely,


Sandra Douglass Morgan
Chairwoman

**PUBLIC EMPLOYEE
BENEFITS PROGRAM
(PEBP)**



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ACCREDITED

CORE
Expires 04/01/2021

STEVE SISOLAK
Governor

PATRICK GATES
Board Chairman

STATE OF NEVADA
PUBLIC EMPLOYEES' BENEFITS PROGRAM
901 S. Stewart Street, Suite 1001 | Carson City, Nevada 89701
Telephone 775-684-7000 | 1-800-326-5496 | Fax 775-684-7028
www.pebp.state.nv.us

DAMON HAYCOCK
Executive Officer

MEMORANDUM

DATE: February 27, 2019

TO: Aaron D. Ford, Nevada Attorney General
Chair, Task Force on Sexual Harassment and Discrimination Law and Policy

FROM: Damon Haycock, Executive Officer *DH*
Public Employees' Benefits Program

SUBJECT: State of Nevada, Executive Department, Executive Order 2019-01

In cooperation with the Department of Administration, Division of Human Resource Management (DHRM), Agency HR Services, the Public Employees' Benefits Program (PEBP) will assure compliance with Executive Order 2019-01.

DHRM provides the following:

- The April 18, 2018, State of Nevada Executive Branch Sexual Harassment and Discrimination Policy is provided to all PEBP employees at their orientation. The orientation is conducted by Agency HR Services within 3 business days of the employees' start date.
- PEBP employees 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 PEBP employees and supervisors are expected to adhere to these requirements. Training is available online and in-person.

PEBP maintains a list of its current employees and the date(s) of their completed Sexual Harassment Prevention training. Additionally, PEBP is implementing an agency Policy and Procedure titled; *Sexual Harassment Prevention*.

PEBP is committed to promoting and facilitating a work environment consistent with Executive Order 2019-01.

If you have any question or concerns, please feel free to contact me at; dhaycock@peb.nv.gov or 775-684-7020.

**PUBLIC UTILITIES
COMMISSION
(PUCN)**



STEVE SISOLAK
Governor

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION

ANN WILKINSON
Chairman

ANN PONGRACZ
Commissioner

C.J. MANTHE
Commissioner

STEPHANIE MULLEN
Executive Director

TO: Jessica Adair, Chief of Staff, Office of the Attorney General
FROM: Stephanie Mullen, Executive Director
DATE: February 28, 2019
RE: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

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.

The Public Utilities Commission of Nevada (PUCN) files this letter in response to Attorney General Ford's request of all executive branch agencies to comply with EO 2019-1, section 1, which 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 the 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.

Below please find an excerpt of the PUCN's Internal Procedures for Workplace Conduct, as well as an update to the PUCN's sexual harassment policies and procedures, including a new annual in-house training session for all PUCN employees. The PUCN takes sexual harassment very seriously and welcomes this opportunity to share its practices and procedures.

PUCN INTERNAL PROCEDURES: WORKPLACE CONDUCT

Employees are encouraged to report all incidents or conduct that they believe to be inappropriate to their supervisor, the most accessible supervisor, the Deputy Director, or the Executive Director. Once notified, the supervisor will work with the employee and General Counsel's Office for guidance to ensure proper action is taken and documented.

If an employee reports sexual harassment to a representative of the PUCN (e.g., supervisor, manager, Executive Director), he or she must report the incident.

NORTHERN NEVADA OFFICE
1150 E. William Street
Carson City, Nevada 89701-3109
(775) 684-6101 • Fax (775) 684-6110

<http://puc.nv.gov>

SOUTHERN NEVADA OFFICE
9075 W. Diablo Drive, Suite 250
Las Vegas, Nevada 89148
(702) 486-7210 • Fax (702) 486-7206

If an employee experiences or witnesses sexual harassment it may be reported:

- By contacting a supervisor, the Deputy Director, or the Executive Director;
- Filing a claim in NEATS; or
- Reporting it on the Sexual Harassment/Discrimination Hotline at (800) 767-7381.

Additionally, employees are entitled to file a complaint with the Equal Employment Opportunity Commission, the Nevada Equal Rights Commission or consult with an attorney or labor representative.

The State's policy prohibits retaliation against employees who file a harassment and/or discrimination complaint, participate in a harassment and/or discrimination complaint of another employee or oppose harassment and/or discriminatory practices. Any employee bringing a complaint or assisting in an investigation of a complaint will not be adversely affected in terms and conditions of employment nor discriminated against or discharged because of the complaint.

