

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
341**

**EMPLOYEE COMPLAINT AND PERFORMANCE ADJUDICATION
(Temporary)**

Supersedes: AR 341 (09/01/06 – New))
Effective date: 09/01/07

AUTHORITY: NRS 199.325, 284.383, 284.385, NAC 284.638, 284.642, 284.646, 284.648, 284.670, 284.474, 284.478

RESPONSIBILITY

The Warden/Division Heads are responsible to review misconduct complaint investigations and adjudicate subordinate employee culpability and make recommendations for corrective or disciplinary action. Warden/Division Heads are further responsible to ensure compliance with this Administrative Regulation (AR) and any corresponding Operational Procedure (OP).

The Training Manager is responsible to develop and deliver training on this AR and the related Personnel Operational Procedure 341.

341.01 EMPLOYEE MISCONDUCT COMPLAINT ADJUDICATION

1. The Personnel OP 341 should be followed for all misconduct investigation adjudications.
2. Upon receipt of a completed misconduct investigation report and based upon factual reasonable consideration of the evidence and statements presented in the investigation, the Warden/Division Head should make a finding for each allegation as to whether misconduct occurred.
3. The Warden/Division Head should review each allegation individually and separately and arrive at a conclusion for each allegation or issue investigated.
4. The determination should fall into one of the following categories:
 - Sustained
 - Not Sustained
 - Exonerated
 - Unfounded
 - Misconduct Not Based on Original Complaint

5. For all Sustained allegations the Warden/Division Head should make a recommendation as to the appropriate corrective or disciplinary action.
6. The Warden/Division Head should confer with the Department Personnel Officer and obtain concurrence prior to implementing any recommended corrective or disciplinary action.
7. At the conclusion of the adjudication process, the Warden/Division Head should meet with the accused employee to discuss the findings and any recommended corrective or disciplinary measures.
8. The Warden/Division Head should prepare a report of findings, rationale, and recommendations in a format outlined in established procedure and submit the report to the Personnel Office.
9. Final disciplinary measures for Sustained allegations should be forthcoming after review by the Department Personnel Officer and when appropriate, following consultation with the Attorney General's Office.

**341.02 REPORTING AND ADJUDICATING EMPLOYEE
PERFORMANCE ISSUES**

1. Employee Performance issues not brought forward as a complaint of misconduct should be addressed pursuant to procedures established in AR's which direct employee performance, review and discipline.
2. Employee Performance issues should be addressed at the lowest appropriate level of supervision and adjudicated using progressive corrective or disciplinary action.
3. The Warden/Division Head should review and comply with the provisions of NAC Chapter 284.

341.03 APPLICABILITY

1. This regulation applies to investigations of all classified and unclassified Department employees.
2. This regulation requires an OP from the Department Personnel Division and/or the Office of the Inspector General.
3. This regulation does not require an audit.

REFERENCES: None

Howard Skolnik, Director

Date