Violence, threats, harassment, intimidation, and other acts of aggression and disruptive behavior in the workplace will not be tolerated and must be reported. Acts of aggression can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical or mental harm, or indirect acts such as damage to personal property. Disrespectful talk will also not be tolerated and should be reported.

Sexual harassment is a form of unlawful discrimination based on sex under State and Federal law and violates the policy of this agency. Unwelcome behavior that is personally offensive, debilitates morale and, therefore, interferes with work effectiveness will not be tolerated and must be reported. The PUCN has formally adopted the State of Nevada's Sexual Harassment and Discrimination Policy.

Sexual harassment means unwelcome advances, requests for sexual favors or any conduct of a sexual nature when:

- Submission to or rejection of such speech or conduct is made, either explicitly or implicitly, a term or condition of employment;
- Submission to or rejection of such speech or conduct is used as the basis for employment decisions affecting the employee; or
- Such speech or conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is unlawful under federal and State laws. Discrimination against any person as identified in NRS 613.330 violates the policy of the PUCN and will not be tolerated and must be reported.

//

PUCN INTERNAL PROCESSES: UPDATES

On January 11, 2019, the PUCN hosted its first in-house Sexual Harassment Prevention Training course, presented by Ms. Tammy Smith from the Department of Human Resource Management. Conducting the training in-house and participating as a group (the PUCN has 103 employees) provided a great opportunity for team building as well as provided a safe place for people to share experiences, concerns, and frustrations. The PUCN hopes to build on this training with annual in-house trainings.

In addition to the annual in-house training, all employees follow the State's guidelines for Sexual Harassment Prevention Training and every employee completes the training within 6 months from date of hire.

The PUCN encourages management to monitor their work environment regularly. Being present, engaging with employees and keeping an open dialogue is an important step in maintaining a healthy work environment.

A PUCN manager, Deputy Director (who serves as the PUCN's HR Coordinator) or Executive Director may direct or assist an employee in filing a complaint in NEATS, and will help with the process as needed. The PUCN believes that NEATS also provides for an impartial review of the facts to ensure that the PUCN is providing the necessary support for both the State of Nevada and the PUCN's employees.

During the recent in-house Sexual Harassment Prevention class, Tammy Smith provided the PUCN with the contact information for James Gast, the supervisor of the Sexual Harassment and Discrimination Unit. The PUCN will work closely with supervisor Gast in any instances where there is an allegation of sexual harassment. The PUCN appreciates the opportunity to work closely with the Department of Human Resource Management to ensure all PUCN employees know the policies and procedures of sexual harassment claims.

Thank you for allowing the PUCN the opportunity to share our internal policies and procedures with the Task Force.

Please feel free to contact me at (775) 684-6177 should you have any questions regarding this information.

Thank you,



Stephanie Mullen
Executive Director

**SECRETARY OF
STATE
(SOS)**

Vicki J. Beavers

From: Wendy L. Getz <wgetz@sos.nv.gov>
Sent: Friday, March 8, 2019 3:16 PM
To: Craig S. Kozeniesky
Subject: FW: Distribution of the Executive Branch Sexual Harassment and Discrimination Policy
Attachments: Executive Branch Statewide Policy Sexual Harassment and Discrimination .pdf;
Acknowledgment form.pdf

Importance: High

This is what was sent out.

From: Wendy L. Getz
Sent: Thursday, April 26, 2018 11:29 AM
To: SOS - Supervisors
Subject: Distribution of the Executive Branch Sexual Harassment and Discrimination Policy
Importance: High

Good morning all,

I have attached the updated Statewide Sexual Harassment and Discrimination Policy and the acknowledgement form. Please distribute the attachments to your employees and have them sign off on the acknowledgement form. Once you have received the acknowledgement forms back from each of your employees, please forward them to me in the Personnel Office by Friday, May 4, 2018.

If you have any questions, please feel free to give me a call.

Thank you in advance.

Wendy Getz
Personnel Analyst II
The Office of Secretary of State Barbara K. Cegavske
101 N. Carson St., Suite 3
Carson City, NV 89701
P | 775.684.5716
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wgetz@sos.nv.gov

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Policy 5.2

SEXUAL HARASSMENT & DISCRIMINATION

POLICY: Sexual Harassment and Discrimination

PURPOSE: 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 harassing, coercive or disruptive.

PROCEDURE: This Office will ensure the prevention of sexual harassment and/or discrimination. Sexual harassment and discrimination is a violation of State and Federal Law.

Sexual Harassment and discrimination are forms of misconduct that undermine the integrity of the employment relationship. No employees-either male or female-should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Nor should any employee 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. Such behavior will result in disciplinary action up to and including dismissal.

LEGAL DEFINITION: NAC 284.771 states:

“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 or discrimination against another employee, an applicant for employment or any other person in the workplace.”

This Office shall provide each employee with a copy of the *“Governor’s Policy Against Sexual Harassment & Discrimination”*. All employees will acknowledge receipt and understanding of the policy through a signed statement.

All new employees, officers, appointees and volunteers in the department shall attend a class on sexual harassment prevention training within 6 months of their appointment. Employees are required to attend refresher training once every two years regarding the State’s sexual harassment policy.

Policy effective: August 18, 2006
Last revised: February 2, 2018

**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).



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: _____

STATE TREASURER

Zach Conine
State Treasurer



STATE OF NEVADA
OFFICE OF THE STATE TREASURER

February 28, 2019

TO: Attorney General Ford

FROM: Treasurer Conine

CC: Chief of Staff Jessica Adair
Attorney General's Office

RE: Executive Order 2019 – 1 Sexual Harassment and Discrimination

The State Treasurer's Office has reviewed its 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. We have included the following documents we hope will be helpful for the first Task Force meeting to be held on March 1, 2019. Thank you for your work on this important process; we look forward to any feedback and/or ways we can improve our processes.

- State Treasurer's Office Employee Policy Manual
 - See pages 17, 21 & 22
- State Treasurer's Office Prohibitions and Penalties
 - See pages 4 & 8
- Sexual Harassment Policy
 - The Treasurer's Office utilizes the policy from the NV Human Resources Division's webpage at:
http://hr.nv.gov/Resources/Forms/SexualHarassment/Sexual_Harassment_Discrimination/
- Sexual Harassment or Discrimination Complaint
 - In the event of a sexual harassment or discrimination complaint, the Treasurer's Office utilizes the form from the NV Human Resources Division's webpage at:
http://hr.nv.gov/Resources/Forms/SexualHarassment/Sexual_Harassment_Discrimination/
- Employee Handbook
 - STO provides new employees with a link to the State of Nevada Employee Handbook at:
http://hr.nv.gov/uploadedFiles/hrnvgov/Content/Resources/Publications/Employee_Handbook.pdf
 - See excerpt pages 8 & 34

CARSON CITY OFFICE
State Treasurer
101 N. Carson Street, Suite 4
Carson City, Nevada 89701-4786
(775) 684-5600 Telephone
(775) 684-5623 Fax

STATE TREASURER PROGRAMS
Millennium Scholarship Program
Nevada Prepaid Tuition Program
Unclaimed Property
Upromise College Fund 529 Plan

LAS VEGAS OFFICE
555 E. Washington Avenue, Suite 4600
Las Vegas, Nevada 89101-1074
(702) 486-2025 Telephone
(702) 486-3246 Fax

Dan Schwartz
State Treasurer



Mark Mathers
Chief Deputy Treasurer

STATE OF NEVADA
OFFICE OF THE STATE TREASURER

Employee Policy Manual

(Revised November 2014)

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State Treasurer
101 N. Carson Street, Suite 4
Carson City, Nevada 89701-4786
(775) 684-5600 Telephone
(775) 684-5623 Fax

STATE TREASURER PROGRAMS
Millennium Scholarship Program
Nevada Prepaid Tuition Program
Unclaimed Property
SSgA Upromise 529 Plan
Nevada College Kick Start Program

LAS VEGAS OFFICE
555 E. Washington Avenue, Suite 4600
Las Vegas, Nevada 89101-1074
(702) 486-2025 Telephone
(702) 486-3246 Fax

Internet: <http://NevadaTreasurer.gov>

E-mail: NevadaTreasurer@NevadaTreasurer.gov

Email Communication

All email communication via State of Nevada owned computers is by law property of the State. There is no "right to privacy" or guarantee of such associated with using a State of Nevada computer to send or receive email messages, whether business related or personal.

Since email communication is within the realm of public record documents that can legally be requested by members of the media and the public through the NRS 239, it is wise to remember that anything you put in writing in an email to a State employee, outside vendor, member of the public, a reporter, etc. is open to a NRS 239 Public Record Request.

State Computer Investigation Policy

In October 2005, a law went into effect in Nevada providing for notification of contractors, employees, and officers when a state-owned computer became the target of an investigation of alleged inappropriate use.

If in the course of conducting routine maintenance an employee discovers what may constitute an inappropriate use of an agency's computer, the employee is required to report the incident to management. Once notified, the agency must record the technician's access in an investigative file log.

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/](http://hr.nv.gov/Sections/EEO_Discrimination_Investigation_Unit/)

Officer provides a hard copy for the employee to complete and return to the Division of Human Resources Management.

The STO may also complete its own exit interviews in addition to, but not in place of, the exit interview conducting by the Division of Human Resources Management.

Governor's Policy Against Sexual Harassment and Discrimination

All STO 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 or the Chief Deputy Treasurer within one day when a charge of discrimination has been filed. The Chief of Staff or the Chief Deputy Treasurer 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 four steps (levels) in the grievance procedure: (1) immediate supervisor; (2) division head; (3) Chief of Staff/Appointing Authority; (4) Employee-Management Committee. 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

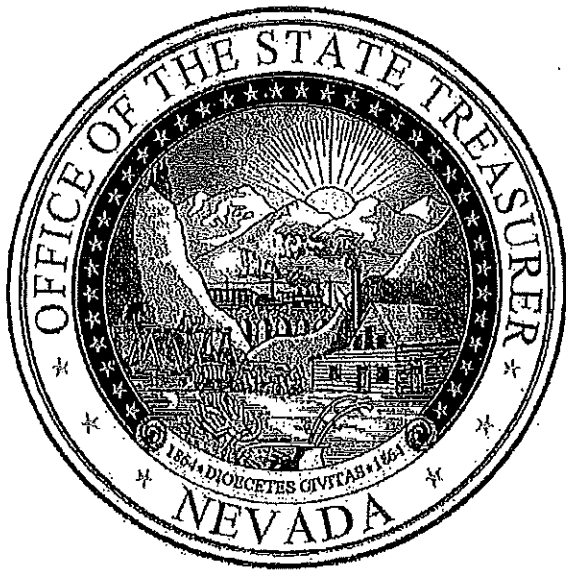
http://hr.nv.gov/Sections/EmployeeManagement/OED/Mandatory_Supervisory_Courses/.

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/).

Certain STO 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 STO Personnel Officer keeps a spreadsheet documenting 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 STO Personnel Officer.



PROHIBITIONS & PENALTIES

A GUIDE
FOR EMPLOYEES OF THE
STATE TREASURER'S OFFICE

Approved by the
Personnel Commission on
May 6, 2011

NOTE: A dash on the following chart indicates that the offense has been previously labeled as a dismissal.

	1 ST		2 ND		ADDITIONAL		
	OFFENSE	MIN	MAX	MIN	MAX	MIN	MAX
A. FRAUD IN SECURING APPOINTMENT OR FAILURE TO FILE REQUIRED OATH OR AFFIRMATION.							
1. Falsification of application for employment or other personnel records with respect to a material point which would have adversely affected selection for appointment.	5	-	-	-	-	-	-
2. Taking an examination administered by the state for another person, or permitting another person to take for you an examination administered by the state.	5	-	-	-	-	-	-
3. Refusal upon hire to sign the Acknowledgement of Receipt of the Governor's Policy against Sexual Harassment and Discrimination, or any other required document.	5	-	-	-	-	-	-
4. Willfully withholding information which may appear when initial background check completed or information that would appear in a background re-check when completed.	5	-	-	-	-	-	-
B. JOB PERFORMANCE							
1. Failure of employee to maintain proper work performance or personal appearance standards.	1	3	2	4	3	5	
2. Failure of employee to meet or comply with Work Performance Standards and/or Performance Measures after a reasonable period of instruction.	1	2	2	4	3	5	
3. Failure to prepare or maintain prescribed records or reports.	1	5	2	5	4	5	
4. Willfully falsifying prescribed records or reports.	5	-	-	-	-	-	-
5. Withholding information regarding the job from supervisors or other persons having the necessity for such information.	2	5	4	5	5	-	-
6. Endangering self, fellow employees or the public through negligent violation of agency policy as contained in work performance standards, safety rules, and/or procedures.	1	5	2	5	4	5	
7. Endangering self, fellow employees or the public through willful violation of agency policy as contained in performance standards, safety rules, and/or procedures.	2	5	3	5	5	-	-
8. Failure to cooperate in work-related projects with other employees and/or supervisors.	1	3	2	4	3	5	
9. Waste or loss of state material, data, property, or equipment.	1	2	2	3	4	5	
10. Negligent destruction of or damage to state property.	1	5	2	5	5	-	-
11. Willful destruction of or damage to state property or records.	2	5	5	-	-	-	-
12. Jeopardizing the security of state property or records.	1	3	2	5	5	-	-
13. Soliciting or accepting a bribe.	5	-	-	-	-	-	-
14. Embezzlement or misappropriation for personal gain of state funds or other funds which come into the employee's possession by reason of his/her official position.	5	-	-	-	-	-	-
15. Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents (Not for personal financial gain).	1	3	4	5	5	-	-
16. Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents (For personal financial gain).	3	5	5	-	-	-	-

1 = ORAL WARNING; 2 = WRITTEN REPRIMAND; 3 = SUSPENSION; 4 = DEMOTION; 5 = DISMISSAL

2.	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	-
3.	Accepting gifts, service, favor, employment, engagement, or economic opportunity from any individual, firm, or organization doing business with the state when the employee is responsible for making any recommendations or decisions affecting their business activities or for inspecting work performed by the same.	1	5	2	5	3	6
4.	Acting in an official capacity without authorization.	1	5	2	5	3	5
5.	Bringing onto state property or buildings any firearm, to include firearms covered by a concealed weapons permit, or any implement considered to be a weapon, unless authorized to do so.	2	5	3	5	5	-
6.	Engaging in sexual harassment, as defined in NAC284.771, against another employee, an applicant for employment, or any other person in the workplace.	1	5	3	5	5	-
7.	Creating or endorsing a hostile work environment.	2	5	3	5	5	-
8.	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability, or national origin (NRS 613.330); other violations of Title VII of the Civil Rights Act.	3	6	4	5	5	-
J.	IMPROPER POLITICAL ACTIVITY						
1.	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone in the Treasurer's Office.	1	5	3	5	5	-
2.	Engage in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	3	2	4	3	5
3.	Engage in political activity for the purpose of securing preference for promotion, transfer, or salary increase.	1	3	2	4	4	5

ACKNOWLEDGEMENT

The authority to prescribe behavior and performance standards derives from the Nevada Revised Statutes, Chapter 284 and the "Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses" sections of the State of Nevada Rules for State Personnel Administration. These regulations provide that each appointing authority shall determine and describe in writing activities that are inconsistent, incompatible, or in conflict with the duties and responsibilities of employees.

The State Treasurer's Prohibitions and Penalties Guide is a guide intending to clarify existing rules and regulations and does not cover all infractions and violations that could conceivably occur. It does, however, cover the majority of situations that are a source of concern to supervisors and the State Treasurer. Additions, deletions, or changes to this Guide will be communicated to employees and supervisors similarly to other office policies and procedures.

This guide was approved by the State Personnel Commission. Thus, it has the same force and effect as other rules and regulations covering classified employees.

Once signed, this acknowledgment is placed in the employee's personnel file.

I hereby acknowledge receipt of the State Treasurer's Office Prohibitions and Penalties Guide:

Employee Printed Name: _____

Employee Signature: _____

Date: _____

STATE OF NEVADA



Sexual Harassment or Discrimination Complaint Form

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

(This form may be completed by the complainant or person receiving the complaint)

Date of Complaint:

For more efficient processing, submit this complaint online in the NEATS system.

Please answer the questions completely and use as many additional sheets as necessary.

If you do not use the NEATS online system, then submit this completed form to your agency coordinator or the Division of Human Resource Management's Sexual Harassment/Discrimination Unit at 100 North Stewart Street, Suite 200, Carson City, Nevada 89701-4204, or fax to (775) 684-0124.

Complainant Name:	Title:
Immediate Supervisor:	Department:
Division:	Section/Unit:
Work Location:	Work Phone:
Home Address:	Home Phone:

1. Type of Complaint:

Check the type of discrimination or harassment that relates to this complaint:

- | | | | | | |
|---------------------------|--------------------------|--------------------------|--------------------------|--------------------------------|--------------------------|
| Sexual Harassment | <input type="checkbox"/> | Sex Discrimination | <input type="checkbox"/> | Racial Discrimination | <input type="checkbox"/> |
| Age Discrimination | <input type="checkbox"/> | Religious Discrimination | <input type="checkbox"/> | National Origin Discrimination | <input type="checkbox"/> |
| Disability Discrimination | <input type="checkbox"/> | Pregnancy Discrimination | <input type="checkbox"/> | Color Discrimination | <input type="checkbox"/> |
| Sexual Orientation | <input type="checkbox"/> | Gender Identity | <input type="checkbox"/> | Genetic Information | <input type="checkbox"/> |

*Hostile Work Environment *Hostile Work Environment and Retaliation must be based
*Retaliation on one of the protected groups listed above. Check if appropriate.

If you make a complaint of sexual harassment / discrimination it will be investigated. Please initial _____

2. Who or what do you believe was responsible for the alleged sexual harassment or discrimination incident(s)?

3. Accused Name		4. Title	
5. Relationship to the Complainant (i.e. supervisor, co-worker, subordinate, etc.)			
6. Department		7. Division	8. Section/Unit
9. Work Location		10. Work Phone	11. Home Phone (or other)

12. Describe the alleged sexual harassment or discrimination incident(s). Please specify location(s), date(s) and time(s) of each occurrence. Use as much detail as possible. Attach additional sheets, if necessary.

13. Did you inform the alleged offender(s) their behavior was unacceptable?

YES NO

If yes, please describe.

14. Were there any witnesses to the alleged sexual harassment or discrimination incident(s)?

YES NO

If yes, please provide the name(s), address(es), and phone number(s).

15. Have you reported this incident to anyone else?

YES NO

If yes, please provide the name(s), address(es), and phone number(s).

16. What remedy are you seeking?

NOTE: Please attach any supporting documentation to this form.

I, _____ certify this statement is true and factual.
(complainant name)

Complainant Signature

Date

Note: Complaints of sexual harassment and discrimination may also be filed with:

Nevada Equal Rights Commission
(for Northern Nevada cases)
1325 Corporate Blvd., Room 115
Reno, NV 89502
775-823-6690
Fax: 775-688-1292
www.nvdetr.org/nerc.htm

Nevada Equal Rights Commission
(for Southern Nevada cases)
1820 E. Sahara Ave., Suite 314
Las Vegas, NV 89104
702-486-7161
Fax: 702-486-7054
www.nvdetr.org/nerc.htm

Equal Employment Opportunity Commission
(800) 669-4000

San Francisco District Office
(for Northern Nevada cases)
450 Golden Gate Ave., 5 West
P.O. Box 36025
San Francisco, CA 94102-3661
1-800-669-4000
Fax: 415-522-3415
TTY: 510-735-8909
www.eeoc.gov

Las Vegas Local Field Office
(for Southern Nevada cases)
333 Las Vegas Blvd. South, Suite 8112
Las Vegas, NV 89101
1-800-669-4000
Fax: 702-388-5094
TTY: 1-800-669-6820
www.eeoc.gov

INTAKE SECTION (Completed by agency coordinator or other person receiving the complaint)

17. Comments	
18. Has the complainant been asked to file this complaint online in NEATS? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, please explain.	
19. Name and phone number of person completing this form.	20. Date and time when form is sent to investigative unit.

ORIGINAL TO INVESTIGATOR

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).



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: _____

State of Nevada
Employee Handbook



Department of Administration
Division of Human Resource Management

Blasdel Building
209 East Musser Street, Suite 101
Carson City, Nevada 89701-4204

Grant Sawyer Building
555 East Washington Avenue, Suite 1400
Las Vegas, Nevada 89101-1046
www.hr.nv.gov

Each agency is responsible for agency orientation, on-the-job training, and any formal or specialized training in areas unique to the work environment and required by the agency.

In order to avoid duplication of effort, the Division of Human Resource Management has been designated to coordinate and provide training applicable to all State employees. This training includes courses in supervision, management, customer service, and sexual harassment prevention, as well as the supervisory training mandated by NRS 284.338 and NAC 284.498. These courses are offered via classroom instruction and online in a self-paced e-learning environment. You can access a complete listing of courses in the Training module of the Nevada Employee Action and Timekeeping System (NEATS) and on the e-Learning System by clicking the link on the NEATS home page.

The Office of Employee Development (OED) administers both open enrollment State employee training and development programs, as well as targeted professional development programs for managers and aspiring leaders. Other services provided by OED include special request and off-site training classes, including retreat presentations, organizational development initiatives, needs assessments, meeting facilitation, curriculum development, and consultation services.

The open enrollment courses are available to individual employees who want to improve their knowledge and skills in areas such as communication styles, writing work performance standards, motivating employees, basic supervision, and conflict resolution among other topics.

The OED offers two management and leadership programs: The Management Academy and the Nevada Certified Public Manager (NVCPM) Program. The Management Academy is a 5-month statewide program designed to provide practical skills and tools to mid-level managers. The NVCPM Program is a nationally accredited program specifically for public sector personnel. The program accepts State, local, and Federal government employees. You could be accepted into the program if you supervise people, manage projects, hold a supervisory or managerial position responsible for providing technical or professional support to an agency, or have been identified by the agency director as an individual showing potential for advancement into such positions. The 18-month program offers over 300 hours of instruction and activities focused on the development of key management and leadership competencies for public managers to build a foundation of management excellence in government. Upon successful completion, participants are awarded the designation of *Certified Public Manager (CPM)*.

Additional information about the Certified Public Manager Program may be found on the Division of Human Resource Management website. The Division of Human Resource Management's Office of Employee Development can be reached at (702) 486-2663 or (702) 486-2900. (NRS 284.343, NAC 284.482)

RECORDS

Employment Records

Your agency human resources office maintains a working file with copies of documentation. This file includes personnel action documents, such as your Employment Status Maintenance Transaction (ESMT) forms, mandatory employment forms, such as policy acknowledgement

Sexual Harassment and Discrimination Policy

Sexual harassment is a form of discrimination that is unlawful under State and federal statutes. The State of Nevada regards it as a very serious offense that, under certain conditions, can lead to termination even on the first occurrence. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or any 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 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 working environment.

Employees have the right to raise the issue of sexual harassment or discrimination without reprisal. If you believe you have been a victim of sexual harassment or discrimination, you are encouraged to advise the person you believe to have engaged in sexual harassment or discrimination, that the conduct is unwelcome, undesirable, or offensive. If you elect not to confront the alleged harasser or if the conduct persists after your objection, you should inform your supervisor, next level of authority, or Human Resources. Harassment is an organizational problem and the State wants to know about it so that prompt and appropriate action can be taken to ensure that no further incidents occur with the present victim or other employees in the future. If you experience or witness sexual harassment or discrimination, you should report it by doing one of the following:

- Report the incident(s) to your agency coordinator;
- File an online complaint at: <http://neats.state.nv.us>;
- Complete form Sexual Harassment or Discrimination Complaint form (NPD-30) located on the Division of Human Resource Management website; or
- Call the Division of Human Resource Management's Harassment/ Discrimination Hotline at (800) 767-7381.

Employees are also entitled to file a complaint with the Equal Employment Opportunity Commission (<https://www.eeoc.gov>), the Nevada Equal Rights Commission (<http://detr.state.nv.us/nero.htm>), or consult with an attorney or labor representative.

The State of Nevada Executive Branch Sexual Harassment and Discrimination Policy prohibits retaliation against employees who bring sexual harassment or discrimination charges or assist in investigating charges. Any employee bringing a sexual harassment or discrimination complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint. Failure to participate in any investigation of alleged discrimination, including an investigation concerning sexual harassment, may lead to disciplinary action. (NRS 233.160, 613.330, 613.405, NAC 284.650, 284.771)

SAFETY AND HEALTH PROGRAMS

State of Nevada agencies have written safety programs that outline policies and procedures concerning employee safety. These programs identify specific safety training requirements and accident investigation procedures, provide for safety inspections and corrective action, and

**DEPT. OF
VETERANS SERVICES**

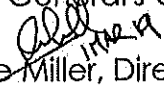
STEVE SISOLAK
Governor



STATE OF NEVADA
NEVADA DEPARTMENT OF VETERANS SERVICES
6630 S. McCarran Blvd., Bldg. C, Suite 204
Reno, Nevada 89509
(775) 688-1653 • Fax (775) 688-1656

Date: March 1, 2019

To: Jessica Adair, Chief of Staff
Attorney General's Office

From: 
Katherine Miller, Director

Subject: Governor Sisolak's Executive Order 2019-1
Sexual Harassment and Discrimination Policy Compliance Report

1. We have reviewed our policies, procedures and orientation and training protocol for compliance with the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy. We are in compliance with the policy dated April 18, 2018 with the exception of board members and volunteers.

2. On receiving the email dated 02/26/2019 from the Office of the Governor, and review of the policy, we have revised our orientation and training protocol to include board members and volunteers. Our procedures and protocols are as follows:

a. Recruitment: Hiring decisions are based upon knowledge, skills and abilities as outlined by the requirements of the position, without regard to race, color, national origin, religion, sex, age, disability, pregnancy, sexual orientation, genetic information, gender identity or expression, domestic relations or compensation or wages in any term, condition or privilege of employment.

b. New Hire Orientation: all new employees, officers, board members and volunteers are provided a paper copy of the current Sexual Harassment and Discrimination policy to retain, read, and sign the Policy Acknowledgement form. The original signed Policy Acknowledgement form is sent to DHRM Central Records with a copy placed in the respective employee, officer, appointee, board member or volunteer department personnel file. The EEO Employee Reference Guide is provided to employee new hires through the welcome email sent upon establishment of the department email account.

c. Training:

(1) Sexual Harassment Prevention training is completed by new employees, officers, board members and volunteers within six months of their appointment. Thereafter, Sexual Harassment Prevention refresher training is completed by current employees, officers, board members and volunteers once every two years. HR staff runs a quarterly report to notify employees who are due to complete the Sexual Harassment Prevention refresher.

(2) Managers and supervisors complete additional mandatory training within 12 months of supervisory appointment and every three years following, to include Equal Employment Opportunity for Managers and Supervisors.

(3) Additional training is provided to employees based upon requirements of the position and relevant professional development.

d. Posters: Sexual Harassment and Discrimination reporting posters are posted at each work location with the NDVS HR contact name and telephone number.

e. Reporting: All complaints of sexual harassment are acted upon promptly by reporting and documenting the allegations on a paper form or in the NEATS system, by either the employee or by the HR compliance officer on behalf of the employee. The department works with the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit to facilitate the independent investigation process. Disciplinary corrective action is determined by the outcome of the investigation, up to and including termination from employment.

f. Reasonable Accommodation: The ADA prohibits discrimination against people with disabilities in employment. Employees may request and be granted reasonable accommodation to assist in performing the Essential Functions of the position without fear of discrimination. Reasonable accommodation requests are routed through the department HR compliance officer. All complaints are addressed immediately by the HR compliance officer or the employee can file a complaint online through the NEATS system.

3. Retaliation against the employee filing a complaint is prohibited. It is understood that sexual harassment and discrimination is against the law and is not tolerated in the NDVS workplace.

4. For additional information, contact Stephanie Neill at neills@veterans.nv.gov and 775-825-9765.

STEVE SISOLAK
Governor



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NEVADA DEPARTMENT OF VETERANS SERVICES
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Reno, Nevada 89509
(775) 688-1653 • Fax (775) 688-1656

Date: March 1, 2019

To: Stephanie Neill, Human Resources Officer

From: *WEO*
MAR 19
Katherine Miller, Director

Subject: Sexual Harassment and Discrimination Policy Compliance Officer

1. You are hereby assigned as the Department Sexual Harassment and Discrimination Policy Compliance Officer.
2. It is your responsibility to ensure the State of Nevada Executive Branch Sexual Harassment & Discrimination policy is adhered to. Responsibilities include:
 - a. Notify the Division of Human Resource Management's Sexual Harassment/Discrimination Investigation Unit with your name and contact information;
 - b. Initiate immediate and corrective action in response to complaints;
 - c. Coordinate policy orientation for all new hires, board members and volunteers, to include ensuring receipt and understanding of the Policy through a signed statement;
 - d. Notification of sexual harassment prevention training requirement for all new employees, officers, appointees, board members and volunteers of the executive branch within six months of their appointment and sexual harassment prevention refresher training once every two years thereafter;
 - e. Notify managers and supervisors of additional equal employment opportunity training requirements within 12 months of supervisory appointment and every three years thereafter;
 - f. Annual notification to all employees of their responsibility to report incidents of sexual harassment and discrimination.

3. The prevention of sexual harassment and discrimination is essential to the creation and maintenance of a positive work environment. I am available 24/7 to provide assistance or support in accomplishing the tasks in paragraph 2 above.